

## Module I: Defining Intimate Partner Sexual Abuse and Assessing its Prevalence

### Table of Contents and Learning Objectives

(18 Pages)

#### Learning Objectives:

This module will enable a judge to:

- Define "intimate partner sexual abuse" and identify the many forms it may take.
- Recognize that intimate partner sexual abuse is a vastly underreported yet very common aspect of domestic violence.
- Understand why intimate partner sexual abuse is severely traumatic to victims, sometimes physically and nearly always psychologically.
- Address the myth that intimate partner rape is less harmful than stranger rape.

#### Table of Contents

- [Introduction: What is Intimate Partner Sexual Abuse?](#)
- Mechanisms of Coercion
  - [Economic or Other Types of Extortion](#)
  - [Degrading Language and Behavior Relating to Sexuality](#)
  - [Control and Possessiveness Around the Issues of Sex and Pregnancy](#)
  - [The Negative Influence of Pornography](#)
  - [Using Children to Harm their Mothers](#)
  - [Forced Sex Acts](#)
  - [Sexual Torture: Hurting Victim in Relation to Sex](#)
- [How Prevalent is Intimate Partner Sexual Abuse?](#)
  - [Abusive Men: Northeastern Study](#)
  - [Femicide Study](#)
  - [Abused Women: Houston, Midwest and Duluth Studies](#)
  - [Repeated Assaults](#)
  - [Self-Test and Answers](#)
  - [Reflection Questions](#)
- [Key Points for Module I: Defining Intimate Partner Sexual Abuse and Assessing its Prevalence](#)

## Module I: Defining Intimate Partner Sexual Abuse and Assessing its Prevalence

### Introduction: What is Intimate Partner Sexual Abuse?

**CAVEAT: The research and cases cited throughout this course contain graphic descriptions of sexual and physical violence. Some of this material is extremely disturbing.**

Intimate partner sexual abuse encompasses a wide range of coerced sexual activity, far beyond marital rape alone. Victims may be coerced into sexual activity or denied control over their reproductive health through verbal coercion, threats against the victim or others, financial manipulation or physical violence.

This module presents the many mechanisms of coercion, ranging from economic and other types of extortion to sexual torture, with representative cases.

These cases sometimes involve conduct so extreme that it is difficult to believe that the facts alleged could possibly be true. It is important to be aware of all the manifestations of intimate partner sexual abuse in order to understand just how extreme this abuse can be and to see this type of abuse as an aspect of domestic violence and a factor for risk assessment.

## Resources

### *Nonperiodical Literature*

- Raquel Kennedy Bergen, Elizabeth Barnhill, VAWnet, [\*Marital Rape: New Research and Directions\*](#) PDF 0.8MB

## Module I: Defining Intimate Partner Sexual Abuse and Assessing its Prevalence

### Economic or Other Types of Extortion

- If I'm in a good mood I might buy...
- Withholding money because of sex
- Conditioning money or gifts on sex



An abuser denied cash to his partner, requiring her to buy necessities for herself and their children with a credit card so he could monitor her purchases.

Eventually he took away the credit card. In a custody hearing she testified, "After [he took away the credit card] I had to basically beg him for money for everything, and he would sometimes demand sex in exchange for money for groceries or gas."

— Brief for Appellant at 6. *Fairchild v. Carson*, (D.C. Ct. of Appeals, Nos. 06-FM-165 & 06-FM-160 (2007)).

- Paying victim for sex acts she does not want to perform  
A publicly prominent obstetrician-gynecologist sexually abused his wife in multiple ways, including paying her to perform oral sex, which she hated.  
— McGarvey, [Dr. Hager's Family Values](#) (PDF 52KB) (2005) at 4.
- Trafficking of intimate partner for purposes of forced prostitution or other sexual exploitation

"♦[A]ccording to the government, the majority of prosecutions for sex trafficking in this district involve men who have forced their wives or girlfriends to engage in prostitution."

—U.S. v. Marcus, 487 F. Supp. 2d 289, 2007 U.S. Dist. LEXIS 35969 (E.D.N.Y. May 17, 2007) at 302.

As legislative, prosecutorial and judicial attention continues to turn to consideration of trafficking cases, courts may find that intimate partner sexual abuse is an important component of many trafficking cases.

- Refusing to pay child support without sex
- Refusing essential medical transportation without sex

A rural woman in labor was dependent on her husband for the half-hour drive to the hospital. Despite her pleas that she was in acute pain, he refused to drive her until she had intercourse with him."Please, W., take me to the hospital,' I begged as another contraction stormed across my body. 'Not until we have a screw,' he insisted."

