



Behind Closed Doors—Marital Sexual Assault

Most sexual assault victims know their assailants. They are friends, boyfriends, family members, neighbors **and spouses**. Despite this well measured fact, the public still expects rapists to be “weapon- wielding strangers who attack their victims in dark alleys”. This myth seeps into the criminal justice system making it incredibly difficult for people who are married to their rapists.

There are several challenges in acquiring justice for marital sexual assault victims: The mythology is deeply grounded in cultural bias, in victim blaming, wrapped in rape- myth acceptance, and the faulty expectations about victim behavior.

There is a deeply ingrained belief that “it is a wife’s duty to sexually submit and obey” to her husband. Our puritanical roots still inform some of the deeper core beliefs.

A current or former relationship between the victim and the defendant can lead to additional complexities that often make the arrest, prosecution, and conviction of an intimate-partner rapist even more difficult.

Further, historically speaking, additional barriers to prosecution were created by many jurisdictions’ criminal laws that sanctioned intimate-partner rape by exempting spouses from the rape statutes. Although the marital exemption is no longer codified, some allied criminal justice professionals have continued to ignore, dismiss, or blame victims of intimate-partner sexual assault. Change in behavior and practice can take a long time.

These variables together create a unique set of challenges to the successful prosecution of non-stranger sexual assault. However, just because it is difficult, does not mean it cannot be done. It absolutely can be done! Justice is possible.

A growing number of allied criminal justice professionals recognize the validity of intimate-partner sexual violence and conduct aggressive investigations and prosecutions of these rapists. We are seeing change pecculating across the country. This presentation will focus on tangible strategies that make justice a possibility.

Learning Objectives:

- Define marital sexual assault, including co-occurrence of physical violence and sexual violence.
- Identify and analyze the culture of marriage and sexual violence.
- Tackle outdated practices and beliefs.
- Apply strategies for disclosure and response to marital sexual assault.