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Nov. 26, 1986

MARITAL RAPE: A SOCIAL PSYCHOLOGICAL PERSPECTIVE

A Thesis

Presented for the

Master of Arts

Degree

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Lee Millar Bidwell

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For Larry--my best friend

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ABSTRACT

To better understand why marital rape has not been defined as a social problem, this research examined perceptions of marital rape from several different perspectives. Tennessee state legislators and lawyers were interviewed to ascertain their evaluation of the need for and feasibility of comprehensive marital rape legislation. Undergraduate sociology students were surveyed about their perceptions of various vignettes depicting forced sex between strangers, acquaintances, dates and spouses. The objective was to determine students' perceptions of the seriousness of forced sex in marriage compared to less intimate relationships.

The interview data showed that both male lawyers and male legislators are apprehensive about passing comprehensive marital rape laws because they anticipate such legislation might be abused by women seeking larger divorce settlements. Additionally, the lawyers predicted that both judges and jurors would be unsympathetic to women prosecuting on those grounds. Despite their recognition of the same problems, female attorneys were supportive of comprehensive marital rape laws because they would provide women who suffer such abuse legal recourse.

The survey data revealed that students are less likely to define a situation as rape when the relationship is intimate--especially a marital one. When strangers are involved, students almost unanimously would encourage the women to prosecute for rape. Students

are less likely to encourage women who have been raped by their husbands to prosecute for rape.

One interpretation of the data is that traditional perceptions of women's marital rights and duties make people reluctant to perceive rape in marriage as a social problem. Males who may lose marital rights and incur legal risk if definitions change are more reluctant to define forced sex in marriage as rape. The attitudes expressed by both students and policymakers suggest it is unlikely marital rape will be perceived as a social problem in Tennessee and similar states in the near future.

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CHAPTER I

STATEMENT OF THE PROBLEM

Marital rape is a form of family violence that long has been ignored by researchers, policymakers and the public alike, and will continue to be ignored until it is defined as a social problem. Defining a condition as a social problem often entails deciding upon some type of action to alleviate the problem. In contemporary American society, passage of legislation often is the method people take to inspire social change.

In some states, small groups of activists have proposed legislation to outlaw marital rape. Very few states actually have passed comprehensive marital rape laws. The limited success in getting these laws passed is in part due to the lack of widespread interest in the problem. Those with an opinion on the issue are either strongly in favor of or strongly opposed to the legislation. Activitists may have different perspectives than legislators, lawyers, and members of the general public. Debate over the merits of marital rape reform establishes the framework for this study.

In order to understand perceptions of marital rape, one must first have a definition of the act. The term "marital rape" is seen by some as an oxymoron; some people believe it is logically impossible for rape to occur in marriage. At the other end of the continuum are those who believe that any intercourse against the wife's will is rape. The focus of this research is how people

perceive forced sex in marriage, and particularly whether they believe it is an act which legally should be a crime. People lobbying for comprehensive marital rape laws argue that marital rape should be defined the same way "stranger" rape is defined in the state. They simply want the spousal exclusion, which exempts husbands from being prosecuted for rape, removed. Thus, in this thesis marital rape is any act which legally would be considered rape if the two people involved were not married.

This definition will be too conservative for some and too radical for others. Russell (1982) pointed out that "feminists have strongly opposed this traditional legal definition of rape, preferring a definition including 'any sexual intimacy forced on one person by another' . . ." (p. 43). However, this spousal exclusion definition is appropriate for this research because of the emphasis on policy.

Perceptions of marital rape must be ascertained in order to understand the lack of support for marital rape legislation. A number of factors influence perceptions of rape. The relationship between the victim and the offender obviously is an extremely important factor. The amount of force used, the victim's resistance, and the amount of injury the victim incurs are other elements which affect people's definition of the situation. Attitudes towards what constitutes the rights and roles of women also influence perceptions of rape.

The attitudes of lawyers and legislators are especially important to understand given the influence they have on policy. The perceptions of these people reflect what they believe will be

the political and practical implications of marital rape laws.

The following are some of the questions which need to be addressed. Do people believe a husband can rape his wife? Is this form of abuse considered to be relatively serious or rather benign? Are people actually resistant to marital rape legislation or do they merely believe the problem is not serious enough to warrant special laws? Answers to these questions provide insight into why marital rape has been ignored and whether it is likely that it will be designated a social problem in the near future.

CHAPTER II

REVIEW OF LITERATURE

Three bodies of literature are germane to research on marital rape laws: social problems theory; theories about the relationship between legal and social change; and evidence about perceptions of the rape laws.

Construction of Social Problems

Social problems traditionally were conceptualized by functionalists as objective, identifiable "malignancies" in society. From this perspective a social problem is dysfunctional to normal society. The objectivist position has been attacked by symbolic interactionists (e.g., Blumer, 1971). Blumer (1971) argued that while this "typical sociological approach" may appear to be "logical, reasonable and justifiable," it actually "reflects a gross misunderstanding of the nature of social problems," and is therefore "very ineffectual in providing for their control" (p. 299).

An alternative argument is that society collectively defines social problems (e.g., Kitsuse & Spector, 1973). Social problems emerge from "a process of collective definition instead of existing independently as a set of objective social arrangements with an intrinsic makeup" (Blumer, 1971, p. 298). The public must perceive an issue to be a social problem before it becomes one.

Blumer (1971) pointed out some weaknesses in the functional approach that the "social constructionist" approach overcomes. First, the functional approach suggests that sociologists discover social problems. Blumer argued that sociologists do not detect the social problems, they merely study them after society has recognized them as social problems.

Secondly, the functional approach assumes that social problems exist in an objective identifiable form. The implication is that some sociologist could identify what he or she believes to be a "malignant" condition in society, and immediately it would be recognized as a social problem. People then would begin energetically searching for a solution. Blumer argued that this is not the case. Unless society recognizes the condition as a social problem it will continue to be ignored. The objective "facts" do not make an issue a social problem; the collective definition of the condition does.

Finally, the "traditional" approach to social problems falsely assumes that after objectively studying the problem, sociologists can offer a solution that society will accept and implement. Clearly, this is not what occurs. Legislatures debate and interest groups lobby for and against policies dealing with social problems. The change is slow and rarely is in the same form in the end as the reformers had originally planned.

Kitsuse and Spector (1973) agreed with Blumer that people collectively define social problems. However, Blumer implied that after a society has collectively defined a condition as a social

problem, then it becomes an objectively recognizable condition. Kitsuse and Spector (1973) believed that this places too much emphasis on objective conditions and "compromises a distinct theory of social problems" that focuses specifically on the subjective nature of social problems (Schneider, 1985, p. 211). For them social problems are "the activities of groups making assertions of grievances and claims with respect to some putative conditions" (Kitsuse & Spector, p. 415; original emphasis). In other words, activities such as lobbying, organizing protests, and forming committees in response to some perceived undesirable condition constitute "the social problem." Therefore, what sociologists interested in social problems need to study is "how such activities came about and how they have been sustained" (Schneider, 1985).

Critics of the social constructionist view of social problems argue that social problems theory becomes indistinguishable from social movements theory. Social movements differ from social problems though, in that groups that create social problems make demands on existing institutions, whereas groups involved in social movements attempt to create new institutions themselves (Kitsuse & Spector, 1973). Schneider (1985) concluded that "social movements are an example of the social problems process" (p. 226).

Social constructionists would argue that marital rape is not a social problem until society recognizes it as one. Clearly, forced sex in marriage has existed for centuries. The actions and reactions have been similar: wives are often physically harmed and almost

always emotionally distressed by forced intercourse with their husbands (Russell, 1982; Finkelhor & Yllo, 1985; Bowker, 1983). Children may witness the attack (Finkelhor & Yllo, 1985) and as a result may have difficulty maintaining intimate relationships as adults (Davidson, 1978). Yet only recently has marital rape been discussed openly, and certainly it is not perceived as an important issue by a large portion of society. Very few people are engaged in activities that would indicate they perceive marital rape as problematic.

Those who define marital rape as a "malignant" condition in society are working for change in the legislative arena. These people apparently believe the passage of certain laws will help alleviate the problem. Does research support this assumption? What is the relationship between the creation of laws and social change? These questions are addressed in the following section.

Law and Social Change

Patterns of behavior requiring official reaction in one society are not necessarily considered a problem in another. Sociologists attempt to discover why and how certain behaviors become labeled as criminal in a particular society and how laws are formed to regulate this behavior.

Theories of Law Creation

Two basic approaches are used to explain the creation of laws in society--consensus theory and interest group theory. Value consensus theory, espoused by Durkheim, Sumner, and Erlich, argues

that criminal law is a reflection of the values of the community as a whole (Hopkins, 1975). Law is seen as representing "societal consensus" (Chambliss, 1979). This means the law is believed to reflect the norms, customs, and values of the majority of the people in a society. Durkheim (1964/1969) stated, "In effect, the only common characteristic of all crimes is that they consist in acts universally disapproved of by members of each society" (p. 17).

Consensus theorists believe members of society first agree an act is deviant and unacceptable, then create a law forbidding the behavior. Durkheim (1964/1969) argued:

We must not say that an action shocks the common conscience because it is criminal, but rather that it is criminal because it shocks the common conscience. We do not reprove it because it is a crime, but it is a crime because we reprove it (p. 21).

From this perspective, then, the absence of a law is an indication that the community does not disapprove strongly of an action. The fact that laws against marital rape have failed to pass in the majority of states is evidence that the behavior is tacitly condoned because it is not a "real" or at least not a serious problem.

Interest group theorists argue that laws reflect the interests of the dominant class in society (Quinney, 1974; Taylor et al., 1973). The ruling class exerts influence on policymakers to have its needs met through legal codifications. The ruling class

is composed of (1) members of the upper economic class (those who own or control the means of production) and (2) those who benefit in some way from the present capitalistic economic system (Quinney, 1974, p. 55).

The ruling class is interested in legal matters "for the purpose of preserving the capitalist order" (Quinney, 1974, p. 55). Quinney (1974) argued that even laws that regulate morality are intended to preserve the ideological foundation of capitalism. Conflict theorists would explain the absence of laws prohibiting marital rape in terms of the economic power men have in society. Men, being the dominant class, have their interests reflected in policy.

When two diametrically opposed theories such as these are widely debated for any length of time, often attempts to reconcile them begin. Hopkins (1975) argued that the two theories must be synthesized, and Hagan (1980) argued that models of law creation should include both interest group activities and societies' values and beliefs.

Hopkins (1975) believed that synthesis should not be difficult because the theories have different points of departure. "Interest group theorists are concerned primarily with the processes by which criminal law comes into existence and evolves, while consensus theorists are more concerned with the analysis of existing law" (p. 614).

Chambliss' (1979) theory of law synthesized interest group and consensus theories. He began with the assumption that law is the state's response to visible conflicts in society. The conflicts arise from inherent contradictions in society. Society merely responds to the manifestation of the inherent contradictions rather than to the contradictions themselves. Because the inherent contradictions which created the conflict are never resolved, other conflicts continue to arise.

The basic contradiction Chambliss (1979) identified is class conflict. Law is created through the struggle between special interest groups and the ruling class. For Chambliss law is a reflection of a dialectical process between "the people" and the "ruling class." He believed that throughout capitalist history the ruling class has fared better in policy, but they have not always had their interests represented.

How does all of this apply to marital rape laws? One could argue that marital rape is a manifestation of the conflict arising from the inherent inequality between men and women in society. The current noncriminal status of marital rape merely reflects who is winning the struggle at a certain point in history. The inherent contradiction, inequality, is not being resolved. Therefore, if marital rape laws were passed in all 50 states, should we assume other conflicts would arise that reflect this inequality? Chambliss would answer "Yes."

Do Laws Create Social Change

If laws are created through a "dialectical process," then they are in a continual state of change. It is important to examine how legal change takes place. Legal change can occur through judicial decision or legislation. Those who want legal change (such as those lobbying for marital rape laws) generally focus on legislative change. Legislative action is more comprehensive and can generate social change quickly; whereas judicial decisions are usually made within the existing legislative structure and change is only incremental.

With the exception of the U.S. Supreme Court, legislatures are more powerful than the courts (Hopkins, 1975).

A continuing debate in the sociology of law is whether legal change creates or responds to social change. Feild and Bienen (1980) asserted:

It is impossible to measure whether or not legislative changes or reforms in the area of rape are themselves a reflection of changing social attitudes toward women, or whether changing the rape laws produces or causes changes in attitudes (p. 180).

Presumably, those lobbying for legislative action believe that legal change generates needed social changes.