— Mrs. Brows quoted in RUSSELL, RAPE IN MARRIAGE (1990) at 338.

### Resources

#### Cases

- *Fairchild v. Carson*, *Fairchild v. Carson*, D.C. CT. OF APPEALS, NOS. 06-FM-165 & 06-FM-160 (2007)

#### Nonperiodical Literature

- [Minnesota Victim's Statement](#) CREATING A PROCESS OF CHANGE FOR MEN WHO BATTER, FACILITATOR'S MANUAL (2003)
- Diana Russell, RAPE IN MARRIAGE (1982)

## Module I: Defining Intimate Partner Sexual Abuse and Assessing its Prevalence

### Degrading Language and Behavior

- Using sexually degrading names
- Criticizing the victim's physical features/attractiveness/body image

Candy was married to Edward for ten years. When he was ordered into a batterers intervention program, Candy gave a statement to the partners support group that included this:

"He would tell me during intercourse, 'You have a big ugly cunt and your breasts are too small.'"

— Domestic Abuse Intervention Project of Duluth, Minnesota (2003).  
Read [Candy's full statement](#) (PDF 14KB)



- Making the victim feel cheap or dirty for wanting sex
- Using sex to prove faithfulness
- Withholding affection or accusing her of being sexually abusive for denying sex
- Blaming the victim for not being sexually satisfied
- Comparing to others
- Flaunting affairs

## Resources

## Cases

- C.B. v. J.U., [C.B. v. J.U.](#), 798 N.Y.S. 2d 707 (2004) 2 (2004)

## Articles

- Margaret Abraham, *Sexual Abuse in South Asian Immigrant Marriages*, Vol. 5 VIOLENCE AGAINST WOMEN 591 (1999)
- People v. Goodsell, *People v. Goodsell*, 2003 MICH. APP. LEXIS 819 (2003)
- Lynn Harris, [He Thought a Baby Would Keep Me in His Life Forever](#), AlterNet, (June 26, 2009)

## Module I: Defining Intimate Partner Sexual Abuse and Assessing its Prevalence

## Control and Possesiveness Around the Issues of Sex and Pregnancy

- Accusing victim of having affairs, flirting, dressing provocatively, or coming on to others

"A lot of times it [rape] happened because he was so jealous. He always thought that I was looking at other men. Like the time my brother and his friend – who I grew up with – were over and he thought I was looking at his friend, and he was really mad. He started hitting me and then forced me to have sex."

— Natalie, quoted in BERGEN, WIFE RAPE (1996) at 22.

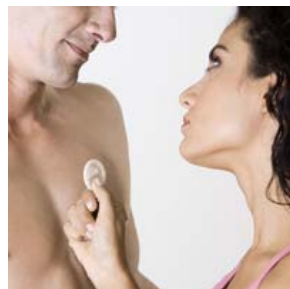
Victim ran a beauty parlor. Defendant objected to her having male clients and accused her of having sex with them.

— *People v. Goodsell*, 2003 Mich. App. LEXIS 819.

- Pressuring or forcing her to dress a certain way to please/attract other men
- Punishing her for attracting attention of other men
- Inspecting her clothing and person for signs of sexual activity
- Stalking to ensure fidelity
- Coercing sex without protection against pregnancy or sexually transmitted infections

"Among adolescent girls, survivors of partner abuse are significantly more likely than others to be diagnosed with an STD."

— Harris, 'He Thought a Baby Would Keep Me in His Life Forever' (2009)



- Coercing pregnancy

"Most of the time he would force himself on me . . . [A]fter my fourth child, my sister's friend suggested I go on the pill . . . but my husband was reluctant to buy them. He himself never wanted to use condoms or anything . . . and by making me pregnant time and time again, he was trying to tie me down to him."

— Zarina, quoted in Abraham, *Sexual Abuse in South Asian Immigrant Marriages* (1999) at 606.

"We have to treat pregnancy itself as a warning sign...I always tell other counselors that I'm training, 'When you see a pregnant teen girl, always, always assess for an abusive relationship, because 99 percent of the time, that will be the case.'"

—Dr. Jill A. Murray, quoted in Harris, 'He Thought a Baby Would Keep Me in His Life Forever' (2009)

In a New York case the sleeping victim awoke to find her husband climaxing inside her. She testified, "And I asked him, 'What are you doing?' and he answered to me that...I was not going to control who's having a baby or not."

