THE HISTORY OF RAPE – A DARK HISTORY

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Abstract: The problem on addressing the rape – in general, in the contemporary society – and especially its different forms of manifestation, its consequences in the individual and social plan, is constituted as a theme of interest, both for the academic or scientific environment and for the public. A history of rape – complete and exhaustive – is extremely difficult, if not almost impossible to be written, considering the complexity of this phenomenon, with roots going deeply into the beginning of the humankind. The present work is to analyse the evolution of the rape, from what it used to be, in ancient times, a "tolerated" phenomenon – according to the social status of the victim and the perpetrator, to a serious crime, an infringement of the human being sexual freedom, an analysis that meets different periods of the history, and that is to finally accentuate the conception on the rape, within the Romanian territory.

Keywords: sexual violence, victim, perpetrator, crime, punishment.

The history of rape is a very dark one, with numerous dark or grey areas, a continuously transforming history, with periods of evolution and involution, on addressing the incrimination of the rape, and the sentencing of the perpetrators. It is a far back going history, as far as the history of the humankind, tightly connected to the social evolution of the man, and with the recognition of the human being and their dignity, being influenced by a series of social, psychological, political, economic, religious, cultural factors, along with the entire evolution of the philosophical and legal thinking.

Nowadays, the rape is perceived as an act of violence with an extremely serious degree of social danger, whose social and personal effects are extremely complex. A universal definition of the rape, acknowledged for all the times, for all the societies and law systems is hard to find, considering the fact that, along the evolution of the human society, it has been seen and interpreted differently, and the conception of the modalities of committing it, the victim and the perpetrator, on its consequences, on the way it has been sanctioned, has been continuously changing.

The act that, in certain periods and societies, was considered less serious than the crimes of burglary or theft[1], nowadays, the rape represents a serious offence, an

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[1] Georges Vigarello, *Istoria violului. Secolele XVI–XX*, Amarcord Publishing, Timişoara, 1998, p. 28.

infringement of the human being's sexual freedom, of disposing of their own body, their physical integrity and the freedom of living according to their own rules, customs or desires, with the only condition of observing the negative and correlative obligation of not infringing the other individuals' rights. In the contemporary society, all the international regulations and the national penal legislations protect the people's rights of making their own choices on addressing the private and sentimental life, of choosing their sexual partner, along with the way, the place and the moment of carrying out the sexual act, including, in its old stipulations, feminist provisions, such that of avoiding the risk of an unwanted pregnancy (the right to use birth-control pills), the right to abortion, the right to change their sex.

For many years, the rape was seen as an act of sexual violence, preponderantly against women, an aggression that was most of the times caused or justified by the victim's behaviour. There used to be even periods in which, owing to the fact that slavery was allowed, the rape was a way in which the man would show and legitimate his superiority or power – for example, the raping of the slaves by their master, or the right to "the first night" of the seniors from the Middle Ages on their subject females ("jus primae noctis").

Since the ancient times, the rape has been mentioned in different writings, most of them belonging to the legal literature. The Code of Hammurabi was stipulating the penalty of death by drowning for those who would violate an engaged virgin, for adultery, bigamy or the seduction of the daughter-in-law by her father-in-law, and by burning, of those who would commit incest with their own mother. The interest that the archaic societies would show for this brutal infringement of the woman's dignity (who was then considered the exclusive victim of the rape) is justified through the fact that the ancient people used to respect and protect the women for the reason that they would give birth and generate life. Yet, in the Babylonian law, there was the presumption that the woman gave her consent for the sexual act, or, if she could not bring evidence against the presumption and to prove that she put up resistance, she was also sentenced to death[2].

From the Roman period, there is recorded the episode in which the king Sextus Tarquinius raped Lucretia, and the Romans, finding that she committed suicide, rose in rebellion against the family members of Tarquinius, terminating their rights. In the Roman law, the sexual aggression was included in the "*vis privata*" category – private violence, and the acts of seduction ("*stuprum*") were punished with the confiscation of a half of the goods, when the perpetrator was originating from a wealthy family, and with the exile, when they were poor. Yet, only those who would seduce honourable women, virgins or honest widows were punished, not those whose victims were known for practising prostitution. The

[2] Sally Gold, Martha Wyatt, *The Rape System: Old Roles and New Times*, in "Catholic University Law Review", vol. 27, no. 4/1978, pp. 696, 705.

sexual acts against nature, as the corruption of minor girls under 10 years old were punished with death. Nonetheless, Emperor Tiberius was the initiator of a barbarian practice, which was stipulated that the virgin girls sentenced to death were raped by the executioner before they were executed.

