

Marital Rape Law Evolution: The Redefining of a Social Problem

Ryan Smith

Current State of the Issue

- 1 female raped every 6 seconds in U.S.
 - » Tjaden & Thoennes, 2006
- 84% acquaintance or intimate partner
 - » Tjaden & Thoennes, 2006
- 10% to 14% married women raped
 - » Bergen & Bakovec, 2006

Sexual Assault as Control and Harm

- Control and dominance
- Loss of freedom, security, autonomy
- Posttraumatic stress disorder / rape trauma syndrome
- Possible pregnancy, sexually transmitted infections, physical injury

Marital Rape: Additional Consequences

- Breakdown in interpersonal relationships
- Fear of reprisal if reported
- Fear of not being believed
- Negative impact on children
- Increased likelihood of multiple attacks

Marital Rape Law History

- Prior to 1960s:
 - Marital rape as an impossibility
 - Husband's marital rights / wife's marital duties
 - No prosecution / consent a non-issue
- 1960s:
 - "Marital right" over-turned
 - "Marital privacy" declared

Marital Rape Law History

- 1970s:
- General mistrust of government
- Changing family patterns / gender ideals
- Women's rights raised
- Feminist lawyers
- No-fault divorce laws
- Defeat of marital privacy law
- Domestic Violence (DV) laws
- 1978: Oregon v. Rideout

Recent Marital Rape Law

- 1993: criminalized in all 50 states
- 1994: Violence Against Women Act
- 2000: VAWA reauthorization- included dating violence and stalking
- 2005: VAWA reauthorization- included sexual assault within marriage

Persistent and Current Problems

- Marital rape as foreign concept
- Reluctance to label as crime
- Reluctance to believe in violation / damage
- Considered “less severe”
- Circumventing of Rape Shield laws
- Infrequent reporting of sexual assault

Social Work Implications

- Marital rape as criminal offense
- Additional dynamics of marital rape
- Domestic violence cases may include marital rape
- Show empathy / belief in client
- Control personal and cultural biases

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