— [C.B. v. J.U.](#) (PDF 52KB), 798 N.Y.S. 2d 707 (2004), 2004 N.Y. Misc. LEXIS 1742 at 2: PDF.

- Coercing abortion

"Those first 2 years I got pregnant three times ... Three times he forced me to go for an abortion, which I was totally against."

— Tara, quoted in Abraham, *Sexual Abuse in South Asian Immigrant Marriages* (1999) at 606.

## Module I: Defining Intimate Partner Sexual Abuse and Assessing its Prevalence

### The Negative Influence of Pornography

- Making victim view, imitate, or participate in pornography;

In a sample of rural Ohio women who were sexually assaulted by their partners, 30% said pornography was involved in their sexually abusive experiences.

Danielle, a woman from this study, "knew that she was particularly at risk for being sexually assaulted after her husband watched pornographic movies, so she made extra efforts to avoid him at these times."

— DeKeseredy, *et al.*, *Separation/Divorce Sexual Assault: The Contribution of Male Support* (2006) at 242.



One of the best-known pornographic films, "Deep Throat," involved coercion by a sexually abusive spouse. Linda Marchiano, the woman who portrayed the character known as "Linda Lovelace," testified about her experiences before the 1986 Attorney General's Commission on Pornography ["Meese Commission"]. Ms. Marchiano revealed that her participation in the film had been forced by her then-husband, at threat of gunpoint; indeed, fellow cast members were aware of her being beaten by him in a room adjacent to where a cast party was taking place during the filming. Ms. Marchiano testified before the Meese Commission:

"During the filming of Deep Throat, actually after the first day, I suffered a brutal beating in my room for smiling on the set. It was a hotel room and the whole crew was in one room, there was at least twenty people partying, music going, laughing, and having a good time. Mr. Traynor [her then-husband] started to bounce me off the walls. I figured out of twenty people, there might be one human being that would do something to help me and I was screaming for help, I was being beaten, I was being kicked around and again bounced off of walls. And all of a sudden the room next door became very quiet. Nobody, not one person, came to help me."

Report of Attorney General's Commission on Pornography, Final Report (1986), available at

<http://www.porn-report.com>

The experiences of another witness before the Meese Commission illustrate how pornography may be incorporated into intimate partner sex abuse:

"When I first met my husband, it was in early 1975, and he was all the time talking about Ms. Marchiano's film, Deep Throat. After we were married, he on several occasions referred to her performances and suggested I try to imitate her actions .... Last January . . . my husband raped me .... He made me strip and lie on our bed. He cut our clothesline up ... and tied my hands and feet to the four corners of the bedframe. (All this was done while our nine month old son watched.) While he held a butcher knife on me threatening to kill me he fed me three strong tranquilizers. I started crying and because the baby got scared and also began crying, he beat my face and my body. I later had welts and bruises. He attempted to smother me with a pillow .... Then he had sex with me vaginally, and then forced me to give oral sex to him."

The tremendous proliferation of Internet pornography posted both by professional producers who charge and amateurs who post home-made material for free has increased the risk to victims of intimate partner sexual abuse. (See e.g., Matt Richtel, "For Pornographers, Internet's Virtues Turn to Vices," *The New York Times*, June 2, 2007 at 1). Victims report being coerced into participation in pornography, being subjected to sexual torture and feeling entrapped in sexually violent relationships. (See e.g., *U.S. v. Marcus*, No. 05-CR-457 (ARR), 2007 U.S. Dist. LEXIS 35969 (E.D.N.Y. May 17, 2007)). [CAVEAT: This case contains graphic descriptions of sexual and physical violence. Some of this material is extremely disturbing.]

Researchers observe that, for immigrants especially, "exposure to pornography has a negative impact on attitudes, sexuality, and behavior. Thus, viewing of pornography as normal in the United States has implications for immigrant men and women's perceptions of sexual behavior and undermines women's ability to resist sexual acts that are against their will."

Abraham, *Sexual Abuse in South Asian Immigrant Marriages* (1999) at 609.

Immigrant women report sexually assaultive behavior that indicates their husbands' expectations are based on mistaken notions of "sexual permissiveness" in Western cultures, particularly in America. In Abraham, *Sexual Abuse in South Asian Immigrant Marriages*, for example, the author quotes a woman whose husband hurt her sexually and demanded sexual activity she did not want. When she tried to resist he said, "'[Y]ou just can't be like this...' He always used the word shy. He said, 'You can't be shy.' You must be bold like those [American women] and do what I ask...." *Id.* at 601.