In the ancient Greece, the rape was considered an unwitting act, the punishment being, in the worse scenario, a fine for the perpetrator. Very frequent during a war, such acts were considered a "right of the domination" of men, the most well-known episode being that of the rape of prices Cassandra, by the Troy victorious men[3].

The same conception is also found in the early Middle Ages, when the rape was considered rather an act committed out of passion, not violence[4]. Thus, the rape was regarded as a sin, not due to the sexual violence against the woman, but because of the fact that, through this act, it was infringed the right to property that the husband or the father had over a woman's body[5]. For example, according to the Venetian law, the rape was not considered a serious crime, neither against the victim, nor the society. Yet, the history registers cases in which the rapists were punished, especially for raping pregnant women, along with the cases in which the signs of violence against the victim were severe, leading to disfiguration or infirmity. For example, a man who forced his entry into a pregnant woman's house, raped her, and most importantly, hit her to disfiguration, was sentenced by the High Court of Venice to a year of prison (after being beaten and marked three times on his face), and then exiled from the city and all the territories subordinated to the city[6].

Starting with the 10th century, the girl kidnapping for forced marriages, or ransoms, ending with their raping, became extremely frequent. For this respect, a law from the ruling time of Constantine the Great was provisioning that the virgin kidnapper would be punished by pouring melted lead in his mouth. Thus, the rape became a serious offence, but not related to the victim, but the father or the future husband, and the kidnapping gradually transformed into a component of the crime of rape[7]. There were cases in which the rapist, in order to avoid the punishemnt of the victim's relatives, would run away and seek refuge in a church or monastery, but he was this way exposed to religious sanctions. Yet, the cases of rape that would be presented before the medieval courts of justice were very rare, the motif

[3] Robert E. Bell, *Cassandra in the Classical World*, available at http://www.english.illinois.edu/maps/poets/a_f/bogan/classical.htm, accessed on the 13th of March 2018.

[4] Stephen P. Pistono, *Rape in Medieval Europe*, in "Atlantis", vol. 14, no. 2/1989, pp. 36, 38, available at file:///C:/Users/RR/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/4287-5693-1-PB.pdf, accessed on the 3rd of March 2018.

[5] A. Thatcher, *O teologie creştină a sexualităţii*, translation from English, Bucharest, Polimark Publishing, 1993, p. 14.

[6] Stephen P. Pistono, *op. cit*., p. 38.

[7] P. J. P. Goldberg (ed.), *Women in England, c. 1275–1525: Documentary Sources*, Manchester, Manchester University Press, 1995, pp. 254–255.

being the fear of the victims and their families of stigmatisation[8]. A common phenomenon, especially in the medieval England, was the preoccupation of the courts of justice not to bring justice to the women, victims of rape, but to protect the men of fake accusations of rape. Thus, a woman accused of false perjury of rape was punished in a more severe manner than a rapist, and, moreover, becoming exposed to the risk of being accussed of prostitution or adultery[9]. Consequently, there were extremely frequent the cases in which the women would drop their charges, either fearing the repercussions or after an agreement between the rapist, the victim and her family, in which the first would made the commitment of paying compensations, or marrying the victim. The authors of the specialised studies consider that the rape charges were, in those times, used as a method to make a man marry, or force the families of the presumed bride or groom to give their consent[10].

Starting with the 13th century, the rape was included among the most severe crimes, along with treason, murder, arson, burglary, being expressed as "the physical experience with a wife or a virgin that has come at age, with or without their consent", the minimal age for which the expressed consent was considered valuable was of 12 years old (the minimal age for the marriage of women in the canonical law)[11]. The conjugal rape had a great incidence, taking into account the arranged marriages, which were not based on love and the freely expressed consent of the two spouses. The punishment were differentiated according to the social status of the offender, his age, the marital and social status of the victim, the harsher being the death by mangling or beheading, if a married woman was aggressed, and continuing to a small fine, if the victim was a servant[12]. The cases of unpunished raped were very frequent if the victim belonged to a low social class[13], or if a master who raped his slave/servant woman had released her from servitude, this being seen as a manner for paying for his mistake[14]. The most severe one was considered the rape of a virgin, the perpetrator being sentenced to castration[15].