Research on Rape Reform

Studies on rape reform (e.g., Feild & Bienen, 1980; Marsh et al., 1982) provide some cursory answers to these questions. Feild and Bienen studied the effects New Jersey's rape reform had on jurors' attitudes toward victims and the crime. New Jersey law was based on the Center for Rape Concern Model Sex Offense Statute, judged to be fairly progressive. The findings of the New Jersey study suggest that laws may have only limited utility in accomplishing reformers' goals. Jurors continue to be influenced by societal attitudes toward female sexuality. Legal reform cannot immediately change jury decisions (Feild & Bienen, 1980), for "the fundamental function of a jury is to judge in accordance with social norms and community standards. These necessarily include sexist stereotypes and repressive attitudes toward female sexuality" (p. 173).

The New Jersey study pointed out that legislation does not take place in a vacuum. Legal reform alone does not generate massive change. Societal attitudes and the criminal justice system can hinder the effectiveness of the reforms. Feild and Bienen (1980) suggested "as long as large numbers of men and women believe that women are inferior and should be kept in their place through forced submission to sexual acts the law will reflect that view" (p. 162).

Marsh et al. (1982) conducted a study of the Michigan Sexual Conduct Law which "is considered to be the most innovative and far-reaching legislation in the area of rape" (p. 2). They utilized time series analysis of rape statistics and interviews with members of the criminal justice system to determine how effective the reform was. They found that the only notable change the law created was to improve the victim's experience in court. Other goals of the reform were not met because factors such as informal norms work to reduce the effectiveness of the law. Nimmer (cited in Marsh et al., 1982, p. 6) argued that "informal relationships exert as much or more influence than formal law."

The conclusion of this study was that legal reform must coincide with other "strategies" to be effective. Without victim assistance programs, rape evidence kits, and other changes, the law is of limited utility. Marsh et al. (1978) concluded: "Michigan's criminal sexual conduct law was clearly a necessary condition for the progress that has been made but far from a sufficient one" (p. 119).

Unintended Consequences of Laws

Throughout history, husbands have been exempt from rape laws. Those lobbying for marital rape laws are lobbying for comprehensive laws that would allow a wife to prosecute her husband for rape under any circumstances. Many states have what are known as limited marital rape exemptions, which permit wives to prosecute husbands for rape only in particular situations. For example, some states require the wife to be legally separated before she can charge her husband with rape.

The Michigan sexual conduct code was originally drafted to include a comprehensive marital rape law. The original reform allowed all spouses to file rape charges. In subcommittee debate over the entire sexual conduct code, the Michigan Women's Task Force on Rape was forced to compromise in order to get the bill passed. The compromise changed the marital rape exemption so that only formally separated spouses could file charges of rape (Marsh et al., 1982).

Compromises such as this often contribute to unintended consequences of legal reforms. Those lobbying for legal reform presumably believe a particular law will meet all or most of their goals; however, how a law will actually work in the system never can be known until it is in effect. A case in point is Florida's rape reform which allowed admissibility of testimony about prior sexual behavior only if it was relevant to the issue of consent (Feild & Bienen, 1980). The apparent intention was to limit the admissibility of such testimony. In practice this law effectively provided victims less

protection than the prior law because consent became an issue in every case (Feild & Bienen, 1980).

Feild and Bienen concluded that "the effect of the Florida provisions was not as anticipated, in part because those lobbying for the reform did not and could not regulate the informal norms of the criminal justice process" (p. 176). Reformers may get a "perfect," uncompromised statute passed, but if it is complicated or ambiguous the courts may ignore it rather than interpret it. Also, if a statute is worded so that its constitutionality is questioned, prosecutors may avoid using the law for fear the defense will appeal the decision. A broad and overly inclusive law invites "legal challenge" (Feild & Bienen, 1980).

The fear of unintended consequences is partly what creates so much opposition to marital rape, although the debate over marital rape laws is much more complex. The arguments for and against marital rape laws are examined in the following section.

Marital Rape--Pro and Con

Rationale for the Marital Rape Exemption

The legal rationale for the marital rape exemption is based on the Hale doctrine which states that when a woman marries, she automatically agrees to consent to sex with her husband at any time. This rationale is termed "implied consent theory" in contemporary legal terminology. Basically the argument is that when two people marry they have entered into a marriage contract, and implied in this contract is female consent to sexual relations upon demand.

Those who oppose removing the marital rape exemption today often use "implied consent" in their defense. They believe that rape in marriage is not possible given their definition of marriage. One law professor expressed an extreme example of this argument using a hypothetical case.

It would not (and argues that it should not) constitute the criminal offence of rape if a man jumps out from behind a tree and sexually assaults a woman and thereafter discovers that the woman is his wife (example cited in Geis, 1978, p. 284).

Clearly, this professor believes that under no circumstances can a husband rape his wife.

Most opposition to marital rape laws is not quite this extreme. Those who believe marital rape is not a serious problem usually couch their arguments in more subtle terms. The argument is often stated that unwanted sex in marriage is not really rape (e.g., Rape and Battery, 1954; Harman, 1984). These people believe that rape in marriage is not as physically or emotionally traumatic as "stranger rape." One author stated: "Forcible rape is a criminal category created to protect females from unwanted sexual intercourse. Its classical type is the ambush of a lone woman by one or more strangers in a deserted place at night" (Rape and Battery, 1954, pp. 723-724). This author was arguing that since forced sex in marriage does not fit this description, it could not be rape.

First, data on rape do not support the position that most rapes are committed by strangers. Amir (1971) found that the majority

of violent sexual attacks were not by strangers, but were by someone the victim recognized. Second, the emotional trauma may be greater in marital rape than in stranger rape, for not only did a rape occur, but it was perpetrated by a loved one. The victim feels betrayed because her husband has so dramatically broken the bond of trust (Finkelhor & Yllo, 1985; Russell, 1982).

The "Proof" Argument

Some argue that marital rape would be too difficult to prove (Rape and Battery, 1954; Cobb & Schauer, 1974). One author stated: "Problems of proof, too, already serious in many ordinary rape situations, reach their zenith when a wife accuses her husband" (Rape and Battery, 1954, p. 724). Finkelhor and Yllo (1985) refuted this argument by pointing to the data that indicate that marital rape cases that go to court are "the most brutal and flagrant ones" (p. 177), presumably ones for which proof could be established.

The "Family" Argument

Some fear that marital rape laws will have a negative impact on the family. One argument (Harman, 1984) is that if consent is required for all marital intercourse, the stability of marriage will be reduced because the area of sexual relations, which is normally an area of "settled agreement and routine" (p. 431) will become a "fixed point of chronic, debilitating controversy" (p. 431).

The most often cited negative impact on the family is that prosecuting for marital rape will interfere with any possibility

of reconciliation (Rape and Battery, 1954; Cobb & Schauer, 1974). However, the Smith court rejected reconciliation as an argument for retaining the spousal exemption, noting that "reconciliation after a forcible sexual attack cannot be regarded as a strong possibility (cited in Drucker, 1979, p. 185). Another expert (DiCarlo, 1981) agreed that "it is incongruous . . . to assert that a relationship traumatized by spousal rape will be less reconcilable if the victim-spouse is denied protection of the law" (p. 110).

DeCarlo added:

When rape and domestic violence occur in a marriage, marital conflict already exists. A criminal action is not likely to worsen such situations. If this were the result, protection for other domestic crimes would also be denied (p. 110).

Finkelhor and Yllo (1985) argued that the criminal law should not be concerned with "saving" marriages in the first place.

The "Frivolous Complaints" Argument

Another argument against removing the marital rape exemption is that wives may fabricate stories to punish their husbands or to get a better property settlement (Rape and Battery, 1954). As one author pointed out (Note . . ., 1977): "This assertion . . . is made without empirical data that the rate of fabricated charges of other crimes is higher for wives than for single women" (p. 314). Also, prosecuting a husband for rape is a humiliating experience. The law already provides women with the ability to charge husbands with a number of crimes (Drucker, 1979). Wives

can "get revenge" on husbands through much less traumatic and embarrassing means (Griffin, 1980; Note . . ., 1977). In other words, "Why should a woman bring a charge of rape where it is most difficult to gain a conviction when she has other options" (Drucker, 1979, p. 183).

Griffin (1980) pointed out that the possibility of false charges exists with every law. She quoted activist Barbara Schlachet as saying, "If potential false charges were reason not to legislate against certain actions, there wouldn't be a law on the books" (p. 57).

Finkelhor and Yllo's (1985) California study found that removing the marital rape exemption did not lead to "frivolous complaints by vindictive women" (p. 169). In one year, only 42 cases were even brought to the attention of the courts or the police and some of these cases were dropped. In addition, most of the cases were extremely brutal--clearly not "frivolous." These data indicate that courts will not be inundated with cases if the marital rape exemptions are removed.

The "Other Options are Available" Argument

Some argue that marital rape laws are unnecessary because women already can charge their husbands with assault and battery. This is the rationale for the American Law Institute's Model Penal Code retaining the marital rape exemption (DiCarlo, 1981).

The author of the Stanford Law Review article "Rape and Battery" (1954) argued that criminal battery should be the only charge allowed

against a husband for having sex against a wife's will. The article notes that

even greater caution should be exercised here than in non-sexual cases since a seeming lack of consent may be simply a manifestation of the fact that resistance during preliminary love-making greatly increases the sexual pleasure of some women (p. 728).

According to this author, even though provocation is not ordinarily a defense for criminal battery, it should be allowed in the husband-wife rape situation. The rationale is that in any other situation a person can walk away from insulting remarks; however, in a marriage, walking away means separation or divorce. Therefore, "it seems more desirable to recognize that provocation is likely during the course of a marriage, and that resulting minor batteries should be kept out of the courts . . ." (p. 727, emphasis added).

Drucker (1979) refuted this argument saying, "if one is concerned about false complaints, interference in the family or the contract consent theory, charges of battery will cause as many problems as rape charges" (p. 185). In addition, rape charges typically carry harsher penalties than assault charges, and husbands should not be exempted from more severe penalties (Geis, 1978). Drucker (1979) concludes, "if the conduct of the husband would normally be rape then the charge and the penalty should be that for rape" (pp. 185-186).

Divorce is always an option for the sexually abused wife argue those opposing marital rape laws. One author asserted,

If the wife feels that she cannot endure minor unwanted physical contacts, the divorce court seems a more

appropriate forum for her complaint than the criminal trial (Rape and Battery, 1954, p. 727).

DeCarlo (1981) agreed that for some women divorce is a logical response to marital rape; however, she pointed out the issue is whether divorce is the only option. DeCarlo argued, "It is inconceivable . . . that divorce should be the only possible remedial action to redress the harm suffered by the wife-victim" (p. 113). She added:

When a woman is assaulted, battered, defamed or defrauded by her husband, she is not restricted to divorce as her sole remedy. It is inapposite to maintain that divorce is the only solution when a wife is raped. . . . Clearly, divorce does not compensate or vindicate the injuries of the victim. Furthermore, divorce lacks a deterrent effect and is therefore an untenable solution (pp. 113-114).

Even if all of the fears of negative consequences of marital rape legislation were proven unfounded, practical problems still would be encountered. Such problems include (1) victims' reluctance to prosecute, (2) courts not taking the charges seriously, and (3) courts victimizing wives leading them to eventually drop the charges (Glasgow, 1980). Because of the judicial attitudes, victims may have to go to extremes to prove they are serious (Glasgow, 1980). Glasgow argued:

As a practical matter, these women are more likely to be taken seriously if they are willing to leave home and establish a separate residence. They may have an even better chance if they file for divorce. While these alternatives impose a hardship on many victims of marital rape, particularly lower income women, the legal establishment is not likely to be very sympathetic in their absence (p. 585).

Research on Marital Rape Laws

Whose arguments are best supported by research? The only comprehensive study was conducted by Geis (1978) on the Swedish marital rape laws. In 1965, after much debate, Sweden removed its marital rape exemption. Geis (1978) argued the Swedish government wanted to make a statement that "'it is the right of all persons to determine for themselves whether they shall participate in sexual intercourse'" (p. 297). The government took the position that the removal of the marital rape exemption would serve as a statement of principle and that the law could always be modified if necessary (Geis, 1978).

Reexamination in 1976 of the criminal code on sexual offenses in Sweden revealed:

The objections raised during the original hearings on the proposal have not proven to be valid. Reports to the police of rape-in-marriage and marriage-like cohabitation rarely lead to court proceedings. The problems in connection with such reports and proceedings are no different than those associated with other crimes (Geis, 1978, p. 298).

Geis (1978) drew several conclusions from the Swedish study. First, removing the marital rape exemption would not overburden "the police, the courts, or marriage itself" (p. 302). Second, the problem of marital rape would not be eradicated by removing the exemption, but the threat of the law may deter some husbands. He also believed marital rape laws would aid battered women. Finally, the law symbolically stated "that all women have the right to restrict their sexual behavior to situations in which they participate of their own free will" (p. 302).

