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Legislative Rape Reforms: Issues in India and the U.S.

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On December 12, 2012, an Indian physiotherapy student was the victim of a vicious gang rape. While the student succumbed to her injuries, the incident was successful in prompting unprecedented dialogue about sexual violence against women. This dialogue primarily condemned India, a country which is deemed the rape capital of the world (Bhowmick, 2013). However, according to official statistics, the number of rapes in the United States is 13 times higher than the number of reported rapes in India (Bialik, 2013). This is especially shocking considering the huge difference in population size between the two countries. The U.S. falls behind India's estimated population of 1.23 billion and reaches an estimated sum of 318 million inhabitants (Central Intelligence Agency [CIA], 2015a; CIA, 2015b). Upon recognizing the need for change, both governments enacted legislative reforms to lessen the increasing rate of sexual violence. Nonetheless, these legislative reforms have been unsuccessful in their prevention of rape due to the weak and patriarchal institutions charged with enforcing them.

As a group, women face major obstacles in their attempts at gaining social equality. Globally, only 22% of all parliamentary positions are held by women (Inter-Parliamentary Union [IPU], 2015). On average, women receive less pay than their male counterparts for equal work (Department of Economic and Social Affairs, 2010). In addition, one in three women have experienced some form of sexual violence within their lifetime (London School of Hygiene and Tropical Medicine, 2013). This violence is particularly abhorrent, considering the severe and damaging physical, emotional, social, and economic impacts. Physical consequences experienced by the victims generally include pain, bruising, bleeding, and broken limbs. Common and troublesome mental health symptoms after an assault include depression, PTSD, alcohol or drug dependence, and anxiety. In addition, many estimates indicate that sexual assault victims are four times more likely to consider suicide (Koss, 1993).

Socially, rape victims are often ostracized by their communities and families due to the shame and stigma associated with extramarital intercourse (McGlynn & Munro, 2010). Victims are sometimes viewed as tainted and dishonored, and in India, this renders many unable to marry. After an assault, victims also incur high financial costs due to medical treatments and lost paid hours. In fact, a study conducted by the Center for Disease Control in 2003 reported that the average treatments for victims cost about $2,084 (The White House Council on Women and Girls & the Office of the Vice President, 2014). On a macroeconomic scale, figures estimate that every rape costs the U.S. economy around $87,000. This figure considers the costs of medical expenses, the victim's lost productivity, the cost of law enforcement and an intangible decrease in the victim's quality of life (The White House Council on Women and Girls & the Office of the Vice President, 2014).

Due to the grave consequences of sexual attacks and the high rates of violent sexual occurrences in societies around the world, women live in near constant fear of such attacks. Consequently, Catharine MacKinnon described rape as "'an act of dominance over women that works systematically to maintain a gender-stratified society in which women occupy a disadvantaged status as the appropriate victims and targets of sexual aggression'" (as cited in Annavarapu, 2013, p. 253). Motivations for rape are primarily rooted in power dynamics, as opposed to sexual urges. Jessica Valenti (2014), a prominent feminist writer, introduced the concept of a "rape schedule" (pp. 66-67), describing the changes women undertake in order to reduce their risk of rape. According to Valenti (2014), these changes are often small and unconscious, consistent of actions such as avoiding certain streets at night, or walking home with keys

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between knuckles. However, these small changes represent significant insecurity, whereby women can never truly feel safe from harm (Valenti, 2014).

Specific causes of rape vary across societies. Firstly, gender norms and roles largely impact rape and sexual assault rates. Rape and sexual assault occur more frequently in societies where gender roles and behaviors are clearly delineated and limited (Shaw & Lee, 2008). Additionally, sexual violence against women occurs more frequently in societies where masculinity is valued over femininity, which is true concerning most societies. When this leverage of masculinity occurs, young boys are often taught to suppress their emotions and to conflate their sexual potency with power. Comparatively, young girls are taught to be weak and dependent on the men in their lives (Shaw & Lee, 2008).

