

# Sexual Assault and Rape: Basic Definitions

Women's Self-Defense Handout - Jade de la Cruz Instructor

Studies show that 90 to 95% of violence done against women is done by men. The majority of survivors of sexual assault are women. In recognition of this, we tend to refer to the sexual assault survivor as “she” and the assailant as “he,” especially in the context of women's self-defense. However, it is important to recognize that boys and men can also be raped: they are most often raped by other men. There are cases of boys being sexually abused by older girls or women. And there are cases of men sexually assaulted by women. Also, women can be sexually assaulted by other women.

Studies show that 70 to 90% of women assaulted know the attacker. This may be a lover/partner, a family member, good friend, co-worker or a casual acquaintance. The relationship between the rapist and the survivor is irrelevant to the legal definition.

Rape is an act of violence, motivated by the desire to have power and control over another person. It is not motivated by sexual desire and it is not “sex” even if the perpetrator thinks of it as “sex.” Sex is a consensual act. Violence can be sexual.

## Rape is a Crime.

Under California Law, rape is sexual intercourse accomplished against a person's will that involves the use or threat of:

- force, violence or fear of immediate or future injury to you or another
- retaliation in the future

Or if you are incapable of giving consent because:

- of a mental, physical or developmental disability
- you are unconscious of the nature of the act & this is known to the attacker
- you cannot function, resist or express consent due to drugs or alcohol

Any degree of penetration, however slight, is enough to complete the crime. Whether the attacker ejaculated or not is irrelevant to the legal definition. Resistance by the victim is not required for the law to apply. All sexual acts accomplished against your will and meeting at least one of the above conditions, including vaginal or anal penetration with a penis, finger or object, and oral sex (oral copulation), are against the law.

**The responsibility for the sexual assault always lies with the attacker/offender.  
It is never the fault of the person who was assaulted.**

In some situations, we are pressured in *other* verbal & emotional ways (not with force or threat of force or violence) into engaging in sexual activity including intercourse when we truly don't want to. We may *choose* to have sex with someone because we hope to avoid conflict, we feel obligated, or we fear judgment or rejection. Although these situations do not fit the legal definition of rape, we can still feel unsafe, distressed and angry and experience the sexual contact as a violation.