Few husbands have been convicted under the Swedish marital rape law, for the law has been used very infrequently. The law apparently has had few, if any, unintended consequences. The opposition to the passage of the marital rape law in Sweden was as great as the opposition currently being waged in the United States today so the Swedish case provides potentially useful information.

Perceptions of Marital Rape

Why Perceptions Are Important

Perceptions of rape are important for understanding public reactions to the act as well as behavior towards victims and offenders (Feild, 1978). Howells et al. (1984) argued that the public's perceptions of rape

may have direct behavioural consequences for the reporting of offenses, the processing of rape cases by the judicial system, jury decision making, sentencing and for extralegal social reactions to victims (p. 35).

Research on jury decision making (Feild & Bienen, 1980), sentencing (L'Armand & Pepitone, 1982), and reactions to victims (e.g., Calhoun, Selby, & Warring, 1976; Jones & Aronson, 1973; Cann, Calhoun, & Selby, 1979) supports this contention.

Marital rape is not "only" rape; it is also a form of domestic violence. Perceptions of rape cannot be generalized to marital rape without regard for this additional complexity. Many people believe what happens in the home is private--off limits. "People

try to ignore violence inside the home and within the family" (Martin, 1983, p. 17).

Even when domestic violence is acknowledged, people are likely to believe the wife is at fault. "The woman is often seen as a nagging wife who has driven her husband past all endurance. Having reached the limits of his patience, he 'pummels' her into blessed silence" (Martin, 1983, p. 6). This attitude combined with the societal myths about rape, such as "all women want to be raped," "no woman can be raped against her will," and "she was asking for it" (Brownmiller, 1975, p. 346), blame marital rape victims for what happened to them.

Social scientists do not accept these common-sense conclusions, but they are interested in understanding perceptions of marital rape. Citizens' attitudes easily can affect victims' psychological adjustment (Feild, 1978) and the rapidity with which supportive laws and counseling programs will be established.

The general public's perceptions reflect societal myths. Specialists who work with marital rape victims may have a different set of beliefs. How do those who counsel these victims perceive marital rape? How do those who represent victims in court perceive marital rape?

Researchers need to understand both attitudes and their origins. Why do people--both members of the general public and informed professionals--perceive marital rape the way they do? These perceptions are important because they are a part of the process of the construction of social problems.

Gender

Evidence suggests gender role-attitudes influence perceptions of rape (e.g., Check & Malamuth, 1983; Howells et al., 1984). People who hold more traditional views of women's rights and roles attribute more blame to the victim and believe the victim suffers less psychological damage than those with more liberal conceptions of women's rights and roles (Feild, 1978). Men are generally less sympathetic to the rape victim than women (Howells et al., 1984; Check & Malamuth, 1983). The explanation Howells et al. offer for this lesser sympathy is that "rape attitudes and attitudes to coercive sexual behavior are part of the more general sex roles that males learn in our society" (p. 39). However, men who hold liberal views of gender roles are more sympathetic to victims than are women who have stereotypic attitudes toward gender roles (Howells et al., 1984; Check & Malamuth, 1983). Gender role attitudes are a better predictor of perceptions of rape than the sex of the subject.

Check and Malamuth (1983) suggested that very stereotypical sex role beliefs may influence behavior especially in acquaintance rape situations because

many of our cultural beliefs about the dating situation (e.g., a woman does not really mean it when she says no) are a function of stereotypes and can often lead to misunderstanding in the dating situation or even to rape (p. 344).

Thus, gender role attitudes should be considered in conjunction with subjects' perceptions of rape--especially when the rape occurs in an intimate relationship.

CHAPTER III

METHODOLOGY

Research on marital rape has focused on the victim's perceptions. Interviews with victims of spouse abuse (e.g., Frieze, 1983; Bowker, 1983), victims of sexual abuse by husbands (e.g., Finkelhor & Yllo, 1985), and random samples of women (e.g., Russell, 1982) document the violent nature of marital rape. No study of public perceptions of this problem exists aside from surveys (e.g., Jeffords & Dull, 1982) which indicate that the majority of people do not favor marital rape laws. This research is designed to better understand how college students (who as voters can influence policy) and policymakers (e.g., lawyers and legislators) perceive marital rape.

Research Design

Perceptions of marital rape are examined in two ways. Questionnaires administered to undergraduate sociology students provided quantitative data about college students' perceptions. In addition, interviews were conducted with lawyers and legislators to determine how professionals, who have knowledge of marital rape cases and policies, perceive this form of abuse.

Survey

A survey of undergraduate students was conducted in two phases. First, students were administered a gender attitude survey by the

instructor of their sociology class. The researcher was not present during this phase of the study. Approximately two weeks later, the researcher surveyed the same classes of students on their perceptions of rape situations. Each student was given four vignettes depicting forced sex between a man and a woman. The relationship between the two parties was different in each vignette. The four relationships were stranger, acquaintance, dating, and spousal.

A brief questionnaire was distributed with each vignette to measure respondents' perceptions of the seriousness of each situation. Students' responses on the gender attitudes survey were matched to their responses on the vignette questionnaires so the effects of gender beliefs on rape perceptions could be measured.

Interviews

Public and legislative indifference and opposition to comprehensive marital rape legislation such as that witnessed in many states, including Tennessee, cannot be understood fully from survey data about marital rape perceptions. Interviews were conducted with professionals to obtain information about perceptions of marital rape law reform.

Interviews were conducted with four Tennessee state legislators and four lawyers. These two professions were chosen because both are influential in policymaking. In addition, members of these professions are aware of marital rape situations and/or proposed marital rape legislation. Thus, it was believed attorneys and legislators would have informed opinions on the need for and potential

consequences of comprehensive marital rape legislation. Interviews with lawyers were solicited by circulating requests for volunteers to be interviewed at a meeting of the East Tennessee Lawyers Association for Women (ETLAW) and through personal contacts. Efforts were made to interview lawyers with various specialties.

Legislators are more difficult people with whom to obtain interviews; their schedules are very busy and unpredictable. A specific group of legislators was targeted: members of the House and Senate Judiciary Committees in 1985. Both of these committees considered passing a comprehensive marital rape bill that year. The bill passed in the House but failed in the Senate. Three of the four legislators interviewed were on one of these committees. Interviews with the legislators generally were obtained by relentless telephoning and waiting in offices for several hours. All interviews were tape recorded and transcribed verbatim. The interviews varied in length from 15 to 30 minutes.

Interview Questions

Semi-structured interviews were conducted which lasted from 15 to 30 minutes. The information sought in the interviews was how these professionals perceive marital rape legislation (see Appendices I and II). Is the act serious enough to warrant special legislation? Would a marital rape law be used? Finally, how do these professionals believe the public--juries and constituencies--would react to a comprehensive marital rape law?

Survey Measures

Demographics

Demographic data were collected in the first phase of the research when the gender attitude survey was administered. Age, class standing, and marital status were reported by each respondent. Sex of the participants also was reported and is considered a primary factor in rape attitudes (e.g., Howells et al., 1984). Thus sex is a variable which not only describes the sample but also is related to perceptions of rape.

Gender Role Attitudes Scale

Various measures of attitudes toward women are available (see Beere, 1979). The Kammeyer Female Personality Trait Scale was chosen because it has been used in a number of studies (e.g., Williams & Holmes, 1981; Weller, 1975; Kammeyer, 1964; Kammeyer, 1966). In addition, the scale is easy to administer; it is short and can be completed in less than three minutes (Beere, 1979). The gender attitudes measure had to be as brief as possible to limit the amount of class time used.

The test consists of the following eight items, with response choices being "agree," "agree somewhat," "disagree somewhat," and "disagree" (Kammeyer, 1964):

1. Women are more emotional than men.
2. Men are better leaders than women.
3. Men are more aggressive than women.

4. Women are more sympathetic than men.
5. Women are more moral than men.
6. Men are better able to reason logically than women.
7. Women are more artistically inclined than men.
8. Men are more inclined toward intellectualism than women.

Responses are assigned numerical values (1 for "agree," 2 for "agree somewhat," 3 for "disagree somewhat," and 4 for "disagree") (Kammeyer, 1964). Items are weighted equally and scores can range from 8 to 32. Scores ranging from 8 to 20 are labeled "traditional," and those ranging from 21 to 32 are labeled "modern" (Kammeyer, 1964).

Although Kammeyer used this scale to test women only, Beere (1979) suggested that "because every statement mentions men as well as women, the scale could be labeled as a measure of the tendency to stereotype masculine personality traits (p. 179). The scale has been used by both male and female subjects (e.g., Williams & Holmes, 1981). In this research the scale was used to measure tendency to stereotype in men as well as women.

Kammeyer measured within scale and between scale validity (1964).

Item analysis . . . indicated that all items successfully discriminated between those with total scores in the top 20 percent of the distribution of total scores and those with total scores in the bottom 20 percent of the distribution (Beere, 1979, p. 179).

To measure between scale validity Kammeyer (1964) also administered the Feminine Role Behavior Scale to the same sample of 209 college

women. The scales yielded fairly similar results (Yule's $Q = .59$). Kammeyer argued the degree of consistency was not as high as might be expected because subjects may "hold some modern attitudes and some traditional attitudes simultaneously" (1964, p. 298).

Reliability of the scale was not reported in any published studies located. A review of gender scales notes: "There are no data regarding the reliability of the scale. If data are gathered that demonstrate that the scale is sufficiently reliable, I would highly recommend it" (Beere, 1978, p. 179).

Scale construction is not a focus of this research. The Kammeyer scale was employed only to measure one possible influence on perceptions--gender attitudes. Based upon the validity tests cited, the Kammeyer scale is accepted as an adequate measure of the tendency to sex stereotype.

Rape Vignettes

Vignettes are brief descriptions of a scene or situation. They are most commonly used in research in conjunction with a questionnaire. Subjects are presented with the story and then asked to respond to a series of questions about the vignettes. Questions are designed to get the subjects' reactions to or perceptions of the vignette.

The use of vignettes has been supported in studies of sex role behavior (Taylor, 1984), fertility decisions (Straits, 1985), and perceptions of rape (Check & Malamuth, 1983; Malamuth & Check, 1980; Howells et al., 1984; Cann, Calhoun, & Selby, 1979; Calhoun, Selby,

& Warring, 1976; L'Armand & Pepitone, 1982; Jones & Aronson, 1973; Best & Demmin, 1982; Fulero & Delara, 1976). Vignettes better mask the research hypothesis from respondents than questionnaires (Straits, 1985). Subjects are less likely to respond with what they think the researcher is expecting.

Vignettes used in conjunction with a series of specific questions have advantages when compared with general questionnaires. Responses to general questionnaires provide limited information about factors that influence the individuals' answers because respondents may use different frames of reference to interpret the questions. When vignettes are used, the frame of reference is provided making it possible to identify factors that influence responses (Straits, 1985).

Many elements influence perceptions of rape, e.g., the relationship between the victim and the offender (Check & Malamuth, 1983; Calhoun, Selby, & Warring, 1976; L'Armand & Pepitone, 1982). A number of victim characteristics--the victim's sexual history (Cann, Calhoun, & Selby, 1979; L'Armand & Pepitone, 1982), subject's similarity to the victim (Fulero & Delara, 1976), victim's respectability (Jones & Aronson, 1973), prior rapes against the victim (Calhoun, Selby, & Warring, 1976), and the victim's physical attractiveness (Best & Demmin, 1982)--have proven significant in offering perceptions of rape. Feild (1978) suggested that victims' resistance is also a factor in perceptions of rape. He postulated that "when resistance is displayed, it is assumed that consent was not given" (p. 172).

In this study the primary focus was how participants' perceptions of sexual assault situations changed (or did not change) when the victim and the offender were married compared to when they were strangers, acquaintances, or unmarried dating partners. To make the vignettes believable to the participants, and to mask the main interest of the researcher from them, the vignettes included more information than the relationship between the two parties and the fact that there was a sexual assault. Based on the research cited earlier on factors which influence perceptions of rape, and gaps in that research, three variables were chosen to be included in the vignettes in addition to the relationship.

The victim's resistance in a rape situation has been important in other research on rape (e.g., Feild, 1978). No information is available on perceptions of resistance in rape when the relationship is intimate. In stranger rape situations the general public expects resistance, but it is not clear whether this is true in date and marital rape situations. When the relationship between the victim and the offender is intimate--as in marriage--both the victim and the public may not believe she has the right to resist.

Two factors which have not been widely studied in the rape literature, but which may influence perceptions, are the degree of force used and the injury the victim incurs. If a great deal of force is threatened or used (i.e., a knife or gun or brutal beating) the incident may be perceived as more severe. Similarly, if the victim incurs serious physical injury from the attack (i.e.,

a broken bone) the incident also may be perceived as of greater severity.

