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## **Marital Rape**

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Sexual violence in heterosexual marriage can take a broad range of forms, including coerced sexual contact, sexual harassment or sexual degradation of the victim in front of others, and forced penetration. The latter, marital rape, is the focus of this article. Marital rape is seldom given the legitimacy or validity of other forms of sexual violence, but it can be just as devastating. What sets marital rape apart is that the victim has to live with her rapist.

Diana Russell's study of over 900 married women in 1978 revealed that 14 percent had been sexually assaulted in some way by their husbands.<sup>(1)</sup> More than twice as many women in her study had been raped by a husband as by a stranger. Another study involving interviews with women who had been raped by their husbands found that 50 percent of them had been raped more than 20 times by their husbands.

### **Marital rape in the legal system**

The first marital rape case to reach the U.S. court system took place in 1978 in New Jersey, where Daniel Morrison was found guilty of raping his estranged wife. Six months later in Oregon, John Rideout became the first husband charged with rape while living with his wife. Rideout was acquitted, but the case was widely publicized and brought attention to the concept that rape can exist within the context of marriage. Many states (including Minnesota) at that time defined rape as forced sexual intercourse committed by a man "against a woman [not his wife]." In 1979, the state of Massachusetts charged and convicted a marital rape case. In 1981, Minnesota statutes were changed to acknowledge the existence of rape in marriage; Ramsey County was the first to charge a case under this statute, but later dismissed it. There have since been subsequent successful prosecutions of marital rape, but in general the cases are hard to win, primarily because the question of consent is clouded by societal beliefs about marriage.

### **Some societal beliefs and misconceptions contributing to the tolerance of marital rape**

Sexism is at the heart of marital rape, just as it is at the heart of most forms of sexual violence. The widespread idea that a husband has a right to sex, and has a right to use his wife's body for this purpose, makes it difficult for many in mainstream U.S. culture to recognize sexual coercion in marriage. How can a husband be guilty of taking something that belongs to him? Often the marriage vows are seen as giving contractual consent to sex; hence the crude joke "if you can't rape your wife, who can you rape?" People may think of marital rape as just a bedroom squabble: he wants sex, she's not in the mood, he wins. The Judeo-Christian and Western European idea that women aren't supposed to enjoy sex, but are just supposed to put up with it, adds to the confusion. All these ideas are based on the assumption that a man's needs and desires are more important than a woman's. They also fail to acknowledge the violent nature of marital rape, which is often extremely brutal and degrading, and may be connected with a pattern of other violent physical abuses. Women in such a violent sexual relationship with a husband may find little help from outside the family, because of U.S. society's value of family privacy. What happens in a home is seen as private family business, even when that activity would be seen as criminal behavior between other people. Women of traditional Latino cultures and others that value family loyalty very highly may find additional pressure to tolerate marital rape, as powerful isolating pressures come from both outside and inside the family. Traditional Judeo-Christian

religious beliefs have also served to perpetuate the problem of marital rape, by putting extreme emphasis on a wife's responsibility to please and to be subordinate to her husband, and by exhorting her to stay with him no matter what. Biblical passages have been used to tell women that it is their duty to satisfy their husbands sexually - if a woman fails to do so, then she gets what she deserves if her husband "loses control" and rapes her. Women are also told that if they "turn the other cheek" and love their husbands completely, they will be able to transform their husbands' behavior. Women who believe and live by precepts like these (whether Judeo-Christian or from other patriarchal cultural sources) may not even identify sexually coercive behavior in their marriages as such - they may simply expect it and accept it as part of marriage. But marital rape and other sexual coercion, whether identified by the victim or not, can have a very harmful effect on her well-being.

