



Introduction to Sexual Assault

Crisis Intervention and Sexual Assault: An Advocate's Guide

Rape Victim Advocacy Training Manual - 1988



From earliest times, man has subjugated woman with the treat of sexual violence. Either by sexually assaulting her, or by demanding that she be subservient in return for protection

from assault, man has robbed woman of control over her body and self.

In ancient times, a woman's ability to bear children led to her close association with the mysterious and often frightening powers of nature. Many cultures believed that the fertility of women was intimately connected with the mystical powers of nature. For example, when an Indian of the Orinoco tribe was asked by a Catholic priest why women with infants were allowed to sow the fields, he replied: 'Women know how to bring forth, and know how to make the seed which they sow bring forth...Let them sow... we mend don't know as much about it as they do.' Since man was unable to subjugate nature, and since woman represented nature, he grew to fear not only the powers of nature, but also the fertile powers of woman.

Perhaps man's desire to control nature was realized in his successful attempts to control its earthly representative: woman. Because he was physically more powerful than she, and was not made vulnerable by pregnancy and child-rearing, it was relatively easy for man to gain control over woman. She sought the protection of man from other men since, if she remained unprotected by one man, she was vulnerable to sexual and physical abuse by them all. In return for his protection, man demanded monogamy and allegiance from her. This relationship established woman as the property of her protector. Sexual assault against a woman, therefore, came to be viewed as a crime of one man against another man's property.

Man's demand of chastity and monogamy from woman was institutionalized in the rite of marriage. One of the earliest forms of marriage was bride capture. This ritualized form of sexual assault, in which a man could claim a woman from another clan as his own, existed in many parts of the world. Later, when bride price replaced bride capture, men bought women from each other. A woman's virginity became extremely important since her

market value relied on whether or not she was "new" or "used". A man who claimed a virgin bride was assured that any offspring she might bear him (whom he would also claim as his property) would be of his bloodline.

When bride price replaced bride capture, sexual contact outside of marriage constituted the theft of a man's daughter's virginity and rendered her "damaged" goods who would not fetch as high a price in the marketplace. Biblical law recognized forced sexual contact between a man and a virgin was theft of another man's goods:

'if a man meets a virgin who is not betrothed and seizes her and lies with her and is caught in the act, the man who has lain with her must give the girl's father fifty silver shekels; she shall be his wife since he was violated her...'

If the virgin was betrothed to another man, the law still viewed her assault as theft from another man. But since her sexual violation by another meant that the marriage contract had also been violated, both the assailant and the assailed suffered equally culpability:

'if a virgin is betrothed and a man meets her in the city and sleeps with her, you shall take them both out to the gate of the town and stone them to death; the girl because she did not cry out; the man, because he violated the wife of his fellow.'

Unless she was assaulted outside the gates of the city, where her cries for help could not have been heard, (in which case the assailant must die) the victim was held as responsible for her assault as the assailant. The law demanded that the victim of sexual assault prove outcry in order that the assault be considered legitimate. Even if she could prove outcry, unless the victim was an unengaged virgin, her assault was not recognized as rape, but as a violation of her marriage contract. Any sexual contact between a married woman and a man not her husband was regarded as adultery; and as punishment for this "adultery", both the married victim of sexual assault and her assailant must die.

From this time on, laws based on Biblical precedent (most of European law) demanded that a woman who claimed rape must prove that she resisted her assailant and that she cried out for help. That is, in order for sexual assault

against a woman be recognized as legitimate, it must be witnessed in some way by another person (usually who is male). Until very recently, modern legal doctrine demanded that, in order that her assault be considered credible, a woman must prove immediate outcry.

Before 1066, British law demanded that one who raped a virgin be punished by dismemberment and death, unless the victim felt sorry for her assailant and would commute his sentence by marrying him. In practice, however, only those who assailed wealthy virgins protected by powerful lords were punished. Rape perpetrated upon women of the lower classes was virtually unrecognized. For example, a common practice at this time was the Right of the Lord. This right allowed the lord of the manor to take the virginity of any of his serfs' bride's on their wedding night. The only way the bride could avoid her impending rape was if the couple paid the lord an amount of goods to compel him to spare her virginity.