There can be noticed that the penal law from the medieval period is characterised by a strong conservatism, inherited from the anterior laws, but, gradually, there are introduced new, reforming elements. In the period of the

[8] John Marshall Carter, *Rape in Medieval England: An Historical and Sociological Study*, Lanham, University Press of America, 1985, p. 120.

[9] Vern L. Bullough, James A. Brundage (eds.), *Sexual Practices & the Medieval Church*, Buffalo, New York, Prometheus Books, 1982, p. 91.

[10] J.B. Post, *Ravishment of Women and the Statutes of Westminster*, in J.H. Baker (ed.), *Legal Records and the Historian*, London, Royal Historical Society, 1978, p. 153.

[11] A. E. Simpson, *Sexual Underworlds of the Enlightenment*, G.B. Rousseau and Roy Porter Publishing, Manchester University Press, 1988, p. 184.

[12] Stephen P. Pistono, *art. cit.*, in *"loc. cit."*, p. 39.

[13] Georges Vigarello, *op. cit*., p. 23.

[14] Michel Rouche, *Evul mediu şi timpuriu în Apus. Istoria vieţii private*, vol. II, Bucharest, Meridiane Publishing, 1994, p. 198.

[15] Henry de Bracton, *On the Laws and Customs of England*, Cambridge, Selden Society [by] the Belknap Press of Harvard University Press, 1968, p. 415.

French Directorate, the Penal Code from 1791 was provisioning a sentence of six year prison for the person accused of rape, in the case the victim was an adult, the time spent in prison would become double if the aggression was committed against an under 14 minor, while the Penal Code from 1810 was provisioning the sentencing of the rapist to hard labour.

The Middle Ages also represented the period when the animals were brought to law, determined to the perversity of bestiality. The source of the medieval legislation was the Hebrew law on addressing the bestiality "And if a man lie with a beast, he shall surely be put to death: and ye shall slay the beast" (*Leviticus* 20, 15–16). The 16th, the 17th and even the 18th century registered the most numerous trials against those who would have sexual intercourse with different animals: mares, cows, she-asses, sheep, goats, she-dogs. The animal was arrested along with "the partner" and brought to justice. During the investigation, the accuser had to face his denouncers and the witnesses. Invariable, the court would sentence the death penalty for both the man and the animal, consisting of their burning alive[16]. All these bizarre trials against the animals, the canonical law, the ecclesiastic jurisdiction, the Inquisition, the horrible "witch hunt"[17] remain significant for the lively history of an era in which the light and gloom aspects were merging[18].

In the period of the Middle Ages rape was considered a severe offence also in the Romanian Principalities, as in most of the European states. From the provisions of the numerous legal books and written law collections as "Law of Matei Basarab", "Law Correction", "Law of Vasile Lupu", "Great Charter" of Constantin Mavrocordat, "Legal Book" of Andronache Donici, "Register of Laws", Code of Mihai Fotino, "The Charter of the Council" of Alexandru Mavrocordat, Law of Ioan Caragea, meant to bring reforms to the penal norms and legal procedures, it results that the rape was amongst the most aggressive offences that would disturb the public order. The attention that this crime was given in that time legislation was justified, on one side, by the insecurity of the women from the 17th-18th centuries, and, on the other side, by the fact that, beyond the disturbing of public order and the progress of the society, the committing of such acts could bring troubles for the transmitting of patrimony, through the incertitude created by the paternity of the potential children that would result after the rape.

Very often mentioned in the documents of the year, the rape trials were carefully sentenced, considering both the situation of the woman and the offender. In many cases, there was the suspicion that money profit was sought from the accused, the courts – both laic and ecclesiastic – were taking into account the age of the victim, the social status – free or enslaved woman, rich or poor, the marital

[16] Cezar Avram, Gheorghe Bică, Ion Bitoleanu, Ioan Vlad, Roxana Radu, Elena Paraschiv, *Introducere în istoria dreptului,* Bucharest, România de Mâine Foundation Publishing, 2007, p. 123.

[17] Ioan Craiovan, *Teoria generală a dreptului*, Bucharest, Militară Publishing, 1997, p. 26.

[18] Cezar Avram et all., *op. cit*., p. 123.

status – married or widow, along with the virginity of the woman and the opposition she would manifest[19]. The most severe sentenced were those for "taking the virginity", whether they were free or slave women[20]. The harsher were punished the minor corrupters (the paedophiles)[21]. Being damaged the future conjugal situation of the victims, the aggressors would have to face differentiated sentences. Thus, the one who would endow and marry the victim was exonerated. If the perpetrator would refuse to give compensation to the victim, the laic courts made him endow the victim, and the religious ones would "excommunicate" him, until he "has finished his penance"[22].