Four variables were manipulated in the vignettes: (1) the relationship between the victim and the offender, (2) the degree of force used, (3) the victim's resistance, and (4) the injury the victim incurs. The relationships between the victim and the offender were as follows: (1) strangers, (2) acquaintances who "just met in a bar," (3) dating partners for "several months," and (4) spouses. By varying all of these factors, 32 vignettes were generated (see Appendix III).

A panel of social scientists (five graduate students in sociology) evaluated the vignettes on the three variables manipulated in each vignette: the level of force used, the extent of resistance by the woman, and the relative severity of injury suffered by the woman. The choices offered to the evaluators were dichotomous--high or moderate to low. Based upon these evaluations, two changes were made in the vignettes. The statement of lower level of injury in the stranger rape situation and the level of force in the acquaintance rape situation both were moderated. The statements used to indicate the degree of force, resistance, and injury are presented in Table 1.

Rape Attitude Questionnaire

A series of questions were developed to explore respondents' perceptions of the seriousness of the incident presented in each vignette. The questions are modeled after those used in Williams'

TABLE 1
STATEMENTS USED IN VIGNETTES TO INDICATE DEGREE OF FORCE, RESISTANCE AND INJURY

Relationship between Vic- tim and Offender	Force		Resistance		Injury	
	High	Low	High	Low	High	Low
Stranger	"A young woman . . . is attacked by a stranger who put a knife to her throat"	"A young woman . . . is attacked by a stranger who covered her mouth and demanded that she be quiet"	"Frightened she kicked and screamed"	"Frightened she gave into his demands"	"She was left beaten"	"She was left sobbing"
Acquaintance	"He pulled a gun and demanded sex"	"He pushed her on the couch and demanded sex"	"She began struggling"	"She refused"	"He left her with a broken nose and a split lip"	"He left her dazed and frightened"
Date	"He became furious and beat her"	"He became furious and held her down"	"She screamed for help"	"She cried"	"The woman was left with a broken rib"	"The woman was stunned and angry"
Marital	"He became angry and beat her up"	"He became angry and held her down"	"She bit and kicked"	"She begged him not to"	"Afterwards, she had a broken arm"	"Afterwards, she was shocked"

and Holmes' (1981) research and those suggested by Valois and Kammermann (1984) in a student exercise on rape (see Appendix IV). The first question asks subjects whether they define the incident as rape: "In your opinion, was this a case of rape based on the information presented?" The possible responses are "strongly agree," "agree," "disagree," and "strongly disagree." An open ended question follows asking subjects to briefly indicate why they agree or disagree that the incident is a rape.

Another way perceptions of the incident were explored was by examining the course(s) of action the subject would encourage the woman to follow if she were a relative. Several options were presented: charging the man with rape, charging the man with the lesser offense of assault and battery, bringing a civil suit against the man for the harm he caused, advising the woman to seek counseling, or advising the woman that "these things happen" so she should "forget it." For each option the response options were: "strongly encourage," "mildly encourage," "support whatever decision she made," "mildly discourage," and "strongly discourage."

The above questions forced the subject to choose a particular course of action. For example, one question reads "instead of charging the man with a sexual offense would you advise her to charge him with the lesser offense of assault and battery?" (emphasis added). Subjects encouraging this course of action presumably are supporting prosecuting for assault and battery in place of charging the man with a sexual offense. A final item gave subjects the opportunity

to choose more than one type of action. They were asked if they would encourage the woman to take more than one type of action, and if so which ones.

The vignette questionnaire focused on respondents' perceptions of the severity of each forced sex situation. The perceived severity of a condition is presumed to be a necessary condition for defining it as a social problem. Respondents believing marital rape to be as serious an act as stranger rape theoretically will be more receptive to define marital rape as a social problem.

Procedure

The Kammeyer Female Personality Trait Scale (1964) was administered two weeks prior to rape vignette questionnaires. Class instructors administered this questionnaire to the students in the researcher's absence. Students were not informed at this time that the scale was related to further research; it was believed that such knowledge could influence subjects' answers on either portion of the research (Check & Malamuth, 1983). Students were asked simply to complete the questionnaire, and in most cases instructors used the survey as the basis for a class discussion of social science research methods or gender socialization.

Approximately two weeks later the researcher visited each class. Classes of students received the same vignettes. Four vignettes, one for each relationship type, were randomly assigned to each of the eight classes. Subjects received one vignette with an attached

questionnaire at a time to prevent them from comparing vignettes and changing their responses to make them consistent. In each class a stranger rape vignette was presented first, followed by an acquaintance rape vignette, a date rape vignette, and a marital rape vignette.

Subjects' vignette responses were matched to their gender attitudes scale by use of their social security numbers. Students were instructed to put their social security numbers on both the gender attitude scale and the vignette questionnaires. After the response sheets were matched, social security numbers were removed from the sheets and new numbers were assigned.

Human Subjects Research Approval

Approval for the research was obtained from the university Committee on Research Participation. The following oral consent statement was read to each class prior to the administration of the vignettes:

My name is Lee Bidwell. I am conducting a research project for my Master's thesis in sociology. I would like you to participate in my research by responding to a series of vignettes on social life. None of these vignettes should be particularly bothersome, and you should find them interesting. All of your responses will be completely confidential. Only my advisor and I will have access to the answer sheets and they will be destroyed after the statistics have been compiled. You do not have to participate in the project, and you may cease participation at any time without penalty. I would appreciate your assistance. Completion of all four vignettes will be considered informed consent.

After all members of a class had responded to the last vignette, students were debriefed and told what the research question was. Also, they were informed of the linkage between the gender attitudes scale and the vignette questionnaires. Students were then given an opportunity to ask questions about the research.

Sample Characteristics

Demographics

Students in eight introductory level sociology classes at The University of Tennessee, Knoxville served as survey respondents. To control for possible differences in attitudes towards rape due to recent class instruction on the topic, no class had discussed the topic of rape before data were collected.

A total of 449 cases were recorded. Not all of these cases are complete because demographic data were supplied on the Kammeyer scale only. Thus, complete demographic data were not available on students who were present for the vignette portion of the research but did not take the gender attitudes survey. Since sex was an important variable, students were instructed to record their sex on each vignette questionnaire if they were not present when the Kammeyer gender attitudes scale was given.

Based on the available information, the demographic characteristics of the sample are as follows. The majority of respondents were between 18 and 23 years old (91.2%). Six percent were between 24 and 30, and the remaining 2.8% were over 30 years old. Most of the respondents were first year students (47.6%) or sophomores

(32.8%), followed in order by juniors (10.8%), seniors (7.2%), and others, such as non-degree students (1.6%). The majority of respondents had never been married (91.7%); 6% were married, and 2.4% were widowed or divorced. There were slightly more females (54.3%) than males (45.7%). These demographic characteristics are consistent with most introductory level liberal arts courses.

Gender Attitudes

Kammeyer scores were computed only for students who completed both the gender attitude survey and the vignette questionnaires. Thus, Kammeyer scores were figured for 252 respondents. The mean score was 20.8, with a standard deviation of 5.08. Based on Kammeyer's (1964) scoring system, 52.4% of respondents were labeled "traditional"; the remaining 47.6% were considered "modern."

CHAPTER IV

PROFESSIONALS' PERCEPTIONS OF MARITAL RAPE REFORM

Lawyers and legislators are influential in the legal system although in different ways. Lawyers are concerned with the pragmatic consequences of a proposed law such as how it will function once enacted and how it will be interpreted in the courts. Legislators are interested in the political consequences of a law including how their constituents will react to a particular piece of legislation and how their support of or opposition to a proposed law will affect their chances of re-election. Three of the four legislators interviewed were also lawyers; however, their responses reflected their political rather than occupational roles.

Interviewees were asked similar questions, but some additional questions were tailored specifically to understand their differing perspectives.

Interviews with Lawyers

Two female and two male attorneys were interviewed. They had practiced law from three to eight years. Their specialties ranged from real estate law to environmental law but all had handled domestic cases sometime during their practice. Three of the four attorneys interviewed were in private practice and one worked for the state.

The lawyers were asked their positions on reform of Tennessee rape laws. In Tennessee, a wife may not charge her husband with

rape unless they are living apart and one of the spouses has filed for a legal separation or divorce. When asked whether the limited spousal exemption for rape (Tennessee Code Annotated, section 39-2-610) needs reform, the responses were evenly divided.

Reform Necessary

Reform was favored basically on ideological grounds:

It isn't fair to either spouse for intercourse to be allowed without consent. It isn't right for someone to be able to force themselves upon you no matter what relationship you are in with them (female 1).

One person should not be able to abuse another person or take advantage of them whether they're married or not (male 1).

When asked what type of reform they would propose, both attorneys suggested broadening the circumstances under which a victim can file charges:

I think the easiest and most just thing would be simply to have no exemption whatever for marriage from the other rape law which in forced intercourse is rape. It doesn't matter whether you are married to them or not (female 1).

The male endorsed less comprehensive reform and expressed concern with how a revised law could be enforced:

I would liberalize it [the Tennessee statute] to the extent that the charge could be filed prior to legal separation. . . . When you're dealing with such an intimate area, there are not going to be witnesses obviously. It's so hard to prove the accusation. So I don't know how the legislation could be drafted in terms of proof. A medical examination showing signs of force, you know, that type of thing I suppose (male 1).

Reform Unnecessary

The two attorneys who did not support reform offered differing reasons. One simply said she was not familiar with problems anyone had with the current law and thus saw no reason for change. Later, she said she definitely would support a comprehensive marital rape law so apparently she was not opposed to reform, she simply did not perceive a pressing need for such legislation. The male definitely was opposed to any reform because of negative experiences with rape cases.

I don't think it [the limited spousal exclusion] ought to be amended mainly because rape, in and of itself, is such a suspect offense and I think it is abused frequently so I think those guidelines on marital rape are fair enough. . . . Of all of the cases . . . I have been exposed to over the last five years or so--the cases that stand out in my mind immediately as being the biggest miscarriages of justice that I can recall--are rape cases . . . or sexual offenses of some sort or another. Cases where the facts just don't support a verdict of guilty when there is a verdict of guilty, and typically if there is a verdict of guilty the sentences are high. I think the sentences are disproportionate to the offense frequently. Emotionally the jury comes back with a verdict of guilty and then emotionally they set a really high sentence. So it's left kind of a bad taste in my mouth about the offense as a whole (male 2) (emphasis original).

Advising Clients

In every state there are laws which are never or rarely used. Lawyers advise clients as to whether they should prosecute and on what grounds. Attorneys were asked, "If a comprehensive marital rape law were passed, would you encourage victims to prosecute on these grounds?"

The responses varied by sex. The males said it would depend on the circumstances of the case. They believed it would be difficult to win a case unless there was a high level of violence. For example:

If I were prosecuting I would discourage people because I would see as a practical matter, you're not going to win many of those cases. If I'm sitting on a jury I can envision cases I think, that I would as a juror find the defendant guilty of marital rape. But if it's a close call, or even if it's not a close call but it's not particularly aggravated, I probably wouldn't be too sympathetic and I probably wouldn't send a man to the penitentiary for raping his wife unless there was some kind of physical violence attached to it (male 2).

The females without hesitation said they definitely would encourage their clients to prosecute for marital rape. They did not focus on winning, in the sense of gaining a conviction, but on individual rights. Thus, they were concerned with giving women a sense of empowerment and paving the way for other women to successfully prosecute:

Winning isn't everything in the law. I have seen this over and over again. There is a certain sense of vindication just from going through the process and just knowing that you took advantage of a provision that was there for your protection, that you did force the other person to come to terms with the event, and that you've got it out into an objective light. . . . It's what I call the "due process factor." You feel like you've gotten due process even though you don't win (female 1).

At the time I was practicing family law, [women] were afraid to even take out assault and battery warrants, let alone a rape [warrant]. And I think the more people do that, the more it will help other people. The first person who does it will be taking all of the shit, but if twenty people did it and it got enough publicity it would be much easier for that twenty-first person.

. . . There's got to be community support, media support, and all of that, and I don't think that exists (female 2).

Perceptions of Jurors

Whether the goal is to win or to make a statement, the jury must be convinced of the merits of the case. Choosing a jury is extremely important according to the lawyers interviewed. When asked how jurors might perceive a marital rape case, almost all of the lawyers immediately stated that it is an issue with which jurors would have to struggle. Marital rape is rarely prosecuted even where it is recognized so potential jurors' reactions are difficult to gauge. Attitudes may have to change to successfully prosecute a marital rape case. For example, one attorney said:

It seems to me that you're more likely to encounter some prejudice on the part of the--I guess immediately I'm thinking of the older people, but maybe the younger people too, who say "Hey, wait a minute. Once you're married, you're married." You know, the old idea that the husband is the king and he has all of these rights. . . . I think you'd have to overcome that with people on the jury--and then even people who might tend to be more open-minded, or more liberal. I think it would be a serious question as to is she just upset with this guy and wants to get back at him for some reason--or hurt him (male 1).

