



# SOCIAL AND REHABILITATIVE ASPECT OF RAPE VICTIMS: A STUDY

**Abroo Khan, Research Scholar in Delhi University,  
Dr. Siddhartha Misra, Faculty of law, Delhi University**

It has been observed that Indian society by and large is patriarchal in its outlook. In Indian culture, a woman's body seen as an object of pride or pleasure, but as something that is made impure everyday<sup>1</sup> an abode of sinfulness. The social context determines whether the women is viewed as divine, good, or bad – as partner in ritual as mother, or as a whole. In the context of rituals, women are honored and respected with honor. In her material aspect, actual or potential, women are again a person deserving all reverence. It is only just as a woman, as a female sexual being, that the patriarchal culture's horror and scorns are reflected.

Culture is vital in human species, but some culture patterns are destructive. Although rape has always existed, it had only lately been observed by social scientists and practitioners, as a form of violence. Researcher's focus is on English author, Susan Griffin who wrote:

*"I have never been free of the fear of rape"*<sup>2</sup>

She touched a responsive chord in most women of the world. Everyone knows the fear of being alone at home late at night or the terror strikes her when she walks along on a lonely street or receives the telephone call.<sup>3</sup> The author also acknowledges these situations as 'mini rapes' the crowded bus, the whistle from a passing car, the stair at her bust during a conversation, a universal phenomenon Griffin, though has argued in the

<sup>1</sup> Reuss Suzette, J.A, A Poem referred from, Parks Jean M., Rape Victim's Perception of Long-term Effects Three or more years Post-Rape, Viano Emilio, (ed.), *The Victimology Handbook Research Findings, Treatment, and Public Policy*, Trinity University, Garland Publishing, Inc. New York London (1990), p. 21.

<sup>2</sup> Referred from Human Dianne, F., *The Rape Culture* (3<sup>rd</sup>ed.) Prentice Hall Publication (1984), p. 34.

<sup>3</sup> *Ibid.*

context of western society but admitted that the same is absolutely true in case of Indian society. She is absolutely right in her argument that rape is a kind of different situational as per circumstances.

### **Social aspect of Legal Definition of Rape**

If healthy heterosexuality were characterized by loving warm and reciprocally specifically satisfying actions, then rape could be defined as sex with consent therefore involving either domination or violence. Instead it is legally defined as sexual intercourse by a male with a female other than his wife, without the consent of the woman and affected by forces duress intimidation, or deception as to the nature of the act. The spousal exemption in the law, which still remains in effect in India means that a husband cannot be guilty of raping his wife, even if her forces intercourse against her will. The implication of this loophole that violent, unwanted sex does not necessarily define rape. Instead rape is illegal sex-that is, sexual assault by a man who has no legal rights over the woman. In other words, in the eyes of law, violence in legal sexual intercourse is permissible, but sexual relations with woman who is not his wife then it is a crime.

### **Unawareness of Their Own Victimization**

Although victimization (sexual) of women and children is widespread, consequential, and clear cut surprisingly, it is invisible. Victim's sufferings often go unrecognized and unacknowledged, not only by the larger society but even by the victims themselves. Society may simply be unwilling to acknowledge such victimization. New ways of thinking about some form of victimization or a new willingness of victims to speak up can make a neglected social problem visible. In this scenario recently identifying new types of victims of sexual abuse reflects social progress, as an enlightened society gives victimization the attention it deserves.

Victimisation also may be deliberately concealed. But secrecy does not require great conspiracies. Offenders may convince individual victims for example, sexually abused children, to keep the experience secret. Beyond failure of society to acknowledge victims, victims themselves may not recognize victimization for what it is. They may be ashamed, afraid, or otherwise unwilling to reveal their victimization to others for the reasons well understandable like social stigmatisation losing relations or chances of marriage in case of young girls, jobs and many more interests.

## Unawareness of Claims of Victimization by the Society

“In India where a rape occurs every 30 minutes, psychological and mental trauma coupled with physical abuse and societal pressures leads many rape victims to end their lives rather than relive their humiliation in court. NGOs that work on the issue of sexual violence say that the incidences of suicide are high among rape victims”.<sup>4</sup> It takes great courage to step forward and acknowledge one’s victimization more specifically in rape cases in which such individuals take a precarious ground against the Indian legal and social institutional form that promote and conceal their victimisation. The victim is always looked upon as sexual object and a person of loose character. There is always problem in accepting her as normal human being, political parties and the media highlight the issues for political advantage but rarely pursue the case until justice is delivered. The atmosphere, as a whole is more hostile thus demoralizes the victim and her supporters.