Also known as "ravishment", rape was an act committed with brutality against the victims, the most exposed being the widows. Usually, the perpetrator was obliged to pay compensations, which would assure a convenient material situation for the victim. The history of that age recorded numerous episodes in which quite many of the rulers of Wallachia and Moldova were in the position of rapist.

The quantum of the material compensations was established according to the social and material conditions of the accused, and the reputation of the girl. If the aggressor was poor and could not pay compensation, he would be stripped naked and carried through the borough, and then banished from the town. Extremely severe punishments were given to the daring slaves or servants, considering that these acts would endanger the social order; they were burnt alive, and, if there was proved that the sexual intercourse had taken place with the agreement of the victim, she was also sentenced to death.

The same as in the rest of the medieval Europe, the kidnapping was triggering scandal when it was committed, disturbing the public order, and the existent laws of the society. Judged in an extremely severe way by the ecclesiastic courts, under whose jurisdiction would fall everything referring to marriage and family, the kidnapping of the girls was sometimes transferred to the laic authorities, and even subjected to the judgement of the Ruling Council. In many cases, the kidnapping took place according to some cunningly thought scenarios, made by the kidnapper and the victim, who were in love and only in this manner could marry, defeating the resistance of the two families. The legislator, a wise person, also intuited these situations, stipulating that, if the kidnapped girl also felt love for the kidnapper, he would not be punished, or, if the judge still considered that there ought to be given a punishment, it needed to be a slight one. The kidnapping of a married woman, a widow, a nun or a minor girl, against their will, was nonetheless punished harshly. In such cases, the Great Law of Wallachia was stipulating the

[19] Dan Horia Mazilu, *Lege şi fărădelege în lumea românească veche*, Bucharest-Iaşi, Polirom Publishing, 2006, pp. 426 and next.

[20] *Ibidem*.

[21] According to the medieval laws, the minimum age for a girl to get married was 12, and for a boy, 14.

[22] Dan Horia Mazilu, *op. cit*., p. 428.

sentencing to death of the kidnappers, the confiscation of their goods and giving them to the kidnapped girl/woman[23]. Sometimes, the kidnappers would never face a judge, being killed by the relatives or the close friends of the victim, including her master. Even the church servants were exposed to the punishments or the revenge of the girl's family, being forbidden through strict dispositions to be married with the kidnapped girls. Nevertheless, in most of the cases, if the marriage occurred, the kidnapper was not subjected to penalty.

The kidnapping of a nun, the sexual intercourse in church or with nuns were considered "sacrilege" offences[24], punished with death, confiscation of the perpetrator's fortune and transferring it to the damaged monastery[25].

In 1780, "The Register of Laws" of Alexandru Ipsilanti was entrusting the sentencing of the girl/woman kidnapping to the authorities of the Ruling Council. Regardless whether the victim was a married woman, a widow, a nun or a virgin, the provisioned penalty was death, both the responsible, who would also lose their fortune, and the advisers or the accomplices becoming liable[26].

Starting with Ipsilanti, there was shown special attention to the seduction and "taking of virginity". These acts were punished through the forcing of the perpetrator to marry the victim. The virginity was considered, according to the church's laws, a significant part of a girls' dowry. "The taking of virginity", with the agreement of the girl – through seduction, or in lack of agreement – through violence, would ruin the chances of marriage, would compromise the girl's honour, and would bring shame over her family[27]. Sometimes, if the marriage did not occur, due to the refuse of the parties, the penalties were pecuniary: the rich perpetrators were confiscated half of their wealth, and the poor ones, for the same deed, were physically punished: by beating[28], having their hair shaved, and/or the exile. "The taking of virginity" and the seduction were considered extremely severe acts, owing to the fact that they could endanger the victim's life. "The Correction of Law" was allowing the father who would find his daughter pregnant the right to kill her, without facing any punishment. The same severity would be maintained until the beginning of the 19th century.

In the Penal Code from 1864, the offences against the sexual life were included in the section called "Assault upon the morals", the rape being called "indecent violent assault" (art. 264). According to the definition from the Code, the crime was designating both the committing of normal sexual acts of violence, along with the homosexual and sexual perversion acts, also with violence. The

[23] *Ibidem*.