## Resources

### Articles

- Margaret Abraham, *Sexual Abuse in South Asian Immigrant Marriages*, VOL. 5 VIOLENCE AGAINST WOMEN 591 (1999)
- Walter S. DeKeseredy, *Separation/Divorce Sexual Assault: The Contribution of Male Support*, VOL. 1 FEMINIST CRIMINOLOGY 228 (2006)

### Cases

- *U.S. v. Marcus*, *U.S. v. Marcus*, No. 05-CR-457 (ARR), 2007 U.S. Dist. LEXIS 35969 (E.D.N.Y.) (May 17, 2007)

### Nonperiodical Literature

- ATTORNEY GENERAL'S COMMISSION ON PORNOGRAPHY, FINAL REPORT (1996)



## Module I: Defining Intimate Partner Sexual Abuse and Assessing its Prevalence

### Using Children to Harm Their Mothers

- Making noise during sex so children hear
- Threatening to make noise that children will hear if partner is "uncooperative" with sexual demands
- Comparison of partner to same-gender children
- Implying sexual interest in children to control partner
- Threatening children if partner doesn't "cooperate"
- Using sexual language in front of children
- Telling children sexual information about partner
- Exposing children to pornography
- Flaunting sexual abuse of children including sexualized touching or handling
- Sexually abusing partner in front of children

*See e.g., State v. Castaneda*, No. 14922-6-III, 1977 WL 154100 (Wash. Ct. App. Apr. 3, 1997); *Commonwealth v. Spetzer*, 572 Pa. 17, 813 A.2d 707 (2002).

- Forcing children to have sexual contact with partner.

*See e.g., State v. B.H.*, 870 A.2d 273 (N.J. 2005)

- Threatening to take custody of children if partner does not comply
- Threatening to have sex with a prostitute, contract AIDS or an STI and then transmit the disease/infection if partner does not perform

## Resources

### Cases

- Commonwealth v. Spetzer, *Commonwealth v. Spetzer*, 572 Pa. 17, 813 A.2d 707 (2002)
- State v. B.H., *State v. B.H.*, 870 A.2d 273 (N.J.) (2005)
- State v. Castaneda, *State v. Castaneda*, No. 14922-6-III, 1977 WL 154100 (WASH. CT. APP.) (April 3, 1997)

## Module I: Defining Intimate Partner Sexual Abuse and Assessing its Prevalence

### Forced Sex Acts

#### Trying/making victim perform sex acts against her will, when not fully conscious or when afraid.

- Forcing victim to have sex with others or in front of others
 

"He wanted me to have sex with a few people ... and I didn't want to ... And, uh, I finally did. And then I got beat for it because I did. I tried not to, but then when we did, I got beat."

— Lorraine, quoted in DeKeseredy, *et al.*, *Separation/Divorce Sexual Assault: The Contribution of Male Support* (2006) at 240.

Husband forces wife to have sex with his 13-year-old employee and takes Polaroid photographs.

— *Johnson v. State*, 222 Ga. App. 722, 475 S.E. 2d 1918 (1997).
- Forcing prostitution or stripping
 

"...[A]ccording to the government, the majority of prosecutions for sex trafficking in this district involve men who have forced their wives or girlfriends to engage in prostitution."

— *U.S. v. Marcus*, 487 F. Supp. 2d 289, 2007 U.S. Dist. LEXIS 35969 (E.D.N.Y. May 17, 2007).
- Forcing vaginal, oral or anal sex
 

See, e.g., *People v. Wilson*, Not reported in Cal. Rptr. 3d, 2005 Cal. App Unpub. LEXIS 11157 (Cal. Appl. 2 Dist.), Husband forces anal penetration despite wife's "telling him many times that she would not agree to have anal sex because she had hemorrhoids and it caused her great pain" at \*5
- Forcing sex with animals
 

See e.g., *State v. Dominy*, 6 S.W.3d 472 (Tenn. 1999), on remand 67 S.W.3d 822 (Tenn. Crim. App. 2001). **[CAVEAT: This case contains graphic descriptions of sexual and physical violence. Some of this material is extremely disturbing.]**
- "Apologizing" after a battering incident by coercing sex
 

"The worst part was after he would beat me, you know, and then he wanted to sleep with me and say 'I'm sorry'...."