Boys are traditionally introduced to their male privilege at an early age. Consequently, many men start to internalize an entitled mentality, leading to what scholars often refer to as the rape spectrum. This describes the range of behaviors men often engage in due to their unchecked belief of superiority over women, which in extreme cases can lead to rape (Shaw & Lee, 2008). Furthermore, this privileged attitude can lead to a cultural backlash against women's freedoms and rights. This backlash is often associated with violence; when men feel vulnerable, they use violence to forcibly regain their power. Lastly, the eroticization and eventual normalization of sexual violence is another key factor leading to high rates of rape and sexual assault (Shaw & Lee, 2008). This process can occur through advertisements, films, and popular songs. However, the main culprit in eroticizing sexual violence is the pornography industry (Shaw & Lee, 2008).

Many of these conditions exist in both India and the U.S., where, despite common perceptions, women have yet to achieve full gender equality. Women in the U.S. experience discrimination in numerous aspects of society. Research conducted by the National Science Foundation (2013) on this subject demonstrates that women are less likely to pursue a degree or career in the STEM fields; over 12.52 million men currently work as scientists and engineers, compared to 10.69 million women. Relatively, women do not earn the same amount of money as men in the work-

force. One of the reasons behind this inequality is that women disproportionately work lower-paying jobs and careers. Thus, women are more likely than men to live in poverty.

Narrowly defined gender roles within the U.S. elucidate the persistent problem of sexual violence against women. Mainstream pop culture projects an acceptable range of gender specific traits and behaviors unto men and women. Men are praised for their strength, power, and independence and condemned for signs of weakness. Women, on the other hand, are encouraged to be weak, beautiful, and sexually submissive to male advances (Shaw & Lee, 2008). These stereotypes are prevalent in current songs, advertisements and, most importantly, films. Many studies have attempted to quantify the specific ways that male representation differs from female representation in films. Recent studies by the Geena Davis Institute on gender in the media conclude that women in films are underrepresented in the workforce, are more likely to be thin, beautiful, and sexualized, and are less likely to have specific career ambitions compared to their male counterparts (Smith & Cook 2008).

Correlatively, the U.S. experienced much cultural backlash as a result of the increasing equality and freedoms of women during the second half of the twentieth century. Due to the large number of men overseas serving in the army during World War II there was an increased need for women in the labor force. As a result, Deckard's research shows that by the end of the 1960s, more than 50% of American women worked outside the home (as cited in Odem & Clay-Warner, 1998, p. 40). When the men returned from war, many of them viewed this change as "an attack on traditional roles and a defiance of chivalry" (Odem & Clay-Warner, 1998, p. 40). Returning soldiers perceived their power structure as threatened and this caused some men to rely on physical attacks as a way of regaining superiority. In addition, social stigma was used to illegitimatize women's gained positions in the public sphere. As a result, women who exhibited newfound assertiveness and confidence in the public sphere were labelled as "loose women," who were responsible for their rapes (Odem & Clay-Warner, 1998, p. 40).

A study conducted by Cooper, Scherer, Boies, and Gordon found that over 90% of participants had ac-

cessed some form of sexually-explicit content online (as cited in Popovic, 2011, p. 450). This is an especially alarming statistic, due to recent figures estimating that over 88% of popular pornographic scenes include violent or aggressive acts (Bridges, Wosnitzer, Scharrer, Sun, & Liberman, 2010). Consequently, young boys who view this pornography begin to internalize and accept violent intercourse as normal. Many studies support this notion; their evidence reports that teenagers are frequently viewing porn as a way to gain insight on real-life sexual relations (Popovic, 2011).

Women in India have experienced a similar history of discrimination compared to the US. During the World Economic Forum in 2011, India was ranked 114 out of 134 countries in terms of gender equality (Kolaskar & Dash, 2012). This ranking reflected numerous forms of discrimination, including domestic violence, low political representation, and limited educational opportunities. According to the International Center for Research on Women, 52% of Indian women have experienced some form of sexual violence during their lifetime (Gaynair, 2011). In terms of political representation, women hold only 11% of the available political positions (IPU, 2015). Additionally, young girls are less likely to receive an education compared to their male counterparts, causing a significant gap between male and female literacy (Lama, 2014).