The system of inequalities which has determined the formulation and application of rape laws is also, as it is commonly believed, is the root cause of rape itself. Women and men do not face each other as equals in our society and their sexual relations are scarcely ever a simple expression of mutual sexual interest in one another. Sexual relationships are inextricable bound up with economic relationships of dependency and ownership, and they involve some kind of trade-off calculation or coercion. Rape is only an extreme manifestation of the coercive sexuality that pervades our entire culture. It is submitted that is an inescapable by-product of a system in which sexual relationship are also power relationships in which female sexuality is a commodity and in which some men have no source of power except physical force. The logical conclusion of this analysis is that in order to eliminate rape we must alter the underlying social structure which produces it.

In rape cases at every stage victims receives no responsibilities from the every section of society. The police prosecutors, judges and general public frequently attribute blame and responsibility to the victim for her own victimization. Proof of rape both to the police and in court often required to take the form of proof of resistance, substantiated the extent of injuries suffered by the victim. The victim is told that it was raped it was because she did not resist enough but if she fights back and is raped and otherwise assaulted police blame her again for bringing about her own injury, because of her resistance. Next come physicians who are hesitant to do

<sup>4</sup> Surviving the trauma of rape, *The Tribune*, Nov. 9, 2013, Chandigarh, p.5.

medical examination or diagnose injuries as caused by a sexual assault due to their reluctance to go to court to testify on behalf of the prosecution. For many victims the experience of having their account of the events scrutinized mocked or discounted continues outside and inside of the courtroom. It seems it is the victims not the accused were the persons on trial. According to Burgess and Holmstrom the famous English authors says:

“Going to court, for the victim, is as much of a crisis as the actual rape itself.”<sup>5</sup>

Our society has an ambivalent and biased attitude towards the victims of rape. Instead of treating them with sympathy for having undergone such a horrifying experience, aspersions are cast upon her character. Unfortunately, these negative responses are often compounded by reactions from family and friends.<sup>6</sup> Encounters with parents, relatives, friends and spouses many times make victim foolish enough to get raped and for embarrassment and shame that family members will suffer as a result of the attack on victim. Here is an illustration

“I would rather have my daughter dead than comeback to me spoilt and shamed.”

A wailed and grieving mother of a girl, who after being raped never came home.<sup>7</sup>

Also, a hierarchical regression indicates that age, sex, education and income are significant predictors of attitudes toward victims.<sup>8</sup>As Justice Krishna Iyer, observed in *Rafiq* case;

“When no woman of honor will accuse another of rape since she sacrifices thereby what is dearest to her, we cannot cling to a fossil formula and insist on corroborative evidence, even if taken as a whole, the case spoken by the victim strikes a judicial mind as probable. When a woman is ravished what is inflicted is not merely physical injury, but the deep sense of some deathless shame”<sup>9</sup>

<sup>5</sup> Burgess Ann Wolbert & Holmstrom Lynda Lytle, *Rape: Victim of Crisis*, Bowie, M.D., Robert Brady Co. (1974), p. 197.

<sup>6</sup> The trauma of rape, *The Hindustan Times*, October 25, 2015, New Delhi, p. 7.

<sup>7</sup> *Ibid.*

<sup>8</sup> Nagel B., Matsuo, H., McIntyre, K.P., Morrison, N., Attitudes towards victims of rape: Effects of gender, race, religion and social class, June; 20 (6) 2005. 725-37, Department of Pathology, Saint Louis University, USA (2005); see [http://www.ncbi.nlm.gov/entrez/query.fcgi?abdb\\_pub.ed&ernd-search&term-morrisonn](http://www.ncbi.nlm.gov/entrez/query.fcgi?abdb_pub.ed&ernd-search&term-morrisonn). Accessed on December 25, 2016 at 5:33pm.

<sup>9</sup> *Ibid.*

Similarly, the Supreme Court, in *Gurmeet Singh case*<sup>10</sup> has clearly explained the victim's testimony; "The courts must, while evaluating evidence remain alive to the fact that in a case of rape, no self-respecting woman would come forward in a court just to make a humiliating statement against her honour such as is involved in the commission of rape on her."