The circumstances of the particular case also could play an important role in jurors' perceptions of the case.

If you have an aggravated case where there has been a pattern of physical abuse, where the wife has taken steps to separate herself from the situation--maybe not even going so far as to file for divorce, but just to seek, for instance, outside counseling, or to seek the help of friends and family, I think juries would look much

more favorably upon it than if it was a situation in which the only negative aspect of the relationship ever was a marital rape. I think that if you came into court in a criminal case, prosecuting on the basis of this, and there was no other evidence of any prior abuse or no aggravation in the circumstances of that incident then I don't think the juries are going to go for it (female 1).

Judicial Opinion

When asked how judges might perceive marital rape cases the answers were more varied. The responses ranged from being confident in judges' fairness (e.g., "I think that a good judge would make every effort to apply the law as the statute was worded and overcome his own feelings, or her own feelings" [male 1]) to being skeptical (e.g., "I think most judges would laugh you out of the court room" [female 2]). One attorney illustrated why judges may be on the latter end of this continuum.

I think they [judges] would be skeptical. You know, it's difficult to talk about the criminal justice system unless you've been down there and see how it gets abused so much. There is so much crap that comes down there, really. There are so many cases and warrants that are taken out for people that have no business whatsoever being in criminal court. So I think as a rule, that most judges, if they've sat on the benches very long, get to be kind of skeptical (male 2).

In between these two brief, "gut-level" responses were more elaborate answers which identified a number of reasons judges might be wary of marital rape cases.

They [judges] are going to be unsympathetic to it also, I'm afraid, because of what they will see as the potential for abuse or fraud in the system. They will see that

the proof problems--for instance, proving the mere non-consent to intercourse--are going to be enormous. They are going to see that this type of an action can be used for purposes other than what the criminal law does properly, namely that it could be used for personal revenge, it could be used as an economic coercion, as a coercive tactic to gain advantage in future divorce proceedings I think another problem of that is simply the proximity of the people. For instance, in a stranger rape case, it's usually someone who you're not living with on a daily basis, and you can pinpoint exactly where and when the abuse took place. . . . Whereas in a marital rape case you're living with a person; the events which led to the accident could have stretched out over years perhaps. There is just a proximity of the people there that is going to be difficult to isolate as one in their lives together (female 1).

This statement points to many arguments against marital rape cited in the literature reviewed in Chapter II. First, this lawyer believed judges fear abuse of the law, possibly to get a better divorce settlement. Second, judges may perceive the complaints to be "frivolous" or false. Finally, judges are cognizant of the enormous difficulty in proving a rape occurred in a marriage because of the nature of the relationship and the proximity of the people involved.

Incidence of Marital Rape

The literature on marital rape consistently indicates that the crime is underreported. Many women have difficulty defining what happened to them as rape (Frieze, 1983; Gelles, 1974) and even more difficulty reporting it to the police. Some victims have difficulty discussing marital rape with social scientists, who clearly have no power to arrest or prosecute. Russell (1982) describes this as a tendency for victims to "underdisclose."

All of the lawyers interviewed reported that they had at least one client disclose a marital rape to them. One lawyer voiced surprise at having dealt with a marital rape victim:

I had a client . . . who came very close to accusing her husband of raping her, which is interesting because the number of divorces that I've handled can be counted on one hand (male 1).

Attorneys were not asked to give any details of the victim's experiences, although most volunteered a brief sketch of the incident. The rapes ranged from brutal to "questionable" (in the lawyer's opinion) as to whether they were serious enough to warrant prosecution.

Victim's Perceptions

The primary interest in this thesis research is perceptions of marital rape so it is important that some attention be given to victim's perceptions. Interviewing the victim is difficult for any researcher because so few cases are reported and victims may "underdisclose" (Russell, 1982). These problems are compounded for graduate students because getting university permission to carry out such research is extremely difficult. Thus, the only information available on victims' reactions is what their lawyers perceived their feelings to be. Finkelhor and Yllo (1985) found that

women's feelings immediately after their rapes were sometimes so complex that they were difficult to categorize, but they tended to be of four main sorts: betrayal, anger, humiliation, and guilt (p. 117).

The lawyers interviewed mentioned betrayal and anger as emotions they believed their client experienced, but mentioned other responses as well. There was no single emotional reaction common in all cases. One attorney stated anger was the primary emotion he believed his client felt following the sexual assault. Another attorney stated that the clients she had were "scared out of their minds" but definitely not angry. She argued that feeling anger is a step towards taking action against the offender, and her clients had not "gotten to the point where they were actually angry at the men" (female 2). A third attorney believed her client felt "utterly betrayed" because the assault was perpetrated by her husband. The fourth attorney stated that because the offender was the victim's husband, his client, unlike stranger rape victims, did not appear particularly fearful or shocked.

The diversity of reactions to marital rape is easily explainable. First, the information recorded is not directly from the victim. Second, each victim was dealing with an entirely different situation. Some women were coerced into the act with threats of violence, other women were brutally beaten into submission. Finally, the clientele each attorney was dealing with were different.

Attorneys in private practice generally deal with wealthier, better educated clients; whereas attorneys who are public defenders see mostly poor, undereducated people. The attorney who believed that her clients had not "gotten to the point of" being angry had poor women for clients who, for many reasons, could not afford to

express anger with their husbands. If they became angry and took their spouse to court and won, who would help pay the bills while the husband was in jail? If they became visibly angry they might simply make their husbands more violent and abusive. On the other hand, the attorney who reported his client primarily was angry probably was referring to an upper middle class woman who decided to prosecute her husband for the rape. However, "when she found out the ramifications of pursuing it, she decided not to" (male 1). This woman could afford to get angry, even to prosecute, for she most likely was not as lacking in resources.

Summary

First, the interviews show that attorneys are sensitive to possible unintentional consequences of the law. Abuse of the legal system and difficulty in proving charges appear to be their foremost concerns about legal reform. Second, they believe that both judges and jurors would be skeptical if faced with marital rape cases. Passage of comprehensive marital rape legislation would be only a beginning. The female lawyers believe attitudes towards women's rights in marriage (including the right to say "no" to intercourse) also will have to change.

The female lawyers recognized the potential proof problems and unreceptiveness of judges and jurors, yet they would encourage a client to prosecute for marital rape. This appears to be contradictory, but their primary goal would not be to "get the conviction." Their goal would be to have women who have been raped by their

husbands expose the behavior in court, giving the women a sense of control over their lives. This perspective suggests that when considering marital rape legislation, both voters and legislators should focus on the potential advantages protection from marital rape could give abused women rather than focusing on potential negative consequences which have not materialized in other states or in Sweden.

Interviews with Legislators

Four state legislators were interviewed--three state senators and one member of the House. All of the interviewees were male, as are the vast majority of legislators. The men had been legislators from 6 to 16 years and had considered from zero to four marital rape bills during their tenure.

Marital Rape Laws--Support and Opposition

The legislators were divided on the question of whether they would support a comprehensive marital rape bill. Two favored such a law, one was opposed (and was the leading opposition to the bill in the Senate Judiciary Committee in 1985) and one said he could not answer the question until he had seen the wording of the specific bill. Their support of or opposition to marital rape legislation is related to what they believe the potential consequences of passing such a law would be.

Abuse of the Law

The legislators generally anticipated more negative consequences than positive ones. The consequence the men fear is that such a law would be abused. Specifically, the legislators believe women will bring charges of marital rape against their husbands to get larger divorce settlements.

It [marital rape] becomes a weapon in a divorce case--and it can become a very effective weapon. All's you have to say is that your husband attacked you and raped you. . . . It has to be almost a verbiage [sic] type of situation. You say he did, he say's he didn't (state legislator 1).

One legislator likened bringing marital rape charges in divorce cases to bringing charges of child abuse in divorce:

[Marital rape is] a first cousin in some ways to child abuse. . . . The vast majority of child abuse reports are unfounded. There is the potential for this to be used by one spouse against the other in a divorce or domestic relations situation. It's simply a tremendous problem. . . . The intimate relationships between the husband and wife in difficult circumstances lend themselves to misuse of this kind of trial in exactly the same way as they do in a child abuse trial (state legislator 2).

False Charges

Apprehension about abuse of a marital rape law is based on the assumption that people make false charges in domestic cases. For example, in making the analogy between alleged child abuse and marital rape, the legislator clearly stated that the majority of child abuse cases are "unfounded" or, in everyday language, untrue.

The implication is that the majority of marital rape charges would be untrue also.

Another senator directly stated his belief that wives would lie. When asked why he opposes comprehensive marital rape laws, his initial response was, "I believe there's too much lying going on." He continued:

I used to do a lot of "uptown" divorces. If you're gonna get into a lying contest, you don't have to listen to criminal cases. That's minor; they're just trying to protect their lives. Go listen to a divorce case. There's more lying there than anywhere else in the world (state legislator 1).

Increased Litigation

Another assumption apparently underlying fear of such a law being passed is the courts would become inundated with "vengeful" women falsely accusing their husbands of rape. One legislator believed that "the major consequence" of passing a comprehensive marital rape law "would be the enormous increase in allegations like this in divorce" (emphasis added). Another senator believed the criminal courts would become "a battering ram for domestic relations cases."

Positive Consequences of a Comprehensive Marital Rape Bill

Unlike the "pragmatic" negative consequences anticipated, the positive consequences of comprehensive marital rape legislation foreseen were largely ideological. One legislator believed the only positive consequence would be "a general societal signal against

violence." The representative believed the major significance of such a law would be as a statement that marital rape is "a crime of violence" and it "would put all such crimes on the same par."

No one mentioned extending legal redress currently available to unmarried women to married women who have not filed for divorce or are not legally separated. This protection is the stated goal of those lobbying in favor of changing the current marital rape law.

Obstacles to Passing Marital Rape Laws

The legislators interviewed all voiced some apprehension about passing a comprehensive marital rape law. Their responses indicate that there are two reasons they are hesitant to pass such legislation: (1) ambiguity about what marital rape is, and (2) attitudes about women's rights and roles in marriage.

Ambiguous Definition

One major obstacle to support for a marital rape law is the lack of certainty about what constitutes marital rape. When asked how he defines marital rape, one senator replied:

Therein lies part of the problem, and I don't have a written definition for it. Obviously it is where somebody forces someone to have sex against his or her will. Beyond that is when you get into problems (state legislator 2).

The ambiguity in the definition of marital rape may make people fear the worst about what might happen if legislation were passed. If people are not sure of what marital rape is, they certainly will

wonder how a law prohibiting the act will be enforced.

One legislator who supported the bill last year voiced his discomfort that "coercion" was included in the proposed bill.

Coercion could be anything. So a husband promises a wife a mink coat and doesn't deliver. Is that coercion if he doesn't deliver on the coat--I mean that he used coercion to have sex with his wife (state legislator 3).

His argument is that coercion itself is an ambiguous term. When that is combined with the ambiguous act of marital rape, it becomes difficult to predict how the law will be enforced.

Another problem in the definition of forced sex in marriage is how we will know a rape has occurred if it was not accompanied by other physical violence or force. One legislator called this an issue of "touching."

I think all sexual touching can be offensive. However I'm not sure that those are worth the same considerations [in marriage] I'm not sure whether the other societal issue would be by simply touching, assuming there's no violence, whether you'd be getting into a situation where you are simply overrunning the courts with things that would be very, very difficult to prove--things where you wouldn't get convictions. There are some interests in having a speedy and well ordered system of justice, and I think that there are some other areas you can weigh other interests (Representative 1).

Marriage is a relationship in which sexual intercourse presumably has taken place often. Thus, these legislators want a clear definition of when intercourse in marriage is rape. Absent a precise definition they feel uncertain about supporting reform legislation.

Attitudes About Marital Rights

Another obstacle to passing marital rape laws are some of the legislators' attitudes about marital rights. One legislator apparently believes mild forms of violence (e.g., slapping) are acceptable within marriage. The legislator was discussing his concern that women may lie to seek revenge against their husbands. To illustrate his concern he told of a personal experience.

I can take my ex-wife and do this [slaps his desk]. Here, put your arm here [slaps interviewer's arm]. Now in 30 minutes that would turn blue. Well, the detective called me and asked me about this case, and I said she didn't look like she'd been hit, but she was blue. And I just laughed and I said you'd better go home.

