

Psychosocial Impacts of Marital Rape

¹Jasmeen Kour

¹M.A English

¹University Of Jammu

¹jasmeenkkour@gmail.com

Abstract—From ancient world to today’s modern society, women have been subjected to disparities and fell prey to abuses and it will not be surprising even in the institution like marriage which promises security and intimacy it engendered women to be raped by the person whom they have to face all their lives, the same face which stings them of the violence. The question is about why most women negate the actual incidence of rape by their husbands, while some who do stand against it are subjected to prejudice by their own family. Everything in marriage is seen as a private affair which should remain closed behind curtains but if the same privacy violates the safety of women shouldn’t be questioned. Marital rape in present time is criminalized in more than 100 countries, while exception being countries like India, Pakistan, Saudi Arabia, Haiti, Tajikistan etc. In some instances, Indian courts have also given exceptional judgement as Karnataka HC says, rape is rape, be it by the husband. The rising instances of Marital rape time ground the acknowledgement for legislation of such crime. The paper highlights how marital rape affects women on all parameters be it physical, psychological and emotional leaving her pilfered from her sanity.

Index Terms—Marital rape, Privacy, Sanity, Legal framework, Emotional dysfunction, trauma.

I. Introduction

The subject of marital rape has always been a point of controversy and issue in various institutions of society be it religion, law and family. Rape; impacts a woman’s both body and mind where she suffers the most destructive catastrophe in her life and later her suffering is seen as a taboo, a shame on her family and she is force to carry the burden of abiding fate for her whole life. The definition of rape and sexual violence have always been under the view of intense attention, centering on the question of how rape should be defined, whether the scope of its definition should be referred by the lack of consent of victim or the coercion and threat and force used by the offender. The ICC defines rape as ‘The perpetrator invaded the body of a person by conduct resulting in penetration, however slight of any part of the body of victim or of the perpetrator with a sexual organ or of anal or genital opening of victim with any object or any parr of body. The invasion was committed by force or by threat of force or by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person or by taking advantage of a coercive environment or the invasion was committed against a person incapable of giving genuine consent. However, our country legalization for rape as a crime has gone through dynamic changes where sec 375 of IPC defines Rape as an act committed by man without a woman’s consent or will or by exerting hegemony over her will to reach the consent in her conscience and with a broadened definition in 2013 Amendment Act it also included rape beyond penile-vaginal penetration and included anus and mouth penetration. In the domestic spheres, the fight against violence saw a major shift with domestic violence act 2005, which defined the act in comprehensive manner in section of DNA, 2005 as

1. Physical, mental, verbal, emotional, sexual and economic abuse.
2. Harassment of dowry
3. Act of threatening to abuse the victim or any person related to her.

Thus, covering the abuse against women which were either excluded or not defined earlier laws.

1. GRISLY UMBRA OF MARITAL RAPE

Marriage as an institution is backed by anthropological, social and legal establishments across different discourse, marriage emerges out as a social obligation with rights and in various cultures, marriage is also acknowledged with recognition of sexual relationships. In Indian context, marriage is regarded as sacrosanct where not only individuals but families and values are also involved. However, in the depth of this institution, marital rape covers a grey area where forceful sexual intercourse between spouses without his/her partner's consent is not referred to as content of grave issue and it is often shut down as a subject of taboo, whereas on one hand rape is considered as a non-compoundable offence bringing severe punishment. Marital rape remains under ambiguity from both social and legal perspectives. According to NFHS- survey (2019-20), it has been reported that 29% of married woman have experienced some form of physical or sexual violence in their lives from their husbands. It has also been found that more than two thirds of married women in India aged 15-49 have been beaten or forced to provide sex. The report of the UN population fund questions the sanctity of the marriage institution which promises to give equal rights and respect to both sexes. The fundamental question which arises in the context of marital rape is the specifying marital rapists and the layers of the consequences woman bears in an abusive marriage.

Through the ages, writers have explored the graveness of marital rape through the lens of literature & pain of its character.

In Rosa Pared's *Australian Heroine*, she lays bare the brutalities of marriage. The story records how the antagonist *George Brand* justifies violence towards his wife by telling her "You are mine now, remember and I may do what I like with you".

It shows on a deeper lane that marital rape is not abuse of body but also her moral soul.

As *Esther* finds her marriage as "Nothing but a degrading prostitution from which she could not escape". And which has "Upon her the effect of slow moral suicide".

In *Rape in Marriage (1990)*, Diana Russell attacks the passive and traditional doctrine of wife's implied consent in patriarchal marriage system.

She defines marital rape as any act of sexual intercourse or violence against her without *her consent*.

A husband in an institution of marriage is placed on the pedestal as owner of the property (*His wife*).

The intensity of rape in a marriage is virtually ignored because of the long-standing norms of the legality of sex in marriage which transcends the boundary of women's consent. Many women themselves don't see marital rape as an act of violation because of the sacrosanctity of husband's authority.

Even the society finds it hard to believe that there can be such a force in marriage which later manifests in the form of how cases of wife rape are swiped under the carpet because of long established prejudices.

Russell situates marital rape as an act of not only physical violence but emotional and psychological abuse which is compounded by isolation of women from her institutional support. The trauma gets intensified because it occurs within a relationship that is considered safe and legal.