Female discriminations in India begins even before birth through female feticide. This is due to male children being valued for their potential monetary and social worth. Additionally, due to the deeply entrenched dowry tradition, females are viewed as future monetary burdens (Sharma, Pardasani, & Nandram, 2014). The heavy and often insurmountable burden of dowry could be understood through the recent incident that took place in December, 2014, when a woman was found drowned along with her two young girls. Authorities released a statement indicating that the woman drowned the two girls and then committed suicide, due to her husband's persistent and violent demands for more dowry payments ("Fed Up With Additional Dowry Demands," 2014). Consequently, the population of India is skewed, with 940 female babies born for every 1,000 males (Sharma et al., 2014).

Discrimination also manifests itself in specific gender roles in Indian culture. Recent studies have shown that women in India are still relegated to the private sphere, where they are dependent on the males in their lives, responsible for cooking, cleaning and child rearing (Gaynair, 2011). In a recent study organized by the International Center for Research on Women, only around 16% of the Indian men surveyed responded that they participated in domestic chores (Gaynair, 2011). As a result of this low percentage, Indian boys are taught by example that women are subservient, dependent, and should remain at home. Additionally, many Indian women have come to accept subservience, viewing it as a normal and acceptable position in society. A recent UNICEF (2014) report stated that over 50% of the young Indian girls surveyed believed that wife beating was justified in certain circumstances such as leaving the house without male permission, refusing sex, or burning food.

However, due to progressive economic reforms in the 1990s, opportunities for women outside the home have drastically increased in India. Since these economic reforms have been taking place, large numbers of women are gaining education and entering the workforce. A recent study by the International Monetary Fund estimated that the 2012 female labor force participation in India was around 33% (Das, Jain-Chandra, Kochhar, & Kumar, 2015, p. 4). This amounts to a significant increase in women's participation in the public sphere. However, this increase has not been received positively by all of India. Similar to the history of the U.S., women in India's public sphere are deemed by many as morally loose and dishonorable (Odem & Clay-Warner, 1998). In the recent Delhi gang rape, one of the rapists blamed the victim for the attack; he claimed she was responsible because she was in public with a male and without familial supervision (Roberts, 2015).

Public facilities and transportation systems in India also reflect male bias in their limited provision of safe and accessible public amenities for women. In New Delhi, a recent study indicates that there are approximately 1,534 public toilets for men, compared to 132 toilets provided for women (Yardley, 2012). Many of these restrooms close at night, often around 9PM, and there is speculation that this might be a way of implicitly indicating that women should not be outside the home after this hour. This imple-

mented curfew is nearly impossible to keep for many young women employed in the telecommunications sector (Padmaja, 2008). Due to U.S. outsourcing, many telecommunications jobs operate on the U.S. time schedule, translating to late hours in India. On a positive note, Mumbai's public transport system provides an example of a small, successful initiative that has increased women's sense of security and confidence. The transportation company designed specific train carts reserved solely for women after recognizing the increasing number of women traveling within Mumbai (Phadke, Ranade, & Khan, 2013). As a result, women feel affirmed in their freedom to travel safely and independently around the city.

One of the main contributing factors to the high rates of sexual violence against women is the caste system. The long-entrenched caste system is a hierarchal structure that delineates individuals' social functions based on heredity. The higher castes are associated with religion, purity and honor. Upper-caste women are traditionally forced to remain pure in order to prevent inter-caste relations that would undermine the power structure. However, lower-caste women, especially Dalit girls, are viewed as having no social need for purity. This rationale is used to justify the rape and forced prostitution of Dalit girls in order to preserve the honor of their higher caste counterparts (Kristof & WuDunn, 2009).

In sum, women in both India and the U.S. are at high risk of experiencing sexual violence. In order to protect their citizens from this gendered violence, the U.S and Indian governments have incorporated detailed provisions for rape victims and punishments for perpetrators into legislation and regulations. However, the two government systems use significantly different language concerning sexual violence against women. According to the Indian Penal Code, "rape" is defined as a man engaged in intercourse with a woman either against her will, without her consent, with coerced or false consent, with a woman who is unable to understand and give consent, or with a girl under the age of 15 (S. 375, The Indian Penal Code, 1860). In comparison, the United States federal code uses the term "sexual abuse," defined as: any sexual act that is either forced, committed against one who is physically or mentally unable to give consent, or against someone's expressed desire (109A U.S.C. § 2241, 2013). However, in the U.S., the majority of

rape cases are under their respective state's jurisdiction; among the 50 states, the terms and provisions vary in terms of rape and sexual assault, but share common principles.