— Pam, quoted in BERGEN, *WIFE RAPE* (1996) at 17.
- Forcing sex when victim is asleep, medicated or drugged
 

The wife of a sexually abusive obstetrician-gynecologist was diagnosed with narcolepsy and placed on medication to establish a consistent nighttime sleep pattern. She reported that her husband saw this as an opportunity and for seven years, anally raped her while she slept.

— McGarvey, *Dr. Hager's Family Values* (2005) at 5.

### Resources

#### Articles

- Walter S. DeKeseredy, *Separation/Divorce Sexual Assault: The Contribution of Male Support*, VOL. 1 FEMINIST CRIMINOLOGY 228 (2006)

#### Cases

- *Johnson v. State*, *Johnson v. State*, 222 GA. APP. 722, 475 S.E. 2D 1918 (1997)
- *State v. Dominy, State v. Dominy*, 6 S.W.3D 472 (TENN. 1999), ON REMAND 67 S.W.3D 822 (TENN. CRIM. APP.) (2001)
- *U.S. v. Marcus, U.S. v. Marcus*, No. 05-CR-457 (ARR), 2007 U.S. DIST. LEXIS 35969 (E.D.N.Y.) (May 17, 2007)
- *People v. Wilson, People v. Wilson*, NOT REPORTED IN CAL. RPTR. 3D, 2005 WL 3220264 (CAL. APP. 2 DIST.) (2005)

#### Newspapers

- Ayelish McGarvey, *Dr. Hager's Family Values*, THE NATION (May 30, 2005)

#### Nonperiodical Literature

- Raquel Kennedy Bergen, *WIFE RAPE: UNDERSTANDING THE RESPONSE OF SURVIVORS AND SERVICE PROVIDERS* (1996)

## Module I: Defining Intimate Partner Sexual Abuse and Assessing its Prevalence

### Sexual Torture

- Battering before, during or immediately following sex

"Sometimes I was able to fight him off, and I would fight like wild, and he wouldn't be able to get it in. But usually he would [succeed in penetrating her], and he put me in the hospital a lot. He broke my nose and my jaw and cut my wrists."

— Barbara, quoted in BERGEN, WIFE RAPE (1996) at 16.

- Forcing physically painful sex
- Hurting her during sex, such as by inserting objects

See e.g., *People v. Luna*, Not Reported in Cal. Rptr. 2d, 2003 WL 116425 (Cal. App. 2 Dist.).

- Assaulting her breasts or genitals
- Bondage

See e.g., *Sorlin v. Sorlin*, Not Reported in A.2d, 2003 WL 21323583 (Conn. Super); *U.S. v. Marcus*, No. 05-CR-457 (ARR), 2007 U.S. Dist. LEXIS 35969, (E.D.N.Y. May 17, 2007).



- Sadistic acts

When the wife of a physician returned home after a Caesarean section her husband forced her to have oral sex and anally raped her. She stated:

"I told him I couldn't have intercourse, and he told me[,] 'Skin heals in 72 hours.' I'll never forget that. Then he kneeled with a knee on either side of my shoulders and smacked his penis across my face and said, 'You suck me, bitch.'"

— Stacy, quoted in BERGEN, WIFE RAPE (1996) at 21.

"He was really into watching porno movies, and he tried to make me do all sorts of things. And I [didn't] like it. He hurt my stomach so bad because I was pregnant and he was making me do these things. I think he's a sadist—he pulls my hair and punches me and slaps me and makes me pass out."

— Tanya, quoted in BERGEN, WIFE RAPE (1996) at 18.

### Resources

#### Cases

- *U.S. v. Marcus*, *U.S. v. Marcus*, No. 05-CR-457 (ARR), 2007 U.S. DIST. LEXIS 35969 (E.D.N.Y.) (May 17, 2007)
- *Sorlin v. Sorlin*, *Sorlin v. Sorlin*, NOT REPORTED IN A.2D, 2003 WL21323583 (CONN. SUPER.) (2003)

#### Nonperiodical Literature

- Raquel Kennedy Bergen, WIFE RAPE: UNDERSTANDING THE RESPONSE OF SURVIVORS AND SERVICE PROVIDERS (1996)

## Resources

### Online

- [Minnesota Center Against Violence and Abuse \(MINCAVA\)](#)
- [The Battered Women's Justice Project in Minneapolis, Minnesota](#)

## Module I: Defining Intimate Partner Sexual Abuse and Assessing its Prevalence

### How Prevalent is Intimate Partner Sexual Abuse?

Intimate partner sexual abuse is mistakenly perceived as a rarity because it is little studied and almost never reported. Victim advocates, police and prosecutors are not trained to ask the questions that would elicit this information. Victims are extremely reluctant to disclose this most personal form of violence and humiliation. Many do not even realize that the sexual violence they are experiencing is against the law.