Such judgments are not avail for victims at all. The victim even today have to struggle a lot not only in the legal system to protect her version but also to the society including her own family that has been subjected to rape for no fault of her. Rape is the only crime which the victim must prove her innocence.

### **The Rape and the Blame Game**

The other aspect of victimization that has not been property acknowledged is the extent to which seeing oneself as a victim prompts victim type behavior and such victim-type behavior inspires the offence against the person. It is most probable that men like dogs, unconsciously scent fear, and find it gratifying and exciting and ultimately interpret it as a cue for attack, explains one English author.<sup>11</sup> Men who are afraid of other men reassert themselves by making women afraid of them. However, the small children who are abused are incapable to feeling fear; they do not understand that keeping on crying will place them in extreme jeopardy. The truth seems to be that female fearfulnesses a cultural construct, instituted and maintained by both men and women in the interests of the dominant, male group. The myth of female victim-hood is emphasized in order to keep women under control, planning their activities, remaining in view, telling where they are going how they are getting there, when they will be home. The father who insists on picking his teenage daughter up if she is out at night and bringing her home in his car is unconsciously instilling fear into her at the same time that he consciously exercises control over her.

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<sup>10</sup> *Ibid.*

<sup>11</sup> Geis, F.L., Self fulfilling prophecies: A Social Psychological view of gender. Biell, A.E. & Steinberg, R.J. (ed.), *The Psychological of Gender Guilford, Press, New York* (1993), pp. 9-54.

## Victim blame – It's meaning

Victim blaming is holding the victim responsible for what has happened to her/him. One way in which victim blaming is perpetuated is through rape myths. Rape myths allow us to blame the victim and are often common false beliefs.<sup>12</sup> As discussed earlier, the crime of rape is heavily connected with prejudice, stereotype and myth. As a result of these myths, rape has been stigmatized as shameful for the victim.<sup>13</sup> There may be feelings of grief or anger over the fact that the victim has “allowed herself” to become “devalued or damaged merchandise” and such responses may reinforce the victim’s sense of humiliation and devaluation.<sup>14</sup>

## Stockholm syndrome – Its meaning

Another aspect to consider in understanding self-blame that the victim identifies with the perpetrator’s worldview in order to understand what will help them to survive. One such phenomenon known as the ‘Stockholm syndrome.’ It implies the difference between guilt (meant for a perpetrator) and shame (felt by victims and confused with guilt). Victims of especially severe abuse often ‘identify with the abuser’ in order to survive.<sup>15</sup> This means she will actually begin to agree with the criticisms and perspectives of the abuser while her own personality, opinions, and views fade to the background; this is a serious set of psychological reaction after rape.<sup>16</sup>

Four situations or conditions are present that serve as a foundation for the development of the Syndrome. These situations can be found in

- (i) Hostage, severe abuse, and abusive relationship:
- (ii) The presence of a perceived threat to one’s physical or psychological survival and the belief that the abuser would carry out the threat;
- (iii) The presence of a perceived small kindness from the abuser to the victim; and

<sup>12</sup> Burt M.R. Cultural myths and supports for rape, *Journal of Personality and Social Psychology*, 38 (1980), pp. 217-230. [www.seu.edu/ethics/publications/iie/v3n2/justworld.html](http://www.seu.edu/ethics/publications/iie/v3n2/justworld.html).

<sup>13</sup> Mio, J.S. & Foster, J.D., Effects of Rape upon Victims and families: Implications for a comprehensive family – therapy, *American Journal of Family Therapy*, 19(2), (1991), pp. 147-159

<sup>14</sup> Silverman, D., Sharing the Crisis of Rape: Counseling the mates and family of victims: *American Journal of Orthopsychiatry*, 48 (1978), pp. 166-173.

<sup>15</sup> Burgess, A.W. & Holmstorn, I.L. Rape trauma syndrome, *American Journal of Psychiatry*, 31(9), (1974), pp. 981-986.

<sup>16</sup> McCaul, K.D., Veltum, L.G., Boyechko, V. & Crawford, J.J. Understanding attribution of victim blame for rape: Sex, Violence and Force ability, *Journal of Applied Social Psychology*, 20 (1990), pp. 1-26.

- (iv) Isolation from perspectives other than those of the abuser and the perceived inability to escape the situation.

In the syndrome there is a daily preoccupation with trouble. Trouble may be any individual, group, situation, comment, or cold meal that may produce a temper tantrum or verbal abuse from the controller or abuser.<sup>17</sup> The abusing partner may threaten to spread rumors or tell intimate details or secrets.