[24] *Îndreptarea legii (1652)*, critique edition by a collective led by Andrei Rădulescu, Bucharest, 1962, p. 257.

[25] Cezar Avram et all, *op. cit*., p. 158.

[26] *Îndreptarea Legii*, ed. cit., p. 259.

[27] Georges Vigarello, *op. cit.*, pp. 35–37.

[28] *Îndreptarea Legii*, *ed. cit.*, p. 259.

penalty was 5 years in prison, and if the victim was a minor under 15 years old, the duration would be prolonged to 10 years.

In comparison to the Romanian legislator from 1864, which was protecting the sexual freedom of each person, regardless their gender, from the analysis of the Penal Code from 1936 (The Code of Carol I) there can be observed a radical change of vision, the perpetrator (the active subject) in the rape crime the aggressor being exclusively a man, while the victim could be both a man and a woman. As penalties, the simple rape was punished with "correctional prison from 2 to 5 years and correctional interdiction from 3 to 5 years". The Code was also provisioning three aggravating variants – if the victim was younger than 14 years old, or if she would become pregnant, or was transmitted a venereal disease, the punishment was "correctional prison from 5 to 10 years and the correctional interdiction from 3 to 5 years" (art. 419).

The regulations on addressing the rape continued in Romania with the Penal Code from 1968, which suffered successive modifications, after the event from 1989. In the initial form of the Penal Code from December 1968, the one in which it had been adopted, the rape in the typical version was defined as "sexual intercourse with a feminine gender person, by constraining her or taking advantage of her impossibility to defend or express her will", respectively when the victim was asleep or, being under the influence of drugs, alcohol, pills or other substances, can be easily immobilised to compel her for sexual intercourse. The modifications suffered by the penal legislation after 1989, as a consequence of the political regime change, and also the mentality, have been reflected in the definition of the rape as "sexual act, of any nature, with a person of different or the same gender", committed "by compelling them or taking advantage of their impossibility to defend themselves or express their will"[29]. Thus, there has been made the transition towards the protection of any person's sexual freedom, regardless their sex, not only of the women, as it used to be in the old regulation. Moreover, the introduction of the concept of "sexual act of any nature, although it has not been defined by the law, it denotes the clear intention of the legislator to see in it something more than the sexual intercourse, understood as the conjunction between the male and female genitals[30], and which was obviously different from the other sexual activities, so far incriminated through the other offences.

The new Romanian Penal Code[31], in force at present (since the 1st of February 2014), incriminates rape, along with other sexual offences, in the chapter "Offences against the sexual freedom and integrity". The provisions from the Penal

[29] Art. 197 from the Penal Code, republished under the provisions art. III from the Law no. 140/1996 in the Official Gazette no. 65 from the 16th of April 1997.

[30] G. Antoniu, C. Bulai, Gh. Chivulescu, *Dicționar juridic penal*, Bucharest, Stiintific and Enciclopedic Publishing, 1976, p. 235.

[31] Law no. 286/2009 published in the Of. G. no. 510 from the 24th of July 2009, in force from the 1st of February 2014 – according to art. 247 from Law no. 187/2012 on the application of Law no. 286/2009 on addressing the Penal Code, published in the Of. G. no. 757/2012.

Codes of Spain, Portugal, Germany, Austria, France constituted the base of the new regulations, the Romanian legislator taking inspiration from them, and from the aspects met in the doctrinary and jurisprudence studies of these states[32], although the new vision has already created certain inconsequence in its practical application[33]. The new definition of rape provisions that it represents any sexual act, oral or anal sexual act with a person, without making the distinction between their gender, committed through constraint, or by positioning them in the impossibility to defend themselves or express their will, or taking advantage of such a condition in which the victim is. As it can be noticed, the material element of the objective side of the offence was reconsidered by those who elaborated the new Penal Code, defining it as any type of penetration, either a standard sexual intercourse, the conjunction of the male and female genitals, or any sexual act that consists of oral or anal penetration of a person belonging to the same or different gender. In a variant assimilated by the law, it is considered rape any anal or vaginal penetration (for example, realised through the introduction of some objects or fingers in vagina or anus), which can be realised directly by the perpetrator on the victim's body, but it can also be committed by compelling the victim to penetrate their own bodies.