In recent years carefully structured interviews and surveys with abusive men and abused women have documented a stark and unacknowledged reality: **The rate of overlap between sexual violence and physical violence is so high that sexual abuse and sexual assault must be considered integral to domestic violence.**



#### Graham Barnes, Trainer on Batterer Intervention Programs at The Battered Women's Justice Project in Minneapolis, Minnesota



Until I had worked with men who batter for three to five years, I had no idea that the level of sexual assault within domestic violence relationships was so high. I had to hear these stories from the facilitators of the women's partner group before I realized that most of the women partners are also being sexually assaulted. It seems that lots of women hide the sexual abuse even when they tell about the beatings. In our program for men who batter, some men tell horrific stories of sexual abuse, but their women partners are not sharing this unless the setting is right. There is a very high percentage of women disclosing this to us in our women's groups, mostly because we create a trusting environment where they feel safe to talk about it. Our women's group facilitators are good at asking about it in ways that don't make the women feel bad. That seems very important.

**Resources****Articles**

- [About Male Batterers Who Sexually Abuse Their Intimate Partners](#), SEXUAL ASSAULT REPORT 25 (November/December 2006)
- Raquel Kennedy Bergen, Paul Bukovec, *Men and Intimate Partner Rape: Characteristics of Men who Sexually Abuse Their Partner*, VOL. 10 JOURNAL OF INTERPERSONAL VIOLENCE 1375 (2006)

**Module I: Defining Intimate Partner Sexual Abuse and Assessing its Prevalence****Study of Abusive Men: Northeastern Study**

In a study of 229 diverse men in a batterers intervention program in a large Northeastern city, the men completed a questionnaire that included specific behaviorally-based questions. Fifty-three percent (53%) of these men answered "yes" to questions about conduct that met the legal definition of rape or sexual assault in the program's state, but only 8% of these men answered "yes" to the question that put a label on their conduct: "Have you ever sexually abused your partner" (Bergen & Bukovec, *Men and Intimate Partner Rape*, 2006).

- 7% had threatened physical harm if their partner did not have sex
- 14% had used physical force to compel their partner to have sex against her will; among husband rapists the figure was 28%
- 17% had sex with their partner when she was unable to consent (*e.g.*, asleep)
- 6% forced their partner to view pornography
- 4% forced their partner to enact pornography
- 40% pressured their partner emotionally to have sex against her will
- Some men used weapons
- Some men forced their partner to have sex with other people, animals or objects
- Many men engaged in several forms of sexual abuse and assault
- 15% of the entire sample and 25% of the husband rapists said they frequently forced their partner to have sex after a fight, using sex as a way to "repossess women after a confrontation or to illogically try to 'make things better.'" *Id.* at 1382.

Even though 53% of these men admitted to at least once engaging in behavior constituting intimate partner sexual abuse, the researchers assert that this self-reported figure is an understatement. "[I]n this program, men tend to underreport extreme acts of physical violence ...[S]exual violence tends to be consistently underreported by both men in the program and to a lesser degree, their partner" (Bergen & Bukovec, *Men and Intimate Partner Rape*, (2006)).

For a summary of this study, see [About Male Batterers Who Sexually Abuse Their Intimate Partners](#) (PDF 293KB) (2006) .

## Module I: Defining Intimate Partner Sexual Abuse and Assessing its Prevalence

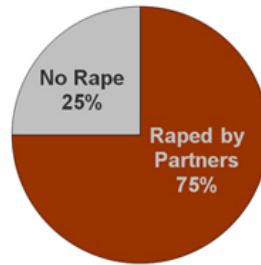
### Femicide Study

David Adams, a psychologist who in 1977 co-founded the nation's first counseling program for abusive men, conducted a ten year study of thirty-one men who killed their wives and female partners. Each man participated in a semi-structured interview that lasted between three and six hours. Adams expected the men's self-reports to be highly self-serving, and since he could not obtain the perspectives of their deceased victims for comparison, he decided the next best thing was to interview women who survived attempted homicide at the hands of their partners. He interviewed twenty victims of attempted homicide and another nineteen women who survived potentially life-threatening assaults. In his report on this study Adams wrote:

"There was no greater divergence in what victims and perpetrators reported than in the area of sexual violence. If we are to believe the killers, none of them had ever been sexually violent or even coercive to the women they killed... The victims of serious abuse painted a very different picture. Nearly three-fourths of the women said their abusive partners had raped them."