### **Society plays its own part**

Human actions and experiences are best understood as process of individual's choices or as shaped by social arrangements is a main issue in every social theory. Focusing on victim's ability to control their own lives and emphasized the power of social awareness, there is a requirement to develop the roots of our social systems. Their values which reinforce the deep down male dominance philosophy, and patriarchal attitudes which is directly and indirectly associated with the problems of victims of rape.

### **Reinforcement of male dominance: A continece step of society**

It is submitted that as long as sex in our society is construed as a dirty, low, and violent act involving domination of a male over a female, rape will remain a common occurrence. The male dominance here implies that whenever women are in a subordinate position to men, the likelihood for sexual assault is great. Indian society has just begin to see that rape is not the only way in which women and children are sexually victimized, and that other forms of sexual exploitation are rampant in our society. If one peeps through functioning of our society, its various institutions than the fact will come out that rape is logical outcome if man act according to the 'feminine masscult mystique, and women act according to the "feminine masculine" both are taught right from their birth to behave, and to act accordingly. Its presence is an indication of widely held that are traditional view of appropriate male and female behaviour, and of how strongly enforced these views are. Our society is helping tool to or one can say it is fully supportive to rape often because it fosters and encourages rape by teaching male and female. It is natural and normal for sexual relations to involve in aggressive behaviour on the

<sup>17</sup> Jalna Hanmes & Sheila Saunders, *Women Violence and Crimes Prevention: A West Yorkshire Study*. Aldershot: Avebury, U.S.A., (1993), p. 128.

part of males. To end, rape people must be envision a relationship between the sexes that involve sharing of views and equality, and to bring about a social system in which those are fostered.

What Indian women still feels in this early 21<sup>st</sup> century has been in consonance with investigations made in the late twentieth century by authors Hanmer and Sander, who lists three stages of reaction, first fear, shock and disgust, then anger or outrage, then guilt, shame, or humiliation.<sup>18</sup> The atmosphere of threat that women feel surrounded by is mostly fraudulent. For instance, Sandra McNeill in her book has discussed a situation of a sight of a man exposing his genitals, which is not very uncommon in Indian society as well. It generally causes fear among women; the man who exposes “himself” is almost always rewarded by the sight of submissive behaviour as women passing by avert their eyes and hasten their steps. According to the author such submissive behaviour may be accepted. In truth, the man standing with his pants down is extremely vulnerable.<sup>19</sup>

### **Rape in form of violence and aggression of male supremacy**

As it has been discussed prior, rape and sexual violence are hardly new crime and it would be difficult to state in a conclusive way that men are now more violent than ever before. Yet in the last decade male violence towards women and small children has become one of the biggest socio-legal problems of Indian society. It seems that one of the root causes of the problem of rape also remains in the answers to questions e.g., what is it about male sexuality that makes it a social problem? How have we reached the point where violence is automatically associated with men’s sexual behaviour and our relationships with women? For sure, answers are not easy as the questions itself involves the most intricate philosophies, on which our social set-up is based. These assumptions differ between men and women have an ancient time but they were given an important secular and scientific backing in the solutions theories of Charles Darwin’s study of natural science. In the plant and animal world convinced him that women’s discussing role was to restrain the animal urges of men (which tended specially to threaten human progress towards civilization) and re- entered them into family life.<sup>20</sup> This gave a scientific rationale for the trouble standard of female chastity. This model of male urgency and male

<sup>18</sup> *Ibid.*

<sup>19</sup> Sandra McNeill, *Flashing: Its effect on Women*, Jatna Hammer, & Mary Maynard, (ed.), *Women Violence and Social Control*, Basingstoke: McMillan (1987), p. 126; see also Shiela. Jeffreys. *Indecent Exposure*, Rhodes, D., & Sand McNeill (ed.), *Violence Against Women*, Women Press. London, (1985), p. 128.