According to official statistics, India experiences a relatively low number of rape cases, with only two victims per 100,000 people (Bialik, 2013). This low number mirrors formal legal recognition of women's rights and equality. Since independence from Britain, India has promulgated a variety of statutes empowering and protecting women. These range from equal protection under the law in Article 14 of the Constitution of India, to positive discrimination in favor of women guaranteed in Article 15 (Yee, 2013).

However, these formal laws do not match the current lives of many Indian women, and this low rape statistic is considered largely inaccurate due to India's patriarchal society, which punishes women for reporting their rape. Underreporting occurs in every society because of the private and often humiliating nature of sexual violence (McGlynn & Munro, 2010). However, many consider underreporting to be more prevalent in India due to its highly entrenched patriarchal culture and institutions. As previously mentioned, women run the risk of being ostracized from their community if they report an assault. Additionally, many women are coerced or encouraged to marry their rapists in order to salvage their honor. Police officers are the main proponents of this practice, who assume their primary role in rape cases is to serve the interests of the victim's families (Human Rights Watch, 2009).

Before the 1970s and 1980s, the women's movement focused on increasing jobs and education for high and middle-caste women. The movement gained a broader base of support after the publication of *Towards Equality* in May, 1975 (Guha et al.). The 480-page document was the product of the UN's Committee on the Status of Women in India (Calman, 1989). It included shocking statistics demonstrating the numerous ways in which women were discriminated against in India. The topics ranged from skewed sex ratios to the limited opportunities for girl's education (Calman, 1989). Consequently, the women's movement, composed of women from different socioeconomic statuses, religions, and geographic areas, shifted its focus to reforming India's

outdated rape laws (Katzenstein, 1989). The rape reform movement of the 1970s and 1980s was triggered by the Mathura rape case in 1972. Mathura, an illiterate, poor, 16-year-old girl, was brutally raped by two on-duty police officers while in their custody. Mathura s had been placed in police custody by her brother after a failed attempt to elope with her boyfriend (Yee, 2013). During the resulting case, *Tukaram v. State of Maharashtra* (1979), the court found the officers innocent after considering the absence of physical evidence. Mathura's characterization as a loose, morally-repugnant girl also influenced the court's decision, which claimed that her honor had been tarnished by her illicit affair with her boyfriend (Yee, 2013). While the decision was overturned by the high court, the Supreme Court later reinstated the first court's decision, claiming that Mathura consented to the intercourse (Katzenstein, 1989, p .62). In response, four female law professors at Delhi University penned an open letter to the chief justice to criticize the ruling.

The increasing pressure from the women's movement influenced Indian government to make multiple amendments to the Indian Penal Code during the 1980s. After the reforms, the minimum mandatory punishment was increased to seven years for rape and ten years for aggravated rape, including gang rapes, custodial rapes, statutory rape, and the rape of pregnant women (Yee, 2013). Other small victories included the successful establishment of counseling centers, short-term shelters, and crime cells specifically dedicated to violence against women (Kolaskar & Dash, 2012).

Unfortunately, this seemingly successful campaign did not curb rape incidents. Since these reforms, the number of reported rapes has increased from 3,000 in the early 1970s to more than 20,000 in 2010 (Wright, 2013). According to the National Crime Records Bureau (NCRB), this statistic has continued to climb; there were more than 33,707 reported rapes in 2013 alone (Dasgupta, 2014). While this figure suggests an increased awareness which has enabled the acknowledgement of rape as well as a growth in population size, some studies suggest that the actual number of rapes might be 50 to 200 times higher (Bialik, 2013).