In the 13th century, the Statutes of Westminster signaled a change in Britain's definition and punishment of criminal rape. By recognizing the rape of 'matrons, nuns, widows, concubines and prostitutes,' as criminal, the Statutes, perhaps unwittingly, redefined rape as the violation of a woman's body, not simply the theft of her virginity. The Statutes also forbade the redemption of a rapist by marriage to his victim, returning the responsibility for his punishment to the State. King Edward I further emphasized the State's responsibility by adding that, if the victim or her family failed to prosecute the assailant within forty days, the Crown would press the charges.

Although the Statutes of Westminster represented a new attitude toward rape, in practice, little had changed. Wealthy virgins were still met with greater sympathy than prostitutes or concubines. And although assailants who were caught and found guilty were put to death, it is not at all unlikely that the vast majority were never brought to trial.

Hundreds of years have passed between the Statutes of Westminster and today, but little seems to have changed. Sexual assault is still considered in light of many of the same distorted ideas carried down from ancient times. Although today the law recognizes sexual assault against any person as a crime, in practice, society often miscasts survivors of assault as criminals; they are met with suspicion, disbelief and disrespect. Assailants, if they are caught, are seldom brought to trial.

Society compounds its mistreatment of certain survivors of sexual assault whose ethnic affiliation, economic status or lifestyle place them outside the majority culture. For example a white and economically advantaged survivor is more likely to be believed than an economically disadvantaged, Black survivor. A survivor who holds a "respectable" role in society is more likely to be met with compassion than a prostitute or a street person. If a survivor is married, or involved in an exclusive relationship, she will probably be treated better than the survivor who was assaulted by a man she met in a bar. In

this way, we still insist that a woman be under the protection of one man (not unlike the "powerful lord" of Medieval times) and that she occupy a traditionally feminine role. If women who don't live up to these expectations are victims of sexual assault, we often point to some aspect of their lifestyles or background to account for the assault. That is, we blame the survivor, not her assailant, for the violence done to her.

The indisputable fact, however, is that no survivor of sexual assault is responsible for the crime committed against her. Sexual assault is a crime of violence perpetrated by assailants who want to dominate, punish, and humiliate their victims. Sexual assault and the myths that surround it serve the same purposes as in the past. They keep women 'in their places'. They serve to "punish" those who live a nontraditional lifestyle. They remind all women that they shouldn't be out alone at night, that they shouldn't dress "that way." if we are assaulted in our homes and thus unable to feel safe in that home again, it too is robbed from us. If we are raped by a date or other acquaintance (at least 50% of sexual assaults against women are perpetrated by a man known to his victim, we may believe that our bad judgement is responsible for the assault. The messages we receive from our society teach us that if we do the things we should do, and avoid doing the things we should not, that we will not be sexually assaulted. These messages misplace the responsibility for the sexual violence onto the victim, even though it matters little what the victim does or does not do.

Until we place the blame onto the assailant where it belongs, sexual violence and the myths our society perpetrates about the nature of sexual violence will continue to divide and isolate us from one another. When we believe that it "can't happen to me", we are isolated from other women just like ourselves to whom it *did* happen. When we isolate from each other, we are unable to see, as we might through the eyes of another, the power each of us holds to fight sexual assault and sexual oppression. Worse, we are deprived of the collective strength, courage and cunning that we as a group bring to the battle.

Sexual assault is a crime of violence. Nothing less. We must first affirm and then teach that nothing anyone has ever done constitutes a "rape-able" offense. We must understand that sexual assault is not a behavior inherent among members of human society. It is learned, just as caring and respect for others is learned. We must understand that, no matter what color, no matter what economic status, no matter who a person chooses to live -- no one invites the trauma of a sexual assault.

Until we eliminate all the excuses manufactured for sexual violence against anyone anywhere, we are all victims. Until we dispel myths with truth, the myths will continue to separate us from the most potent forces against sexual violence: our selves and each other.

STOP!
Sexual Violence