ADAMS, WHY DO THEY KILL? At 171-172

Survivors of Attempted Murder



### Resources

#### *Nonperiodical Literature*

- David Adams, WHY DO THEY KILL?: MEN WHO MURDER THEIR INTIMATE PARTNERS (2007)

#### *Cases*

- Patrick T. Lane v. State of Maryland, *Patrick T. Lane v. State of Maryland*, 348 Md. 272, 207 A.2d 180 (1996)

## Module I: Defining Intimate Partner Sexual Abuse and Assessing its Prevalence

### Studies of Abused Women

Data on the prevalence of co-occurring sexual and physical violence provided by victims themselves come from legislative history cited in judicial decisions, formal studies of groups of battered women, and women in batterer intervention programs partner groups. Examples of each are below.

#### Legislative History

In a discussion of the Maryland General Assembly's reconsideration of the marital rape exemption, the Maryland Court of Appeals cited legislative testimony about the prevalence of co-occurring sexual and physical violence among battered women in the state. "The House of Ruth, a shelter for battered women and children, reported that, of the 987 women served by its legal clinic in the previous year, two-thirds complained of having been raped at least once during their marriage, often after separation."

— *Patrick T. Lane v. State of Maryland*, 348 Md. 272, 290; 207 A.2d 180 (1996).

### Resources

#### Cases

- Patrick T. Lane v. State of Maryland, *Patrick T. Lane v. State of Maryland*, 348 Md. 272, 207 A.2d 180 (1996)

## Module I: Defining Intimate Partner Sexual Abuse and Assessing its Prevalence

### Abused Women: Houston, Midwest and Duluth Studies

#### Houston Study

In a study reported in the 2005 journal of The American College of Obstetricians and Gynecologists, specially-trained investigators conducted personal interviews with a diverse group of 148 abused women seeking orders of protection in Houston. The researchers used a conservative definition of sexual assault and asked only behaviorally-based questions. The five questions were:

During your relationship, did [name of abuser]

- Make you have sexual intercourse against your will?
- Physically force you to have sex?
- Make you have oral sex against your will?
- Make you have anal sex against your will?
- Use an object on you in a sexual way?

Of the 148 battered women in this Houston study:

- Sixty-eight percent (68%) reported sexual assault in addition to physical violence
- Fifteen percent (15%) attributed sexually-transmitted infections to the sexual assault
- Twenty percent (20%) experienced a rape-related pregnancy
- There were high levels of posttraumatic stress disorder

The researchers concluded: "Sexual assault is experienced by most physically abused women and associated with significantly higher levels of PTSD compared with women physically abused only." (McFarlane & Malecha, *Intimate Partner Sexual Assault*, 2005 at 99).

#### Midwest and Duluth Studies

Other studies of sexual assault in the domestic violence context have found overlap rates between 45-70%. For example, in a study of 159 abused women in a midwestern city, 45.9%, reported sexual assault as well as physical violence (Campbell & Soeken, *Forced Sex and Intimate Partner Violence*, 1999).

When the Domestic Abuse Intervention Project of Duluth, Minnesota interviewed the female partners of the men ordered into its batterer programs, they found that 70% of these women had been sexually as well as physically abused (Domestic Abuse Intervention Project of Duluth, Minnesota).

## Resources

### Articles

- Jacquelyn C. Campbell, Karen L. Soeken, *Forced Sex and Intimate Partner Violence*, VOL. 5 VIOLENCE AGAINST WOMEN 1017 (1999)
- Judith McFarlane, *Intimate Partner Sexual Assault Against Women: Frequency, Health Consequences, and Treatment Outcome*, VOL. 105 AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS 99 (2005)

### Nonperiodical Literature

- [\*Minnesota Victim's Statement\*](#) CREATING A PROCESS OF CHANGE FOR MEN WHO BATTER, FACILITATOR'S MANUAL (2003)

## Module I: Defining Intimate Partner Sexual Abuse and Assessing its Prevalence

### Repeated Assaults

Society thinks of rape as a one-time incident between the victim and the perpetrator, but **victims of marital rape and intimate partner sexual abuse typically experience multiple sexual assaults**. When the rapist is a spouse or intimate partner the relationship is ongoing and the victim may find it very difficult to escape. Because the victim lives with the assailant, marital rape is more likely to be completed and multiple assaults are common.

