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## NEWS

# Why Sexual Assault Survivors Don't Target Their Rapist's Pocketbook

by [Alex DiBranco](#) · 2010-05-28 14:25:00 UTC

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When then-Senator Joe Biden introduced the Violence Against Women Act (VAWA), he said that, despite the fact that 90% of sex crimes are committed against women, "we ignore the implication: a rape or sex assault should be deemed a civil rights crime, just as 'hate beatings' aimed at blacks or Asians are widely recognized as violations of their civil rights." VAWA, which passed in 1994, was intended to provide a means for rape survivors to go after their attackers in a civil court.

While of course the preference would be to put rapists behind bars, the criminal justice system doesn't always work to the best interest of survivors. Prosecutors pick and choose cases to pursue, and because rape cases can among be the most difficult to prove "beyond a reasonable doubt," since there are rarely witnesses and a defense attorney will often try to paint the encounter as consensual. A civil case, however, only has to reach the standard of "a preponderance of the evidence" pointing to the guilt of the defendant. Plus a rape survivor can pursue this legal action of her own accord.

However, an intriguing piece on Slate this week asks the question, "[Why Don't More Women Sue Their Rapists?](#)" The answer, according to Claire Bushey, is the Supreme Court's decision to strike down part of the Violence Against Women Act in 2000. Though the court agreed that a rape survivor has the right to bring forth charges of a severe violation of her civil rights, they decided that the case should not be pursued on a federal level. Unfortunately, this means that rape survivors are at the mercy of whatever laws their states happen to have, and only Illinois, California, and New York City have passed laws at the level of VAWA.

Kaethe Morris Hoffer, legal director for Chicago Alliance Against Sexual Exploitation, says that she hopes that, when a rapist is sentenced to cutting a check to his victim every single month, that maybe he'll be less eager to commit another assault. So, although money seems to me like a poor recompense for being raped, if the criminal justice system doesn't lock a rapist up, this approach better than nothing, at least for the deterrence factor. Unfortunately, even this is only an accessible remedy if you live in one of the three golden locations.

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