

Many feminists maintain that when placing rape in a historical context, one needs to realize that women have historically been considered the property of either their fathers or their husbands and thereby denied equal status within patriarchal societies. Thus, rape has been considered only within the realm of the male's perspective (i.e., a violation of his property) rather than within the realm of a female's perspective (i.e., a violation of her body).⁶¹ In ancient history, according to lex talionis—or the “an-eye-for-an-eye” philosophy when dealing with offenders—the father of a raped daughter was allowed to rape the rapist's wife. “Bride capture” involved a man raping a woman to establish a permanent relationship with her.⁶²

Some feminists argue that the 19th-century approaches to protecting women (e.g., chivalry) were actually efforts among the middle class to control the activities of women working in the public sphere as opposed to the private sphere (i.e., the home). Anne Clark maintains that such efforts perpetuated the myth that as long as “proper” women remained in the home rather than “roaming the streets,” they would not be vulnerable to rape.⁶³ During this time, it was even more difficult if women attempted to involve the court system to seek justice for the crime of rape.

Some have maintained “that the victim of a sexual assault is actually assaulted twice—once by the offender and once by the criminal justice system.”⁶⁴ Since the increasing public awareness of rape in the 1970s, various legislative reforms have been enacted in an effort to modify rape statutes. Changes in the legal definitions of rape reflect society's changing attitudes regarding this crime. These changes have been especially influenced by the feminist movement. In 1975, the state of Michigan led the country in reforming rape laws. First, it replaced the term *rape* with

criminal sexual conduct. Second, it identified four degrees of criminal sexual conduct, which were differentiated by the amount of force used, resulting injury, and the age as well as mental state of the victim. This change emphasized the force or coercion used by the perpetrator rather than focusing on the resistance (or lack thereof) of the victim. This shift in perspective incorporated rape with other violent offenses. For instance, a prosecutor does not have to prove beyond a reasonable doubt that a robbery victim did not consent to the offense; thus, why should the prosecutor have to prove beyond a reasonable doubt that a rape victim did not consent to the offense?⁶⁵

A key issue in the definition of rape is whether to include the term *sexual*. One perspective maintains that it is essential to take the “sex out of” rape; rather, rape should be viewed as a crime of violence. Rape is no different than other crimes of violence such as murder and robbery. Another perspective argues that rape is essentially sexual in nature but also violent (i.e., sexual violence). Thus, “to take the sex out of rape is to make it something it is not.”⁶⁶

These variations have two important implications regarding measuring rape in the United States. First, because of these differing definitions and procedures, state comparisons are difficult. Second, while some states may have similar legal definitions, the enforcement, prosecution, and conviction procedures may emphasize different legal and possibly extralegal factors.⁶⁷

In reference to the definition issues pertaining to rape, as noted in Chapter 2, the Uniform Crime Reports (UCR) changed the definition of rape starting in 2013. Previously the definition was for *forcible* rape: “the carnal knowledge of a female forcibly and against her will. Attempts or assaults to commit rape by force or threat of force

are also included.” Since 2013, the definition has been “penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.” Attempts or assaults to commit rape are included, but statutory rape and incest are excluded.⁶⁸ In 2014, 84,041 rapes (legacy definition) were reported to law enforcement agencies. This was approximately 2.4% higher than in 2013.

The Behavioral Science Unit of the FBI has attempted to provide a classification of rapists. Researchers have also attempted to categorize various types of rapists.⁶⁹ One such typology was developed by Raymond Knight and Robert Prentky.⁷⁰ They classified rapists into four categories: compensatory, displaced-anger, exploitive, and sadistic rapists (see Table 7.4 for a more detailed description of each type).

Ian could be characterized as an exploitive rapist (see Table 7.4). As with many of these types of rapists, Ian was raised in various foster homes from the age of two. During this time, he was physically abused and neglected. In his adult years, Ian had difficulty establishing and maintaining relationships, especially with women. He had two failed marriages; he had three children by these two women but was not actively involved in their lives. He had a tendency to meet women in situations that did not involve a great deal of emotional intimacy, such as in clubs or casual dating online websites.

After his first failed marriage, Ian committed his first rape. He met the woman, Darlene, in a club. They were talking in the club and drinking quite heavily. Once the club closed, he suggested that Darlene meet him at his house. She agreed. Soon after they arrived at his house, Ian attacked Darlene. Ian later acknowledged that he