In a study published in 2000 by the National Institute of Justice, just over half of women raped by an intimate partner said they were victimized repeatedly by that partner. Overall the average was 4.5 rapes by the same partner (TJADEN & THOENNES, [EXTENT, NATURE, AND CONSEQUENCES OF INTIMATE PARTNER VIOLENCE](#) [PDF 1.2MB], July 2000).

"For most marital rape victims, rape is a chronic and constant threat, not an isolated problem. The battered women, of course, were the most vulnerable of all to such repeated sexual abuse. Twice as many battered women suffered from chronic rapes (twenty times or more) as the other raped women."

— FINKELHOR & YLLO, LICENSE TO RAPE: SEXUAL ABUSE OF WIVES (1985) at 23.

In the study of 40 women reported in Raquel Kennedy Bergen, WIFE RAPE (1996), 22 women, 55% of the sample, were raped 20 times or more during marriage.

### Resources

#### *Nonperiodical Literature*

- Raquel Kennedy Bergen, WIFE RAPE: UNDERSTANDING THE RESPONSE OF SURVIVORS AND SERVICE PROVIDERS (1996)
- David Finkelhor, Kersty Yllo, LICENSE TO RAPE: SEXUAL ABUSE OF WIVES (1985)
- Patricia Tjaden, Nancy Thoennes, U.S. Department of Justice, [EXTENT, NATURE, AND CONSEQUENCES OF INTIMATE PARTNER VIOLENCE: FINDINGS FROM THE NATIONAL VIOLENCE AGAINST WOMEN SURVEY, NATIONAL INSTITUTE OF JUSTICE](#) (2000)

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**Self-Test and Answers: Defining Intimate Partner Sexual Abuse and Assessing its Prevalence**

**The psychological impact of intimate partner sexual abuse is usually minimal because the couple has a history of consensual sex.**

- a. True
- b. False

**Chronic intimate partner sexual abuse often results in long-term damage to the victim's physical health.**

- a. True
- b. False

**Victims of intimate partner sexual violence are significantly more likely to consider suicide than victims of physical violence only.**

- a. True
- b. False

**Betrayal of trust is the hallmark of intimate partner sexual abuse and the element that causes such long-lasting psychological damage.**

- a. True
- b. False

**Pregnant women living with abusive partners are less likely to be sexually assaulted during their pregnancy.**

- a. True
- b. False

[See Answers](#)

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### Reflection Questions: Defining Intimate Partner Sexual Abuse and Assessing its Prevalence

*Where the reflection question includes multiple questions, please answer one at a time, and click the "Save and See Comment" button for the question you're answering. From the answer page you can click the "Return to Questions" button to go back and answer the other questions, or to modify your answer. Unlike the self-tests, your reflection question answers are saved so that you can come back to them at a later time.*

**How, if at all, has this introduction changed your perception of intimate partner sexual abuse? Were you aware of the various components of intimate partner sexual abuse before taking this course? Were you surprised by the prevalence of intimate partner sexual abuse?**

Save and See Comment

## Module I: Defining Intimate Partner Sexual Abuse and Assessing its Prevalence

### Key Points: Defining Intimate Partner Sexual Abuse and Assessing its Prevalence

- What Is Intimate Partner Sexual Abuse?
  - Intimate partner sexual abuse encompasses a wide range of coerced sexual activity beyond marital rape alone.
  - Intimate partner sexual abuse includes degrading behavior related to sex, control and possessiveness, forced sex acts, "apologizing" after a battering incident by coercing sex, and sexual torture.
  - Extortion and using children to harm their mothers are other mechanisms of control frequently employed by sexually abusive partners.
  - Pregnancy places women at high risk for sexual as well as physical assault.
- How Prevalent is Intimate Partner Sexual Abuse?
  - The rate of overlap between sexual and physical violence is so high that sexual abuse and intimate partner sexual abuse must be considered integral to domestic violence.
  - In a large-scale study of abusive men, 53% acknowledged conduct that met the legal definition of rape or sexual assault, but only 8% labeled their conduct as sexual abuse.
  - In studies of abused women, 45-70% of these women report sexual as well as physical abuse.
  - Victims of intimate partner sexual abuse typically experience repeated rapes over the course of the relationship.