However, a robust and universal anti-rape campaign did not resurface in India until the brutal Delhi gang rape in 2012. On December 16, 2012, Jyoti Singh Pandey, a 23-year-old physiotherapy student, was the victim of a devastating gang rape in New Delhi, India. The victim, often referred to as "India's Daughter," was out with her male friend during the night of the attack. After watching the movie "Life of Pi," the pair boarded a private bus where they were deceived and subsequently assaulted by six men. After the male friend was physically restrained, the men took turns brutally raping Jyoti (Sharma et al., 2014). Due to the crime's incredibly violent nature, in which a metal rod was used for penetration, Jyoti was transferred to Mount Elizabeth Hospital, a top medical facility in Singapore. Thirteen days after the assault, Jyoti succumbed to her extensive, irreparable physical injuries and died ("Delhi Gang-Rape Victim Dies," 2012).

The next day, the Jawaharlal Nehru University Student's Union organized the first student protest, utilizing social media to spread awareness. Eventually, thousands of protesters occupied the streets, demanding "freedom without fear" (Drache & Velagic, 2014, p. 23). Their demands revolved around better protection and equal treatment for women, and called for institutional changes within the police, the judiciary system, and the criminal laws. In addition to the public demonstrations, the Delhi rape also gained intense media attention and scrutiny. Within two months, over 1,515 articles about the assault were published in U.S. newspapers (Drache & Velagic, 2014, p. 15).

The severe nature of the crime coupled with the intense scrutiny of the public and media caused the trial to be expedited. Consequently, within a year of the crime, four out of the six perpetrators were sentenced to death. The other two perpetrators were not tried at the same trial, one being underage (tried within the juvenile system), while the other committed suicide within his jail cell. On September 13, 2013, the four perpetrators were found guilty of attempt to murder, destruction of evidence, kidnapping or abducting, gang rape, unnatural offences, hurting in committing robbery, and common intention under the amended Indian Penal Code (Sharma et al., 2014).

The manner in which the Delhi gang rape trial proceeded is not representative of the majority of rape cases in India, however. In fact, it is argued by many that the Delhi rape was sensationalized, serving as nationalist propaganda. Jyoti, as an educated young girl from a poor family, represented the changing economic climb in India, where caste is not a binding structure. Conversely, her attackers were part of the large population of migrants seeking jobs in large cities. Their reprehensible actions were used as examples by nationalist, right-wing politicians seeking to purify India of low-caste, "backwards" migrant workers (Roychowdhury, 2013).

Quick verdicts such as the ones demonstrated in the Delhi case are extremely rare, due to the slow and overburdened nature of the Indian judicial system. A recent *Times of India* article cited that over 31million cases are awaiting trial in the Indian judiciary system (Sinha, 2014). This backlog is especially apparent concerning rape and sexual assault cases. According to India's law minister, Ashwani Kumar, an estimated 24,000 rape cases are awaiting trial within the judicial system (Bagri, 2013). In addition, cases involving minorities, especially Dalits, are frequently overlooked or ignored. On June 28, 2012, a 15-year-old girl from a rural village was abducted by four men, tied up, and repeatedly raped. However, a year and a half later there still had been no justice on her behalf (Bagri, 2013).

In addition to the introduction of a fast track system, the Indian government commissioned a small task force and charged it with investigating the severe problem of rape in India. The task force was named the Verma Committee. Its goal was to outline potential legal reforms that would aim at diminishing rape, increase rape convictions, and, overall, thoroughly protect Indian women from violence. The Verma Committee members were as follows: a former judge of the High Court, a former Solicitor General, and the committee head, Justice J.S. Verma, former Chief Justice of the Supreme Court (*Justice Verma Committee Report Summary*, 2015). Within a month, the committee released a comprehensive, 630-page report, which recommended reforms to the rape laws, sexual harassment laws, trafficking laws, and gender education in schools (*Justice Verma Committee Report Summary*, 2015).

Considering the recommendations of the Verma Report, the Indian government introduced the Criminal Law (Amendment) Bill in March, 2013, which was later signed by President Pranab Muherjee on April 2, 2013 (Drache & Velagic, 2014, p. 30). The bill included many of the committee's recommendations, including a broader redefinition of rape. According to the original Indian Penal Code of 1860, the definition of rape was limited to "penile penetration into the vagina" (Drache & Velagic, 2014, p. 30). Since the amendment, the definition of rape has been expanded to include penetration of the anus, vagina, or mouth, and penetration by a foreign object. The bill introduced police reforms, including a mandate to report all rapes and sexual assaults, and healthcare facilities are now required to provide free and immediate care to sexual assault or acid attack victims (Nundy, 2013).