2. PSYCHOSOCIAL IMPACT OF MARITAL RAPE

The social and psychological impact of marital rape extends beyond individual's physical memory. It damages identity, fractures the social relationships and a person is left only as *a breathing dead soul*.

These impacts are intensified by systematic norms of legal silence, social stigma attached to it and taboo of marital privacy.

Research by Campbell (2002) shows that how marital rape disrupts a victims' capacity to trust and understanding. The victim lives through emotional numbness and anxiety for intimacy. There are also instances where risk of depression and PTSD resulting from marital rape are even higher than childhood abuse.

And it creates a cycle of suffering of emotional dysfunction which also affects children. The anguish works on an ideological plane in the way women are told to focus on marital harmony which leads to silent suffering & suppression of trauma.

Brownmiller in her study conceptualizes the licensing of rape 'a conscious process of intimidation by which all men keep women in state of fear'. When the husband gets a legit license to control the wife's body which extends from sex to bearing child.

Bergen (1996) found that women going through marital abuse don't leave their husband until they notice the gravity of abuse is increasing and their husband might hurt someone else or they would hurt their husband. The way of such marriage is affected by numerous factors such as deprivation of health from family and fear of retaliation.

A study conducted by Ankita Banerjee reports an old woman who told the reporter about the violence she endured,

"I didn't have enough strength to fight back" she said

"After he would be done, I'd ask how could you do that, but in return he would silence me with a hard slap on my face".

The researchers on victims of abuse have found that how the impact of such an abuse go beyond the boundaries of broken bones and bruises and reaches the stage where victim start blaming themselves for their incapability & failure which caused husband to use coercive behavior, many times the insults used by partners escalates their guilt.

3. EXCUSES FOR CRIMINALIZING MARITAL RAPE

The excuses of male dominated society that are regulated as contentious against criminalizing marital rape

- For instance, there is no need for legislation to address marital rape because it is so rare.
- A dissatisfied, enraged and spiteful wives may accuse their innocent husbands of marital rape.
- When a woman marries a guy there is implied permission to have sexual relations.
- Many marriages would get destroyed if laws against marital rape are enabled

This shows how society trivializes the same act of violence committed against women not by any stranger but her husband.

II. CONCLUSION

Even in the 21st century where women are equal breadwinners for a family, their decisions are suppressed and conflicts arise; they sometimes escalate to abuse. Marital rape is the abuse committed towards one woman but her trauma follows through generations. Rape committed by the husband is nefarious materialization of jealousy, hatred and authority over her body. Thus, it is a crime of grave intensity but trivialized in both the social and legal arena. It questions the discreteness of society which promises women safety and equality but fails to provide her security in most intimate relationships.

III. METHODOLOGY

This research paper adopts the method of document analysis, qualitative and the study is guided by feminist criticism to analyze the power relations in the patriarchal social institution. The primary sources adopted for this study includes the literary text which portray marital rape and secondary sources includes journals, article, reports and studies related to marital rape.

The study of data includes close analysis of text and it focuses on the problems and impact caused on victims. The study doesn't include medical case studies and is limited to textual analysis.

References

- [1] Parliament of India. (2005). THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005.
- [2] Filip, O. L., & Popp, L. E. (2021). Psychosocial implications of marital rape. MATEC Web of Conferences, 342, 10004.
- [3] Amnesty International. (2011). RAPE AND SEXUAL VIOLENCE HUMAN RIGHTS LAW AND STANDARDS IN THE INTERNATIONAL CRIMINAL COURT.
- [4] Gautam, D., & Singh, G. (2022). A STUDY ON MARITAL RAPE a MYTH OR REALITY IN INDIAN CONTEXT [Journal-article]. Dharmashastra National Law University, 184–185.
- [5] Smith, Z. (2024, March 21). Friday Essay: 'A Prisoner on the Rack' – How 19th-century Australian women wrote about marital rape.
- [6] Woods, L., & Russell, D. E. H. (1983). Book review: Rape in Marriage. Minnesota Journal of Law & Inequality, 1(1), 187.
- [7] Brownmiller, S. (2005). Against Our Will: Men, Women and Rape (1975). In R. K. Bergen, J. L. Edleson, & C. M. Renzetti, Violence against women: Classic papers (pp. 5–8). Pearson Education New Zealand.
- [8] Russell, D. E. H. (1990). Rape in marriage (Exp. And rev. ed.). Indiana University Press.
- [9] Campbell JC. Health consequences of intimate partner violence. Lancet. 2002 Apr 13;359(9314):1331-6. Doi: 10.1016/S0140-6736(02)08336-8. PMID: 11965295.
- [10] 'Someone raped me, I can't believe it': 3 accounts of marital rape, as Supreme Court considers petitions to criminalise it. (n.d.). <https://article-14.com/post/-someone-raped-me-i-can-t-believe-it-3-accounts-of-marital-rape-as-supreme-court-considers-petitions-to-criminalise-it--651cdd48bd6ea>
- [11] Explainers, F. (2022, March 24). India does not criminalise marital rape: Which are the countries where spousal rape is a crime?