This legislator told a complete stranger that he hit his former wife on at least one occasion and demonstrated this with a stinging slap. When his wife called the police he accused her of lying and exaggerating. He believed he had made the point that minor violence occurs in marriage and laws which would extend further protections to wives might lead to husbands being victimized by their wives and the criminal justice system. No other legislator took such an antifeminist position. One cannot generalize the attitudes expressed by one person to other legislators; however, he may not be the only person in a policymaking position who has such beliefs. One legislator offered confirmation that traditional attitudes about women as property may persist in some legislators' minds.

I think there's an attitudinal problem . . . in that so many people, so many legislators, are male and the concept of marital rape is not an accepted concept. The old idea that many people's ideas are still lodged in medieval times when the woman is the chattel of the man and is the property of the man. And of course if it's your own property, you can do with it whatever you want, and those concepts are slowly dying. I think as women become more and more independent and more and more a part of the work force that these concepts will die. . . . As they [women] become more and more vocal and more assertive then the ideas of a man possessing a wife will no longer be as prevalent as they are today (state legislator 3).

Summary

Overall the lawyers appeared to be more positively disposed toward marital rape legislation than the legislators. The female lawyers particularly expressed more positive views. Perhaps female legislators would also, but none were available for interviews.

The lawyers were interested in how specific sets of people would be affected by such legislation (rape victims and husbands being sued for divorce). The legislators were more concerned with how the courts would interpret such a law and whether a law could be drafted which could be enforced. Perhaps as a consequence the legislators appeared less empathetic with victims of marital rape.

Based on both sets of interviews it appears unlikely that marital rape legislation will be enacted in the near future in Tennessee. Based on their perceptions of the judiciary and the general public which serves on juries, if such legislation is enacted women will have difficulty winning such cases unless attitudes change.

CHAPTER V

SURVEY FINDINGS

Survey questions provide data which must be described and interpreted. This chapter begins with a discussion of the responses to vignettes. Comparisons are drawn between responses across vignettes. A discussion of the effect of varying the degree of force, resistance, and injury on students' perceptions follows. The findings of a logit analysis are examined. The chapter concludes with a summary of the findings.

Questionnaire Findings

Information about respondents' demographic characteristics and gender attitude scores obtained from the first phase of the research were reported in Chapter III. The following discussion focuses on the vignette questionnaire (see Appendix IV).

Defining of Situation as Rape

The question of most interest to the researcher was whether students defined the situation presented in the vignette as rape and whether the definitions varied depending on the relationship. This is the most direct measure of the dependent variable--perceived seriousness of the incident. The definition of the situation as rape varied with the relationship, but not as much as expected. The more intimate the relationship was, the less likely students were to define the situation as rape (see Table 2)

TABLE 2
 PERCENTAGE WHO AGREE RAPE OCCURRED
 BY TYPE OF RELATIONSHIP

Type of Relationship	Response			
	Strongly Agree	Agree	Disagree	Strongly Disagree
Stranger	88.6	11.0	---	.3
Acquaintance	65.8	30.6	3.2	.4
Date	62.9	31.8	5.3	---
Spouse	48.8	34.4	14.4	2.5

For the stranger vignettes, where the woman had not met the man prior to the forced sex incident, there was almost unanimous agreement that the situation was rape; one person disagreed. For both the acquaintance vignettes and the date vignettes there was almost unanimous agreement the rape had occurred, 96.6% and 96.4%, respectively. When the woman and man were described as being married the level of agreement dropped to 83.2%. Answers to the question show a modest decrease in the percentage defining sexual assault as rape when the parties were married.

The high rate of agreement among respondents may indicate they gave the "socially desirable" or socially expected answer. Respondents had defined similar situations as rape when the parties were strangers, acquaintances and dating partners. They may have concluded they should give the same answer when the parties were married. Also, they may have been trying to be consistent.

Advising the Victim

Another way to examine the perceptions of the incident is to consider what course of action the respondent would encourage the woman to follow. Answers are less likely to be affected by social desirability because students cannot discern easily what the "correct" answer is. The assumption of the researcher was that encouraging the stiffest penalty (e.g., prosecuting for rape) indicated the greatest perceived severity of the incident.

Criminal Rape Charges

Response choices on all of the questions involving actions the women could take are as follows: strongly encourage, encourage, discourage, strongly discourage, or "support whatever decision she made." Responses indicate respondents would encourage the woman to prosecute for rape most often in the stranger situation. As the relationship became more intimate, students were less willing to encourage the woman to prosecute for rape (see Table 3).

For the stranger relationship, 85.8% would encourage the woman to prosecute for rape. For the acquaintance relationship, 79.5% would encourage prosecuting for rape, 63.7% would for the dating relationship, and only 40% would for the marital relationship.

The percentages who would discourage prosecuting for rape increase as the relationship becomes more familiar, although students did not indicate great opposition to prosecuting criminally for any relationships. For the most intimate relationship--marriage--only 22.5% indicated they would discourage this action. Instead of becoming more opposed to prosecuting for rape, students begin to take a less firm stand on the issue the more intimate the relationship is. The response choice "support whatever decision" the woman made was chosen more often as the relationship became more intimate. For the stranger situation only 14.2% indicated they would "support whatever decision she made," whereas 16.0% chose this option for the acquaintance situation, 26.4% for the dating relationship, and 37.5% for the marital relationship.

TABLE 3
PERCENTAGE WHO WOULD ENCOURAGE VICTIM TO PURSUE CRIMINAL CHARGES BY TYPE OF RELATIONSHIP

Type of Relationship	Response				Support Whatever Decision She Made
	Strongly Encourage	Mildly Encourage	Mildly Discourage	Strongly Discourage	
Stranger	79.9	5.9	---	---	14.2
Acquaintance	66.7	12.8	3.1	1.4	16.0
Date	48.9	14.8	7.0	2.8	26.4
Spouse	27.0	13.0	10.2	12.3	37.5

Apparently social expectations are clearer in the stranger situation. The woman is clearly a victim and the man an offender. Thus, the action the woman should seek is clear--she should seek the maximum penalty. It is not as clear whether criminal rape charges are the best option when the woman is not an "obvious" victim of rape. Therefore the easiest way for students to resolve the dilemma is to indicate they would support whatever decision the victim made.

Assault and Battery Charges

Participants in survey research may develop a "mind set" when answering questions. For example, they may have answered the first few questions "strongly agree" and begin to answer the other questions similarly without giving them much thought. One way to avoid this problem is to periodically change the scale so that in order to display consistent attitudes they must occasionally choose a different answer on the scale.

This technique was used in this research. After students were asked whether they would encourage the woman to prosecute for rape they were asked "instead of charging the man with a sexual offense, would you advise her to charge him with the lesser charge of assault and battery." Encouraging this action precludes charging the man with rape, so students who previously indicated they would encourage prosecuting for rape should indicate they would discourage this action. The question was worded so that even those unaware of laws would be able to answer. (see Table 4)

TABLE 4
PERCENTAGE WHO WOULD ENCOURAGE VICTIM TO ONLY CHARGE ASSAULT AND BATTERY
BY TYPE OF RELATIONSHIP

Type of Relationship	Response				Support Whatever Decision She Made
	Strongly Encourage	Mildly Encourage	Mildly Discourage	Strongly Discourage	
Stranger	4.2	3.1	17.0	49.1	26.6
Acquaintance	11.8	9.4	18.4	34.7	25.7
Date	11.3	10.6	16.2	29.6	32.4
Spouse	17.5	12.6	10.9	20.0	38.9

As expected, the less intimate the relationship was the less often people encouraged charging the man with the lesser offense of assault and battery. Only 7.3% would encourage this action in the stranger situation, 21.2% in the acquaintance situation, 21.9% in the date situation and 30.1% in the marital situation.

Given the responses to the previous question about prosecuting for rape, the differences in percentages are not as great as were expected. Some students indicated they would encourage both actions--prosecuting for rape and pressing charges for assault and battery. There are two explanations for these findings. First, they could indicate students were not very committed to pressing charges for rape so they changed their mind when they read this other option. Another explanation is that students are indicating that they would like the woman to prosecute for assault and battery in addition to rather than instead of prosecuting for rape. Table 5 indicates this is the most probable explanation for the vast majority of respondents would encourage the woman to take more than one type of action.

Civil Suit

Respondents were then given the choice of bringing a civil suit against the man for the harm he caused instead of charging him with assault and battery. Table 6 indicates that fewer people would encourage this type of action when the relationship is less intimate.

However, bringing a civil suit against the man is not a widely supported action for any of the relationship situations. For the

TABLE 5
PERCENTAGE WHO WOULD ENCOURAGE MORE THAN ONE ACTION
BY RELATIONSHIP

Type of Relationship	Response	
	Would Encourage More Than One Action	Would Not Encourage More Than One Action
Stranger	92.0	8.0
Acquaintance	86.6	13.4
Date	72.9	27.1
Spouse	62.7	37.3

TABLE 6
PERCENTAGE WHO WOULD ENCOURAGE VICTIMS TO ONLY BRING CIVIL SUIT BY TYPE OF RELATIONSHIP

Type of Relationship	Response				Support Whatever Decision She Made
	Strongly Encourage	Mildly Encourage	Mildly Discourage	Strongly Discourage	
Stranger	5.9	6.3	15.4	39.2	33.2
Acquaintance	6.7	7.7	16.5	32.5	36.8
Date	7.4	7.1	15.9	29.0	40.6
Spouse	10.5	7.0	12.3	21.8	48.4

marital situation--when students would most likely support this lesser penalty--only 17.5% of respondents would encourage this action.

Again the trend is for people to be more neutral on the issue rather than more opposed to taking the proposed action.

Counseling

Asking students whether they would encourage the woman to seek counseling rather than taking some action against the man probably was the least valuable indicator of their perceptions of the severity of the incident. The instruction that offering counseling was an option to be encouraged "instead of" the previous choices was ignored by some (Table 7).

Unlike the previous answers, the responses to this question show no trends or distinct preferences. Except for the marital relationship, responses were divided approximately in thirds. For the stranger relationship, for example, 30.7% indicated they would encourage counseling, 37.1% would discourage it and 32.2% would support whatever decision she made. Given the number who indicated they would encourage her to prosecute for rape in the stranger situation, it is unlikely students intend for her to seek counseling in place of any of the other actions. Apparently students who would encourage counseling intend for her to seek it in combination with some other action.

For the marital vignette, students showed a slight preference for her to seek counseling. This was not an open-ended question, so it is not clear why students prefer this action. Students may feel this is

TABLE 7
PERCENTAGE WHO WOULD ENCOURAGE VICTIMS TO ONLY SEEK COUNSELING BY TYPE OF RELATIONSHIP

Type of Relationship	Response				Support Whatever Decision She Made
	Strongly Encourage	Mildly Encourage	Mildly Discourage	Strongly Discourage	
Stranger	19.2	11.5	11.2	25.9	32.2
Acquaintance	21.8	14.4	8.8	28.2	26.8
Date	18.7	12.4	7.8	27.9	33.2
Spouse	28.1	14.7	7.0	17.2	33.0

the most feasible solution for a wife who has been sexually attacked by her husband because of the problems she may encounter taking legal action. On the other hand, if they feel ambiguous about whether she is a rape victim they may believe this is her best option.

Forget Episode

A final question asked if they would encourage the woman to forget what happened. There was very little variation in responses. Regardless of the relationship, few people would encourage the woman to simply forget the incident (see Table 8). Students do not dismiss sexual assault in any relationship as trivial or nonconsequential.

One explanation for the answers is that even in the most intimate relationship situation, students perceived that the woman had been harmed. Therefore, they believed she should engage in some remedial action, even if it was only to seek counseling.

The other explanation for the lack of variation in responses is again social desirability. This was the last question on the survey. By the time they read this question students already had considered four different actions the woman could take. Therefore, they may have assumed that they were "supposed" to support a visible action rather than the non-action of merely forgetting the incident.

Students' Explanation of Their Position

Table 2, page 58, indicates that students were much less willing to define forced sex in marriage as rape than in any other relationship. Students also would not encourage the victim to seek stiff

TABLE 8
PERCENTAGE WHO WOULD ENCOURAGE VICTIMS TO ONLY FORGET THE INCIDENT BY TYPE OF RELATIONSHIP

Type of Relationship	Response				Would Not Comment
	Strongly Encourage	Mildly Encourage	Mildly Discourage	Strongly Discourage	
Stranger	5.9	2.8	6.6	69.3	15.3
Acquaintance	5.9	2.1	9.8	63.1	19.2
Date	3.5	8.1	8.5	53.9	26.1
Spouse	4.3	6.7	8.9	48.6	31.6

penalties against the man when the relationship is intimate. Evidence for why the relationship type changes with the severity of the incident may be found in their open-ended responses (see Tables 9 and 10).

Students were asked to explain why they did or did not define the situation as rape. The majority of respondents provided this information. From their responses, three reasons forced sex is defined as less serious in more intimate relationships emerge-- familiarity, victim blaming, and men's rights.