However, the bill differed from the Verma report in a few, significant ways. First, the new amendment remained silent on the issue of marital rape. The Verma Committee, when arguing for its criminalization, disagreed with the notion that marriage establishes irrevocable consent between partners. However, because marriage is viewed as private within Indian culture, sacred and removed from government intervention, marital rape remained immune. In addition, contrary to recommendations, the Criminal Law (Amendment) Bill also introduced the possibility of the death penalty for rapes that result in death or a persistent vegetative state. The committee reasoned against the death penalty due to the strongly supported belief that it fails to deter serious crimes, including rape. Similarly, the committee recommended against the use of chemical castration, a recommendation which is currently being debated within the Indian Parliament. The committee argued that forced castration is unsuccessful because it "fails to treat the social foundations of rape which is about power and sexually deviant behaviour" (Verma, Seth, & Subramanium, 2013, p. 253).

The issue over the degrading and controversial two-finger test was also briefly explored in the Verma Committee report. According to the Verma Committee:

> It is crucial to underscore that the size of the vaginal introitus has no bearing on a

case of sexual assault, and therefore a test to ascertain the laxity of the vaginal muscles which is commonly referred to as the two-finger test must not be conducted. On the basis of this test observations/ conclusions such as "habituated to sexual intercourse" should not be made and this is forbidden by law. (Verma, Seth, & Subramanium, 2013, p. 275)

Regardless of protest, the two-finger test remains a legal practice in India, leaving many women susceptible to re-victimization during the treatment and evidence gathering processes ("Degrading 'Test' for Rape," 2010).

While the Indian government has adopted numerous amendments in order to address systematic sexual violence against women, it has been largely unsuccessful at actually decreasing rates of sexual violence. Conviction rates for rapes in India remain extremely low. In 1974, the conviction rate was 39%, with 996 rape cases leading to convictions; comparatively, in 2011, only 26% of the reported rape cases ended in conviction of the perpetrator (Wright, 2013). The conviction rate continued to decrease, with only 24% of the 24,923 cases leading to convictions in 2012 (Bagchi, 2014). The success of the most recent reforms cannot be determined because the conviction rates have not been published by the NCRB. However, the number of reported rapes continues to increase, demonstrating the reforms' inability to reduce instances of sexual violence.

Police apathy is cited as a main institutional obstacle that rape victims face in seeking justice (Harris, 2013). Within major cities, a large portion of the police force is recruited from the neighboring rural areas. Consequently, these police officers retain their traditional, and oftentimes primitive views which inevitably result in victim blaming (Harris, 2013). As an example, in Haryana, a senior officer blamed the increase of rapes on easily persuaded girls and Western styled clothing (Denver, 2013). Additionally, many police officers prioritize the victim's honor over pleas of justice. Thus, to salvage a rape victim's tarnished honor, many police officers encourage victims to marry their rapist (Harris, 2013). Moreover, like many Indians, police officers frequently ignore violence between spouses, due to the private nature of the crime. Consequently, many police officers do not file the appropriate paperwork needed to report the crime, further exacerbating the issue of underreporting (Human Rights Watch, 2009).

Panchayats, the unconstitutional tribal courts in rural areas of India, are viewed by many as their only source for justice. This is due to the inefficient workings of the Indian judiciary, namely the high costs associated with filing a formal complaint and the inaccessibility of formal courts to the countryside (Chaudhuri & Rajan, 2004). The existence of panchayats in rural India also limits the ability of Indian law to prosecute and convict rapists. Their deeply entrenched values of honor and male superiority disproportionately condemn women to cruel and unusual punishments. These punishments often include instances of sexual violence. This was demonstrated on January 21, 2014, when a young woman was sentenced to be gang raped by eleven men due to her illicit company with a Muslim man (Bagchi, 2014).