### **Effects of marital rape**

Many factors contribute to the difficulty that many women have in recovering from marital rape. The issues are complicated. First is the fact that the rapist is a close acquaintance, and as in other forms of acquaintance rape, healing can be a very long and difficult process. The survivor may not recognize that she was sexually violated, and so may think that her feelings of fear, revulsion, depression or anger mean that she is crazy or somehow flawed. Because the perpetrator was at one time trusted and loved, the survivor is likely to deal with bitter feelings of betrayal and broken trust, and may feel she cannot trust herself to decide which people are safe and which are not. Feelings of grief and loss are common for victim/survivors of marital rape because the rape is a break in an important relationship. The survivor may still love her assailant, and may feel terribly torn and confused because of this. She may experience a great loss of self-esteem, and feel worthless because someone who "loved" her did something so horrible to her. The loss of control over her own life is always an issue for a sexual assault survivor, but when that assault takes place within marriage the loss is extreme. When the sexual violence is a part of a pattern of physical and emotional abuse (see following subsection), the victim/survivor is likely to feel even more powerless because of the controlling behavior of her spouse. The survivor cannot go home to find safety and support because the cause of the trauma is in the home; there may seem to be no place of safety anywhere. Lack of support from family and friends is also often a problem.

Some other difficulties may arise for a woman if the assailant/husband is also the economic provider for the family, or the father of her children. For women in this situation, a decision to confront the perpetrator, report the crime or even try to escape would mean risking loss of income, loss of home and loss of children, not to mention the loss of a spouse. For some women, the ability to "keep a man" is important to feelings of self worth, and they may feel it necessary to put up with the violence. Women of Color married to men of Color may feel more pressure to keep silent about marital rape because of the need to protect their race and family and avoid racist attributions by police and court systems. All these entanglements and more, along with the religious and social beliefs mentioned above, may function to keep women in marriages where they are raped. This sense of entanglement may cause a survivor to feel that she is therefore responsible for the abuse. In addition, survivors who see no way of escape may deny or minimize the violence they live with in order to survive it.

### **The relationship between marital rape and battering**

Women who are battered by their spouses usually live with a broad pattern of abuse which can include massive intimidation, isolation from other sources of support, economic dependency, threats, abuse or threatened abuse of the children, emotional violence, sexual violence and

physical violence. The abuser uses these tools to maintain power and control over his victim. A number of studies have investigated the relationship between marital rape and battering. Irene Hanson Frieze's study of married women revealed that one of every three women she interviewed had been battered.(2) Of those battered women, one third reported to her that they had been forcibly raped and two-thirds reported that they had been pressured into having sex by their husbands.

Other studies have investigated the question of whether wives are raped outside of "battering relationships." David Finkelhor and Kersti Yllo's study involved in-depth interviews with 50 women who identified that they had been sexually assaulted in their marriages.(3) Yllo and Finkelhor found that about 40 percent of these women were in relationships that included little or no violence outside the incidents of rape. Some of these women also felt there was little verbal or psychological abuse in the relationship (outside of the rape). It's important to remember that not all women raped by their husbands are also battered by these men.

### **Tips for counselors**

Validating the survivor's feelings and experience is essential because she has likely talked to friends, family and others who denied her feelings of violation. Extend legitimacy to the concept of marital rape, and let her know that her husband does not have a right to rape her. It's okay to let her know that you feel angry that her husband treats her this way, but try not to disparage him excessively, or you may put her in the position of feeling she has to defend him. She may still love him, or feel very ambivalent about him. Help her identify whether there are other forms of abuse taking place in the marriage, and if so help her to find services for battered women in addition to your own - if she wishes it. If she needs or wants to stay in the relationship, help her identify times when the risk for sexual violence may be higher, and develop a protection plan for those times to help her stay safe. Find out about the Order for Protection and offer it as an option.(4) Marital rape and incest have a high correlation, so it is wise to be concerned about the children if there are any in the family. Realize that marital rape is sometimes used as a form of retaliation against a woman who is trying to escape a relationship. Therefore, divorce or separation does not necessarily mean the victim/survivor is safe from the assailant. He may use visitation with the children or other excuses to gain access to her and punish her by sexually assaulting her. He may also threaten or carry out other extreme forms of violence against her. Respect the victim/survivor's assessment about what she needs to keep safe, whether that means reporting to the police or not, staying in the relationship or not, etc.

### **END NOTES**

1. Diana Russell, *Rape in Marriage*. (New York; Macmillan, 1982)
2. Irene Hanson Frieze, "Investigating causes and consequences of Marital Rape," *Signs*. Vol 8, no. 3, 1983, P. 532-555.
3. David Finkelhor and Kersti Yllo, *License to Rape; Sexual Abuse of Wives*. (New York: Holt Rinehart, & Winston, 1985)
4. For more information on the Order for Protection, see the chapter on Legal Issues.