As it can be noticed, the modalities in which the sexual act can be performed have been regarded differently along the time. Initially, rape was considered starting from the idea of act of penetration – this syntagm having the classic, traditional meaning of act that is performed through the conjunction of the male and female genitals[34] – the oral or anal sexual act not belonging to this acceptation. Moreover, although homosexuality/lesbianism have been known and mentioned since the Antiquity, the committing of such acts through the compelling of the victims was punished very late. Thousands of years of evolution have passed and an extraordinary open-mind mentality of the legislators was necessary to incriminate the concept of "sexual act of any nature", whether it is a heterosexual or homosexual act, including those of vaginal and anal penetration, of any kind (introduction of different objects, fingers etc.), or the situations in which the victim has to perform such acts on the author. This evolution can be surprised if analysing the provisions from the French, German, Spanish, Romanian etc. Penal Code.

The rape is the physical or psychical compelling with the purpose of annulling the resistance or brutally obtaining the consent of the victim, respectively the exercising of physical violence on them, or menacing them and the people they hold dear, through which the author eliminates the opposition. On addressing the degree of intensity that the victim shows when opposing, the concepts also changed along the time. Thus, in the past, there was considered that, if the victim did not show determination when opposing, they did not actually fought the perpetrator, therefore,

[32] The presentation of reasons of the authors of the Penal Code Draft, available on the site http://www.just.ro.

[33] V. Paşca, *Unele consideraţii în legătură cu incriminarea infracţiunii de viol în Noul Cod penal*, in "Revista de Drept Penal", no. 10/2010, pp. 23–24.

[34] G. Antoniu, C. Bulai, Gh. Chivulescu, *op. cit.*, p. 235.

there was no case of rape. Nowadays, the specialists in penal law say that, it does not matter whether the victim showed physical resistance, this aspect can be neglected if there was a clearly expressed refuse of her. Thus, the existent condition in older times in the penal legislations of the other states from the world, in which the victim would oppose resistance became obsolete, as long as, showing this type of attitude, the victim would become exposed to the risk of producing the harm that the perpetrator menaced with. If the victim, subjected to the menace, would become convinced that the harm could not be avoided to be produced but through a passive attitude, respectively the accepting of the sexual act without showing physical resistance, the request referring to the existence of the compelling is considered fulfilled.

The new directions in the social plan that led to the acceptation of homosexuality and lesbianism as phenomena related to the free manifestation of the sexual freedom, ample scientific researches and discoveries in the area of psychology, psychanalysis and medical and legal have imposed – as consequence – the elimination of the gender stereotypes and the modification of the penal legislation of many contemporary states, according to which a woman can commit an act of rape on another woman[35], or even a man[36].

We cannot end our study without underlying that, at the basis of the opinion on rape and the punishment of it, in the archaic or medieval societies, there was often an obsolete, primitive conception that regarded the woman as an inferior being, as an object of possession that the man could abuse of, using his physical force, that the victim – as a woman, subjected to sin – carried the entire guilt of the act, which she also caused: through indecent behaviour, way of dressing, lack of prudence on addressing the places she went, the people she got in touch with, the delay in announcing the aggressive intention of the man who would accompany her. Unfortunately, this is a conception that, despite the evolution of the society, the degree of education, or the plenitude of the sources of information, there cannot be totally eradicated, its reminiscences still being met nowadays[37]. Furthermore, maybe the danger of such facts comes not necessarily from the harm done to the corporal integrity and the woman's health, but the psychical sufferance that it can trigger, which can leave deep marks in the victim's conscience, including after facing the public opinion that might transform her from victim into a guilty person. These represent sufficient reasons for considering that the penal legislation from any state of the world ought to punish rape severely, in all its forms and manifestations.

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[35] Yet, it ought to be mentioned that there are exceptional situations, in which the deeply-rooted archaic mentalities are difficult to be removed. For example, according to the penal law from Great Britain, women cannot be sentenced as rapists. N. Fayard, Y. Rocheron, *"Moi quand on dit qu'une femme ment, eh bien, elle ment". The Administration of Rape in Twenty-First Century France and England & Wales*, in "French Politics, Culture & Society", vol. 29, no. 1/ spring 2011, p. 73.

[36] Siegmund Fred Fuchs, *Male Sexual Assault: Issues of Arousal and Consent*, in "Cleveland State Law Review", vol. 51/2004, pp. 93–121.

[37] Oana Băluță, *Despre cultura violului*, available at http://adevarul.ro/news/societate/despre-cultura-violului-1_55a687c2f5eaafab2c99a1e2/index.html.