In the U.S. it is estimated that one in four women experience some form of physical or sexual abuse during their lifetime (The White House Council on Women and Girls & the Office of the Vice President, 2014). Additionally, in regards to sexual violence, 70% of all murders related to intimate partner violence are committed against women (The White House Council on Women and Girls & the Office of the Vice President, 2014). The U.S. is among the world's largest economies, and it is a predominantly caucasian, westernized society. Similar to India, the U.S. gained its independence from Britain. This fact suggests that the U.S.' government, culture, and laws were significantly influenced by the British, and sheds light on the concept of women as property. Chief Justice Sir Matthew Hale, a respected judge in Britain during the 1600s, was a major proponent of this idea. Accordingly, Hale delivered many judgements and cautions against supposed female rape victims. He espoused the notion that "rape is an accusation easily to be made, hard to be proved, and harder to be defended by the party accused, tho' never so innocent" (McGlynn & Munro, 2010). Concerning marriage, Hale decreed that wives could not be raped on account of their binding consent given in matrimony (Caringella, 2009).

In response to the growing number of rape cases in the U.S., a movement focused on women's rights began to form in the 1960s and 1970s, about a decade earlier than the movement in India. This social movement focused on rape prevention, legislative reform and victim support (Hodgson & Kelley, 2002). Prior to legislative reform, the anti-rape movement focused on the establishment of rape crisis centers that provide victim support along with d community education programs that primarily dealt with gender and sexuality. Additionally, similar to the reform movement in India, the legal code in the U.S. underwent significant reform. However, most of the reforms occurred at the state level and resulted in differentiation. In 1974, Michigan was the first state to adopt substantial changes to its penal code, motivated by the 56% increase of rapes in Michigan between 1969 and 1975 (Hodgson & Kelley, 2002). Consequently, many states based their laws on the Michigan model, which was arguably the most progressive (Caringella, 2009).

The reforms in Michigan were outlined in the Criminal Sexual Conduct Code, 1974, which introduced the model of graduation, and outlined varying degrees of criminal sexual conduct. Within the Michigan Penal Code, rape is categorized under four different degrees, including three felony categories and one misdemeanor category (Hodgson & Kelley, 2002). Additionally, the Michigan reforms prohibit the introduction of a victim's past sexual conduct, and this prohibition is often termed "shield laws" (Caringella, 2009). The inclusion of a victim's past sexual conduct was a tactic utilized by the defense with the intention of demonstrate the victim's promiscuity and, ultimately, fault for the sexual assault. However, after the introduction of this reform, the trial was mandated to focus solely on the specific assault in contention (Caringella, 2009).

Another reform included the removal of corroboration and resistance requirements. Historically, instances of sexual violence were the only serious crimes that dealt with legal corroboration requirements because of the prevalent rape myths claiming that women falsify rape reports. The criminalization of marital rape was also introduced in Michigan, in direct opposition to Hale's dated arguments. While marital rape was the most controversial reform, by 1993, all 50 states adopted this reform (Caringella,

2009). Additional reforms extended protection to previously unrepresented groups, such as male victims. These kinds of reforms were reflected in the use of sex-neutral terminology as it pertained to sexual crimes. Additionally, the biased requirement that victims take a polygraph test was removed. This reform confirmed the shift away from victim doubting by focusing instead on the motivations and actions of the defendant.

While the rape reforms of the 1970s and 1980s were successful in increasing victims' protections and legitimacy, they had little effect on the cultural perceptions of rape. In order to address this gap, President Clinton ratified the Violence against Women Act (VAWA) on September 13, 1994. This bill, originally introduced in 1990 by then-Senator Joe Biden, attempted to introduce legal and institutional changes concerning the prevention and response to sexual violence (Caringella, 2009). Included within the bill was a provision that automatically doubled sentences for repeat offenders in federal cases. Additionally, the shield laws that protect victims' past sexual histories were introduced into the federal jurisdiction. Infrastructural and institutional reforms included the ratification of VAWA, which authorized the distribution of large funds to increase public safety. These funds are continuously granted to various organizations, including the Department of Transportation in order to improve lighting, camera surveillance, and telecommunications. In addition, the allotted funds for institutional reforms were intended to improve enforcement of the rape laws. Under the auspices of the second chapter, large sums of money are granted to police agencies as a way of ensuring staff workers are developed, trained, and sensitized appropriately (Caringella, 2009).