Familiarity

In all of the vignettes the most often cited reasons why the incident was rape were (1) force was used, and (2) it was "against her will." In all of the situations except for stranger rape, the fact that they knew each other prior to the incident was mentioned in some form. Sometimes the importance of the familiarity of the relationship was stated outright. In 1.6% of the situations involving a dating relationship, it was not defined as rape "because they knew each other." More often the importance of familiarity in students' perceptions was implicit in their answers. Ironically, this occurred most often in their justification for why the situation was rape. Students would qualify their answers by saying, "even though they knew each other" or "even though they were married" it was still rape. This was true in 16.3% of responses when the situation involved a husband and wife, in 5.0% of cases where they were dating, and in 1.1% of acquaintance relationship responses.

TABLE 9

PERCENTAGE OF SELECTED RATIONALES WHY THE SITUATION WAS DEFINED AS RAPE BY RELATIONSHIP*

Type of Relationship	Rationale			
	Against Her Will	Force Used	Trauma Sustained	Even Though They Knew Each Other It was Rape
Stranger	31.8	57.6	1.8	---
Acquaintance	27.6	49.8	1.9	11.9
Date	34.1	47.7	1.9	1.9
Spouse	19.8	40.1	2.0	---

*Percentages do not equal 100.0 because not all respondents agreed the situation was rape. Also, this table represents only selected responses.

TABLE 10
 PERCENTAGE OF SELECTED RATIONALES WHY THE SITUATION WAS DEFINED AS NOT RAPE BY RELATIONSHIP*

Type of Relationship	Rationale			His Right/ Her Duty
	They Knew Each Other	She "Asked For It"	"Can't Rape Your Wife"	
Stranger	---	.4	N.A.	---
Acquaintance	---	3.4	N.A.	---
Date	1.6	.4	N.A.	.4
Spouse	---	---	3.2	9.9

*Percentages do not equal 100.0 because not all respondents disagreed the situation was rape. Also, this table represents only selected responses.

The other way the importance of familiarity was implied applies specifically to the marital relationship scenarios. In stating why the incident in marriage was not rape, 3.2% believed it was because "she was his wife and you can't rape your wife." The other version of the same idea was "there is no such thing as raping your wife." These answers indicate that because of the familiar nature of the relationship--because they were in the "intimate" relationship of marriage--rape could not occur.

Victim Blaming

Another reason some students do not define sexual assault as rape in an intimate relationship is that the woman is perceived as partially responsible for what happened. This belief was crudely articulated in a few cases by saying she "asked for" or "wanted" the forced sex. This attitude was expressed in a small minority of cases.

The other way the woman was perceived responsible for the incident was because she should not have gotten herself into the situation. This attitude was expressed most often in response to the acquaintance scenario (see Table 9). In the scenario the woman met a man in a bar, accepted a ride home from him and then allowed him to come into her apartment to use the bathroom. Even though the man tricked the woman into letting him come in and used force to get sex, students believed the woman used poor judgement and therefore was partially to blame.

Men's Rights

The final reason that rape was not perceived in more intimate relationships was students believed the man had the right to sex. This attitude applied almost exclusively to the marital relationship (see Table 10). The view being expressed is the traditional belief that once a woman and a man marry, he has a right to sex whenever he wants it and she has a duty to perform. Therefore, even if she resists or is injured or he uses extreme force, she still has not been raped. The husband simply was exercising his rights in marriage.

Effects of Force, Resistance, and Injury on Perceptions

The elements of force, resistance, and injury were intended originally to be included in a logit analysis to determine which of these factors most influences perceptions of rape. Consultation with statistical experts revealed this was impossible due to the complex design of the research. The only technique for assessing the impact of these three elements was to examine responses to each vignette separately. Varying the degree of force, resistance, and injury depicted in the vignettes had no visible impact on students' answers.

This finding is contradictory to other research (e.g., Feild, 1978), although there is not enough evidence to reject earlier findings. Two problems may limit the generalizability of the finding that these factors have little impact on perceptions. First, there was little variation in answers when the relationship was varied in the vignette. Thus, it is difficult to detect the

effects that other variables have on perceptions. Second, each class was given separate vignettes. This means that the largest sample size considering any one particular vignette was approximately 50 students. The small sample size that examined any one vignette also makes it very difficult to detect effects of varying force, resistance, and injury.

The data analysis and generalizability of the findings could have been improved by considering fewer variables or by having a larger sample size. By varying the degree of force, resistance, and injury in each vignette it becomes difficult to assess which variable has the most impact on perceptions.

Logit Analysis

Patterns in responses can be determined by simply looking at responses to particular questionnaire items. However, this still does not make clear what effect, if any, gender and gender attitudes have on perceptions of rape--particularly marital rape. With a categorical dependent variable such as the one used in this research (e.g., agree or disagree the situation was rape), the appropriate multivariate analysis technique is logit analysis.

Appropriateness of Logit Analysis

Data gathered in this research were ordinal; interval or ratio data are necessary for standardized regression techniques. Ordinal data can be examined using log-linear analysis. A special type of log-linear analysis--logit analysis--was chosen. In simple

log linear analysis, no dependent variables are specified; "all variables that are used for classification are independent variables, and the dependent variable is the number of cases in a cell of the crosstabulation" (Norusis, 1985, p. 298). If you specify a dependent variable, the appropriate procedure is logit analysis.

Logit analysis is analogous to ordinary regression. The major difference between the two methods is that "independent variables affect not the probability but the odds on the dependent variable (e.g., the ratio of favorable responses)" (Knoke & Burke, 1986, p. 8). The goal in logit analysis is to find the model which best fits the data, or in simple terms, which independent variables or interactions best explain the dependent variable.

Choosing a Model

Computer packages calculate logit models then the researcher decides which model is best. The statistical software packages calculate a number of figures, the most important of which is the likelihood-ratio chi-square (L^2).

In logit analysis, a model with a low L^2 relative to degrees of freedom fits the data best. Knoke and Burke (1986) caution readers that this is not what is ordinarily preferred when interpreting chi-square:

Note that this testing strategy is the opposite of the one usually taught in conjunction with traditional chi-square tests of independence in two-way tables. . . . In the usual chi-square test of independence, we seek to reject the null hypothesis of no association between

the variables; hence, we hope to find a large X^2 value [Pearson chi-square statistic] relative to df [degrees of freedom]. But in trying to find the best-fitting log-linear or logit model to describe a crosstabulation, we hope to accept the hypothesized model; hence, we want to find a low L^2 value relative to df (pp. 30-31).

Thus, when analyzing logit models the goal is to find the most parsimonious model with the best fit by examining the change in L^2 as variables or interaction terms are added or deleted from the model.

Results

Logit analysis was done using two statistical software packages--SPSSX and APL. The results were identical. Models were obtained for three of the four relationships. Logit analysis could not be calculated for the stranger situation because there was no variation in responses; only one person disagreed the situation was rape. Models for each of the remaining relationships were obtained but only the model for the marital relationship is discussed because less than 10 people disagreed that rape had occurred between the acquaintances and also the dating partners.

Marital Relationship

The saturated model in logit analysis always fits the data perfectly because all variables and interaction terms are included. If any other models fit the data, it is preferable to choose one of them for if you include every variable in the model, not much information is gained about which one is most important.

Tables 11 and 12 present data for the logit analysis of the marital rape vignettes.

Neither the baseline or the gender effects model fit the data. Sex of the respondent best explained responses in the marital situation. Males were less likely than females to define those situations as rape. The effect of gender attitudes and sex does not improve the model significantly.

Discussion

Male college students may be apprehensive that they could some day be charged with marital rape after they had pressured sexual intercourse. Thus, it may be self protective not to define such situations as rape and their sex became a factor in how they interpreted the situation. Women, on the other hand, may be able to empathize with how the woman in the vignette may have felt violated. Thus, they defined the situation as rape.

The statistical technique chosen may not be the best way to interpret this data set. There was very little variation in responses. Reanalyzing the data using a different statistical technique may yield better results.

TABLE 11
DEFINITION OF MARITAL RELATIONSHIP SITUATION BY GENDER ATTITUDES
SCORE AND SEX

Definition of Situation	Male		Female		Totals
	"Traditional"	"Modern"	"Traditional"	Modern"	
Agree situation is rape	43	24	56	70	193
Disagree situation is rape	16	8	3	9	36
Totals	59	32	59	79	229

TABLE 12

GOODNESS-OF-FIT TESTS FOR VARIOUS LOGIT MODELS; DEFINITION OF MARITAL INCIDENT
IS DEPENDENT VARIABLE*

Model	Fitted Marginals	df	L ²	p	Base Model	Change in L ²	df	p
Baseline	(R) (SG)	3	14.53	<.01	--	--	--	-
Gender Attitudes Effect	(RG) (SG)	2	14.50	<.01	1	.03	1	.90
Sex Effect	(RS) (SG)	2	1.84	.40	1	12.69	1	<.01
Gender Att. & Sex Effect	(RG) (RS) (SG)	1	1.41	.24	3	.43	1	.50
Saturated Model	(RGS)	0	0.0	1.00	3	1.41	1	.20

*R = Students' definition of the situation; S = Sex; G = Gender attitudes.

CHAPTER VI

SUMMARY AND CONCLUSIONS

This research was designed to discover why marital rape is not defined as a social problem in Tennessee and other states. The focus was on college students', lawyers' and legislators' perceptions of sexual assault between marriage partners. A related question was whether marital rape is likely to be perceived as a social problem in the near future. The interviews and survey data provide some answers to these questions.

Factors Influencing Perceptions of Marital Rape

Social Definition of the Family

One interpretation of the research findings is that the prevailing definition of the family is one of the main impediments to perceiving rape in marriage as a social problem. The marital exemption is based on the assumption that when two people marry, the man gains the right to sexual intercourse on demand and the woman surrenders her right to say "no." Laws have specified different rights and duties for husbands and wives. Males have been assigned responsibility for economic support and received right of access to their spouses' domestic services and bodies.

Belief in the husband's right to have sexual intercourse with his wife on demand was illustrated most clearly by the students' explanations of why they did not perceive the vignettes describing

sexual assault in marriage involved rape. When asked why they did not define the situation as rape, some answered because sex was "her duty" or "his right."

Lawyers perceived judges and jurors would believe in the husband's right to have sexual intercourse regardless of the wife's wishes, and as a consequence probably would be unsympathetic to wives prosecuting their husbands for rape. The lawyers believed that unless an incident was extremely violent, most judges and jurors would not perceive that the husband had committed a crime. Evidently extreme physical violence by a husband against his wife is proscribed, rather than sex against a wife's will.

Negative Consequences for the Legal System

Another impediment to defining rape within marriage as a social problem and particularly a crime is the perceived legal consequence. Lawyers and especially legislators expressed apprehension that passing comprehensive marital rape laws would lead to the courts being inundated with petty complaints. The belief that the criminal system might be abused by "vindictive" women seeking larger divorce settlements is apparently held by a number of lawyers and legislators.

Sex of the Respondent

The data from both the student surveys and the interviews indicate that men are less likely than women to define forced sex in marriage as rape. Male students agreed forced sex was rape less often than the female students. Additionally, male lawyers were less willing

to support marital rape legislation than the female ones. Winning, or "getting the conviction," was most salient to the men, whereas the women lawyers were concerned primarily with offering women who had been raped by their husbands legal recourse--regardless of whether the husband actually would be convicted.

Future Perceptions of Marital Rape

Marital rape is not likely to be seen as a social problem in the near future. Resistance to legally recognizing rape in marriage was particularly evident among legislators--in whose hands proposed marital rape legislation rests. In Chapter II arguments for and against marital rape laws were presented. The arguments opposing marital rape laws largely were propounded in the 1950's. Interestingly, Tennessee legislators in the 1980's cited many of those arguments. Societal debate about making rape in marriage illegal began decades ago, and apparently will continue until legislators' change their beliefs.

Limitations of the Data

Neither the interview nor the survey respondents were selected through a random sampling process limiting the generalizability of the findings. There is no reason to believe that the population of students sampled differed significantly from any other sample of undergraduate college students from a conservative area of the country.

In addition, the sample size for the interviews was small. If more interviews could have been obtained, there would be more confidence that the attitudes these professionals expressed are representative of the views of other legislators and lawyers in Tennessee.

The logit analysis was not very informative because of low variability in survey responses. Better results might be obtained by reanalyzing the data using a different statistical technique such as MANOVA or MANCOVA.

Finally, the effects of varying force, resistance and injury depicted in the vignettes could not be tested with confidence because of the research design. The design could be improved by only varying one variable at a time in the vignettes and by increasing the sample size.