<sup>20</sup> Taylor, S.E., *Adjustment to Threatening events: A Theory of Cognitive Adaptation*. *American Psychologist*, 38 (1983), pp. 1161-1173.

receptivity still persists despite wider acceptance of women's own sexual needs and pleasures, and the boundary between rape and sex these sexual activity remains blurred.<sup>21</sup>

The idea of natural male aggression has earlier roots also in the 17<sup>th</sup> century philosophy of Thomas Hobbes. He portrayed man as violent, essentially individualistic and competitive in the selfish pursuit of his objectives. Hobbes philosophized as nature was in fact more description of a particular society, and that the violence and aggression were both a product and a justification for the morality of times.<sup>22</sup>

In Indian society, as discussed before men demonstrate their competence as people by "masculine." As a part of the definition of masculinity which involves contempt for anything feminine or for females in general. Reported rapes, in fact, are frequently associated with some form of ridicule and sexual humiliation, such as urination on the victim and anal intercourse, fellatio, and ejaculation in the victim's face and hair.<sup>23</sup> Insertion into the woman's vagina of broomsticks, bottles, and other phallic objects is not an uncommon news items in the national daily newspapers, According to Menachem Amir, the overvaluing toughness expresses itself in a disregard for anything associated with fragility. In the rapist's view his assertion of maleness is automatically tied to violent repudiation of anything feminine.<sup>24</sup>

In this respect some other most relevant findings of the western researchers are worth to discuss. Susan Brown-miller, in her famous book '*Against Our Will: Men Women and Rape*'<sup>25</sup> "first set out the ground for the idea of rape as a universal system of control. She collected a wide range of persuasive supporting evidence for this theory from different historical periods and for different cultures. It has been variously suggested that men's violence is biologically determined; that it is learnt through cultural socialization; or that it is primarily the result of deprivation and the oppressive; divisions imposed by the alienated work process to capitalism. Radical feminism has further argued that men are reluctant to confront the problem of violence simply because men enjoy the power. Men know which side their bread is buttered on, and are quite happy to exert control and

<sup>21</sup> *Ibid.*

<sup>22</sup> Lovenne Clark & Debra Lewis, *Rape: The price of coercive sexuality*, Women's Educational Press, Toronto, (1977), pp. 111-124.

<sup>23</sup> Man Ejaculated on women's head in Cinema hall, *The Times of India*, March 17, 2003, New Delhi, p. 3.

<sup>24</sup> Tony Eardley, *Violence and Sexuality*, Metcalf Andy & Humphries Martin, (ed.), *The Sexuality of Metcalf*, Andy Plato Press, London, (1985), pp. 86-109; See also Dobash, R.E., & Dobash, R.E., *Women, Violence, and Social Change*, Rutledge, London (1992).

<sup>25</sup> *Ibid.*

extort sexual and other services by the use of threat of force. There is an undeniable element of truth in this, yet it seems inadequate as an explanation.

### **Role of media**

The news, media-newspapers, magazines, radio and television deserve a great deal of credit for contributing to the rediscovery of victims, in contemporary times. Running accounts of crimes as front page items, main cover stories with prominent headlines and as the lead story in broadcasts, is a new standing journalistic tradition. Today everyone is familiar with India's crime problem not because of firsthand experience but because of second hand accounts relayed through the news media. In the past the offender received a lion's share of attention. But now it is routine to inject some "human interest" by including details about the injured party. Drawing upon an inexhaustible source a crime-ridden society – the news media are saturated with stories about deception, loss, injury, brutality, death, and tragic irony and sexual abuse cases. Given this daily bombardment, members of the general public might well be expected to be experts about how when and where rapes are committed, and what it is like to be victimized.

It is submitted that the plight of victim of rape cannot be mitigated unless parliamentarians take up the step by making laws, because bodies like the women's commission are only recommendatory in nature and most of the time their recommendations are either not implemented or they get signed down.<sup>26</sup>

Victimization in rape cases and the involvement of the victim in the criminal justice system create many problems and difficulties for which they generally have either little remedy or no remedy.

When victims become involved with the justice, medical and social assistance systems, they do so with certain expectations that are often not met with her. Victims frequently feel exploited, inconvenienced, shabbily considerable financial expenditures. Involvement with the justice system for them means a considerable commitment of time and resources and having to absorb substantial losses. There are transportation expenses, lost of income in case of daily workers, the threat or real possibility of losing one's job, or education, missing opportunities and added burdens to one's daily schedule because of the considerable amount of time that must be allocated to dealing with any legal system and bureaucracy.

<sup>26</sup> Krishna Murthy was persuaded to move the Bill by the plight of rape victims who was seeking help (The system, an utter failure Rape Conviction Rate in Karnataka under a percent Sunday Spotlight, *Deccan, Herald*, August, 22, 2014, Karnataka, p. 4.