After the rape reforms were introduced, many studies were conducted to measure their effectiveness in protecting the victim and in punishing the perpetrator. While the results are varied, it is clear that the reforms were mainly unsuccessful (Caringella, 2009). Numerous studies, regarding corroboration requirements, have shown that while corroboratory evidence requirements are *de jure* prohibited, they are still *de facto* required for prosecutors to try the case and for juries to convict. This idea was echoed by an Atlanta lawyer: "'You still win or lose on your corroboration'" (as cited in Caringella, 2009, p. 30).

Various studies demonstrate that shield laws are often ignored by both officials and lawyers during trial, especially in cases where the victim has admitted to previous sexual contact with the defendant. Spohn and Horney's (1992) investigation found that of the numerous officials they interviewed, most agreed that previous sexual encounters have a 50% chance of being introduced as evidence (Caringella, 2009). Numerous studies also prove that conviction rates have not increased due to legislative reform, although there has been a slight increase in arrest rates (Caringella, 2009). However, these same studies concluded that the rate at which police officers declared rapes unfounded remained the same (Caringella, 2009).

Many researchers argue that these mixed results stem from the excessive discretion allowed to the executive and judicial branches. Police officers are afforded personal discretion to decide whether a criminal claim is founded or unfounded. Prosecutors are also afforded similar discretion, granting them the authority to decide whether or not to try cases in court. This discretion becomes problematic when police officers and prosecutors internalize the various patriarchal rape myths which can produce bias against the victim (Caringella, 2009). One of the most frequently cited rape myths used to excuse or minimize rape is the notion that women who experienced sexual violence were "asking for it," due to their provocative clothing or behavior (Shaw & Lee, 2008). Many others claim that feminists exaggerate the actual number of rapes that occur; this notion is often accompanied by the belief that women frequently falsify rape reports. According to this belief, women tend to falsely accuse men in order to preserve their reputation or to take revenge. However, according to statistics collected by the Federal Bureau of Investigation, only 3% of rape allegations are false, matching the rates of other serious crimes (Levit & Verchick, 2006).

The failures of the legal reforms in both India and the U.S. demonstrate the law's limited ability to enact social change. While progressive laws have the potential to serve as models, they are ineffective without executive and judicial support. Accordingly, in order for laws to serve their intended purpose, the U.S. and Indian governments must increase the accountability of police officers and judicial officials. In addition, in order to facilitate social change, governments should incorporate gender issues into mainstream education. If taught about gender issues at young ages, girls would realize their potential and recognize their worth, and boys would learn to view their female classmates as equals (Winthrop, 2013).

Supporting social grassroots movements is another way in which governments can promote progressive, cultural change. Currently, the campaign "#VogueEmpower" is attempting to promote awareness of gender inequality in India. This campaign has gained a lot of media attention as it features famous celebrities in short films which revolve around gender issues. One of their films, "#StartWithTheBoys," depicts the negative social consequences of boys suppressing their emotions and advocates for the redefinition of gender roles (Thacker, 2015). Take Back the Night, an international advocacy movement, has become especially prevalent on college campuses; it encompasses events, vigils and marches designed to bring awareness to victims of sexual assault and rape. *Priya's Shakti*, a comic book that features a crime-fighting, tiger-riding woman, is another creative and successful social movement that advocates for the elimination of sexual violence. This comic, created by Ram Deviney, depicts a strong, courageous rape victim who works tirelessly to defend others from rape (Chatterjee, 2014). Governments can provide funds to promote the expansion of these organizations and endeavors. Governments can also create their own campaigns, which can potentially resemble the recent U.S. campaign, "It's On Us." This movement, recently announced by President Obama, encourages everyone to sign a pledge that vows to work towards ending sexual assault on college campuses (Somanader, 2014).

Both India and the U.S. have demonstrated their desire to decrease rates of sexual violence, and promote gender equality by enacting legislative changes. However, it is clear that legislation can be inhibited by the entrenched cultural norms of a society. Thus, while reforming laws constitutes as the first, necessary step to ending rape and sexual violence, a broader, more progressive shift must occur in societal gender norms, beliefs, and ideas in order to completely eradicate sexual violence.

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