Implications for Future Research

Perceptions of marital rape are important to ascertain to understand why there is reluctance to define rape as a social problem. Future research might (1) explore the attitudes of different segments of the population, (2) examine perceptions of legislators in states where comprehensive marital rape laws have passed, and (3) study students' perceptions in greater depth.

The research presented in this thesis is limited in its generalizability because the sample of students, lawyers and legislators was neither large nor random. Future survey research using

random samples of the general population could offer a clearer picture of perceptions of marital rape and attitudes about marital rape legislation. Comparisons also could be made between various sectors of the population. For example, one could compare attitudes in urban and rural areas, between males and females, and between older and younger people.

Some states have passed comprehensive marital rape laws. How do legislators in those states differ from those in Tennessee, and how were they persuaded to support such legislation? Answers to these questions might be obtained through interviewing legislators in those states where marital rape laws have passed and comparing their attitudes to those of legislators in states where marital rape laws encounter opposition. Also, a plethora of information is available in the records of legislative debates about passage of marital rape laws. Content analysis of such data might provide insight into why some states have passed marital rape laws and others are so resistant.

Finally, this research found that most students defined forced sex in marriage as rape, although they did not believe wives should criminally prosecute for rape. Future research is needed to better understand why students are reluctant to support legal redress for an action which they define as rape. Do they believe women would encounter too many problems in the legal system, or do they believe that it is wrong for wives to take criminal action against husbands?

Social problems require collective definition and collective action. Until forced sex in marriage is defined as rape and action is taken against the behavior, many wives will be forced to endure sexual abuse with little recourse.

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APPENDICES

APPENDIX I

LAWYER QUESTIONNAIRE

Demographics

1. How long have you practiced law?
2. How much coverage do rape cases get in law school?

Attitudes Towards Marital Rape Laws

1. Are you familiar with the marital rape law in Tennessee? (if no, explain)
2. Do you believe this law needs reform? Why or why not?
3. What kind of reform would you propose (if applicable)?
4. Can you think of any alternatives that would be as effective or more effective than marital rape laws?

Pragmatic Consequences of Marital Rape Laws

1. If a comprehensive marital rape law were passed, one that allowed spouses to prosecute just as stranger rape victims can prosecute, would you encourage victims to prosecute on these grounds? Why or why not?
2. How do you think juries would react to a marital rape case?
3. How do you think judges would react to a marital rape case?
4. Do you believe victims' cases could be won on the grounds of marital rape alone? Why or why not?
5. What do you believe the three most significant consequences (positive or negative) of a comprehensive marital rape law would be?

Experience with Marital Rape Victims

1. Have you ever had any experience with marital rape victims? I do not want specific details, I just want to get an idea of characteristics of marital rape victims and what kinds of problems you encountered.

Did she want to prosecute her husband?

Do you think the incident was serious enough to warrant prosecution?

In your opinion, what was the victim's reaction to the incident?

Perceptions of Marital Rape

1. How do you define marital rape?
2. Would you support a marital rape bill? Why or why not?

APPENDIX II

LEGISLATOR QUESTIONNAIRE

Demographics

1. How long have you been in the legislature?
2. How many times has a marital rape bill been brought before the legislature during your tenure?

Attitudes Towards Marital Rape Laws

1. Are you familiar with the marital rape law in Tennessee?
2. Do you believe this law needs reform? Why or why not?
3. What kind of reform in the law would you propose (if applicable)?
4. Can you think of any alternatives that would be as effective or more effective than legal reform?

Pragmatic Consequences of Marital Rape Laws

1. If a comprehensive marital rape law were passed, one that allowed spouses to prosecute just as stranger rape victims can prosecute, do you think the law would be used? Why or why not?
2. What do you believe the three most significant consequences (positive or negative) of a comprehensive marital rape law would be?

Perceptions of Marital Rape

1. How do you define marital rape?
2. Would you support a comprehensive marital rape bill? Why or why not?
3. Do you think the majority of your constituents support such a law? Why or why not?
4. Has anyone contacted you either in favor or against a marital rape bill recently?

APPENDIX III

VIGNETTES

1. After work, a young woman walking to her car is attacked by a stranger who put a knife to her throat. Frightened she gave into his demands. She was forced to have sex with him. She was left beaten.
2. After work, a young woman walking to her car is attacked by a stranger who put a knife to her throat. Frightened she gave into his demands. She was forced to have sex with him. She was left sobbing.
3. After work a young woman walking to her car is attacked by a stranger who put a knife to her throat. Frightened she kicked and screamed. She was forced to have sex with him. She was left beaten.
4. After work, a young woman walking to her car is attacked by a stranger who covered her mouth and demanded that she be quiet. Frightened, she gave into his demands. She was forced to have sex with him. She was left beaten.
5. After work, a young woman walking to her car is attacked by a stranger who put a knife to her throat. Frightened, she kicked and screamed. She was forced to have sex with him. She was left sobbing.
6. After work, a young woman walking to her car is attacked by a stranger who covered her mouth and demanded that she be quiet. Frightened, she kicked and screamed. She was forced to have sex with him. She was left sobbing.
7. After work, a young woman walking to her car is attacked by a stranger who covered her mouth and demanded that she be quiet. Frightened, she gave into his demands. She was forced to have sex with him. She was left sobbing.
8. After work, a young woman walking to her car is attacked by a stranger who covered her mouth and demanded that she be quiet. Frightened, she kicked and screamed. She was forced to have sex with him. She was left sobbing.
- a. A woman who had just met a man in a bar accepted a ride home with him. At her place he asked if he could come in to use her

bathroom. Once inside he pulled a gun and demanded sex. She refused. She was forced to have sex, then he left her with a broken nose and a split lip.

- b. A woman who had just met a man in a bar accepted a ride home from him. At her place he asked if he could come in to use her bathroom. Once inside he pulled a gun and demanded sex. She refused. She was forced to have sex, then he left her dazed and frightened.
- c. A woman who had just met a man in a bar accepted a ride home from him. At her place he asked if he could come in to use her bathroom. Once inside he pulled a gun and demanded sex. She began struggling to get away from him. She was forced to have sex, then he left her with a broken nose and a split lip.
- d. A woman who had just met a man in a bar accepted a ride home from him. At her place he asked if he could come in to use her bathroom. Once inside he pulled a gun and demanded sex. She began struggling to get away from him. She was forced to have sex, then he left her dazed and frightened.
- e. A woman who had just met a man in a bar accepted a ride home from him. At her place he asked if he could come in to use her bathroom. Once inside he pushed her on the couch and demanded sex. She refused. She was forced to have sex, then he left her with a broken nose and a split lip.
- f. A woman who had just met a man in a bar accepted a ride home from him. At her place he asked if he could come in to use her bathroom. Once inside he pushed her on the couch and demanded sex. She refused. She was forced to have sex, then he left her dazed and frightened.
- g. A woman who had just met a man in a bar accepted a ride home from him. At her place he asked if he could come in to use her bathroom. Once inside he pushed her on the couch and demanded sex. She began struggling to get away from him. She was forced to have sex, then he left her with a broken nose and split lip.
- h. A woman who had just met a man in a bar accepted a ride home from him. At her place he asked if he could come in for a cup of coffee. Once inside he pushed her on the couch and demanded sex. She began struggling to get away from him. She was forced to have sex, then he left her dazed and frightened.
- 1. A young college student had been dating another student for several months. They had agreed not to have sex until they knew

each other better. However, when she refused one night, he became furious and held her down. She cried. She was forced to have sex with him. The woman suffered a broken rib.

2. A young college student had been dating another student for several months. They had agreed not to have sex until they knew each other better. However, when she refused one night, he became furious and held her down. She cried. She was forced to have sex with him. The woman was stunned and angry.
3. A young college student had been dating another student for several months. They had agreed not to have sex until they knew each other better. However, when she refused one night, he became furious and held her down. She screamed for help. She was forced to have sex with him. The woman suffered a broken rib.
4. A young college student had been dating another student for several months. They had agreed not to have sex until they knew each other better. However, when she refused one night, he became furious and held her down. She screamed for help. She was forced to have sex with him. The woman was stunned and angry.
5. A young college student had been dating another student for several months. They had agreed not to have sex until they knew each other better. However, when she refused one night he became furious and beat her. She cried. She was forced to have sex with him. The woman suffered a broken rib.
6. A young college student had been dating another student for several months. They had agreed not to have sex until they knew each other better. However, when she refused one night he became furious and beat her. She cried. She was forced to have sex with him. The woman was stunned and angry.
7. A young college student had been dating another student for several months. They had agreed not to have sex until they knew each other better. However, when she refused one night he became furious and beat her. She screamed for help. She was forced to have sex with him. The woman suffered a broken rib.
8. A young college student had been dating another student for several months. They had agreed not to have sex until they knew each other better. However, when she refused one night he became furious and beat her. She screamed for help. She was forced to have sex with him. The woman was stunned and angry.
- a. Following an argument one evening, a husband demanded his wife have sex with him. She refused. He became angry and beat her up. She bit and kicked, but he still forced her to have intercourse. Afterwards, she had a broken arm.

- b. Following an argument one evening, a husband demanded his wife have sex with him. She refused. He became angry and beat her up. She bit and kicked, but he still forced her to have intercourse. Afterwards, she was shocked.
- c. Following an argument one evening, a husband demanded his wife have sex with him. She refused. He became angry and beat her up. She begged him not to, but he still forced her to have intercourse. Afterwards, she had a broken arm.
- d. Following an argument one evening, a husband demanded his wife have sex with him. She refused. He became angry and beat her up. She begged him not to, but he still forced her to have intercourse. Afterwards, she was shocked.
- e. Following an argument one evening, a husband demanded his wife have sex with him. She refused. He became angry and held her down. She bit and kicked, but he still forced her to have intercourse. Afterwards, she was shocked.
- f. Following an argument one evening, a husband demanded his wife have sex with him. She refused. He became angry and held her down. She bit and kicked, but he still forced her to have intercourse. Afterwards, she had a broken arm.
- g. Following an argument one evening, a husband demanded his wife have sex with him. She refused. He became angry and held her down. She begged him not to, but he still forced her to have intercourse. Afterwards, she had a broken arm.
- h. Following an argument one evening, a husband demanded his wife have sex with him. She refused. He became angry and held her down. She begged him not to, but he still forced her to have intercourse. Afterwards, she was shocked.

APPENDIX IV

VIGNETTE QUESTIONNAIRE

1. In your opinion, was this a case of rape based on the information presented? (circle letter)

strongly agree	agree	disagree	strongly disagree
a	b	c	d

Briefly indicate why you agree or disagree (based on her behavior, his behavior and/or the situation).

For the remaining questions, respond as if the woman was your relative.

2. Would you encourage her to have the man charged with rape? (circle letter)
- a. I would strongly encourage her.
 - b. I would mildly encourage her.
 - c. I would support whatever decision she made.
 - d. I would mildly discourage her.
 - e. I would strongly discourage her.
3. Instead of charging the man with a sexual offense, would you advise her to charge him with the lesser offense of assault and battery?
- a. I would strongly encourage her.
 - b. I would mildly encourage her.
 - c. I would support her in whatever decision she made.
 - d. I would mildly discourage her.
 - e. I would strongly discourage her.
4. Instead of bringing criminal charges, would you encourage her to bring a civil suit for the harm he caused?
- a. I would strongly encourage her.
 - b. I would mildly encourage her.
 - c. I would support her in whatever decision she made.
 - d. I would mildly discourage her.
 - e. I would strongly discourage her.
5. Instead of bringing criminal or civil charges, would you encourage her to seek counseling?
- a. I would strongly encourage her.
 - b. I would mildly encourage her.

- c. I would support her in whatever decision she made.
- d. I would mildly discourage her.
- e. I would strongly discourage her.

6. Would you encourage her to take more than one type of action?
____ no ____ yes

If yes, please check all actions you would encourage.

- ____ a. charge with rape
- ____ b. charge with assault and battery
- ____ c. bring civil suit
- ____ d. seek counseling

7. Instead of encouraging any action, would you tell her that these things happen so she should forget it?
- a. I would strongly encourage her.
 - b. I would mildly encourage her.
 - c. I would not comment.
 - d. I would mildly discourage her.
 - e. I would strongly discourage her.

VITA

Lee Millar-Bidwell was born in Baltimore, Maryland on November 10, 1962. She graduated from McGavock High School in Nashville, Tennessee in May 1980. The following fall she entered Maryville College in Maryville, Tennessee where she majored in sociology and political science. Graduating Summa Cum Laude, she received Her Bachelor of Arts degree in May 1984. In the fall of 1984 she accepted a Hilton A. Smith fellowship to attend The University of Tennessee, Knoxville. She was named the Outstanding Sociology Graduate Student in 1985-86. She was awarded a Master's degree in sociology in December 1986.

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