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Marital Rape in a Global Context

By Kersti Yllö and Gabriela Torres

Sexual violence in marriage has a history as old as the institution of marriage itself. But for millennia, marital rape – like other forms of sexual assault – was considered a private trouble not a public issue. Early rape laws defined the assault as a property crime against the husband or father whose wife or daughter was "defiled." Under this framework marital rape was an oxymoron since a wife was legally a husband's sexual property. When 17th century rape laws – from British common law to the Qing dynasty in China (Ng 1987) – sanctioned rape, it was considered a violation of a woman's chastity; again, not possible in the context of marriage. Further, British jurist Lord Matthew Hale in 1736 addressed the issue of consent directly by declaring that "The husband cannot be guilty of a rape committed by himself upon his lawful wife, for by their mutual consent and contract the wife hath given up herself in this kind unto her husband, which she cannot retract" (Hale 1736). This ideology of permanent, irrevocable consent pervaded legal and cultural conceptualizations of marriage and forced sex within it. And this ideology has global resonance, not because people on many continents were influenced by Lord Hale, but because control of women's bodies through marriage is foundational to patriarchy. Through most of US history state laws generally defined rape as forced sex without the consent of the woman other than one's wife, granting immunity from prosecution to husbands with this "spousal exemption." Marital rape was not criminalized in all US states until 1993, when North Carolina eliminated its exemption for husbands.

The power relations that contextualize rape are critical, and the ways in which marital rape is currently legally condoned varies globally. In the U. S., for example, forced sex in marriage is illegal, yet numerous attitudinal surveys show that Americans regard the rape of a wife as far less serious than a similar assault on an acquaintance or stranger. Further, marital rape is rarely prosecuted and almost always as an additional charge along with other violence, including murder. In India, the Supreme Court ruled in February 2015 that marital rape was not a criminal offense. A government minister then told the Parliament that marital rape could not be criminalized in India as "marriages are sacrosanct" in that country (BBC News 2015).

There is tremendous variation cross-culturally in whether rape by a husband is regarded as a criminal violation, just an "unfortunate reality", or an "unquestioned wifely duty." However, emerging research from countries ranging from Vietnam to South Africa, to Guatemala to the U. S. is revealing a powerful commonality (Yllo and Torres 2016). Regardless of law and cultural attitudes, women who experience sexual assault by their intimate partners describe significant physical, emotional, and social suffering. But now, women's voices are being heard. As one American woman explained, "somebody brought up the question of marital rape and I was still way too brainwashed and I was like, what are you talking about? I was his wife. He could do whatever he wanted with me…It took me a long time to realize that I had the right to say no, and that if I didn't have that right nothing was a real yes." A woman from Vietnam confided to a researcher about forced sex in her marriage: "For such a long time I couldn't (reject him), after resisting it wasn't effective. So, I think I have to accept it, or allow it, so that I can sleep, and then the next day I can work. Many times I think that this is the duty of a wife, so I just accept it and don't tell anyone. But sometimes I think that this is sexual abuse" (Yllo and Torres 2016).

Women around the world struggle with the emotional impact of forced sex, feelings of fear, degradation and anger, as well as significant health consequences. They describe forced pregnancies, HIV infection, cuts, bruises and torn rectums. They also describe social suffering in the context of their extended families and communities.

Interestingly, the #MeToo Movement has been almost entirely silent on the subject of marital rape. It is easier to speak out about workplace harassment and sexual assault than to expose one's family. But marital rape is finally coming out from behind closed doors. Efforts to respond to the subject of marital rape are growing in local communities across the globe as well as in international organizations. The expansion of criminal justice and public health interventions in sexual violence is important. What we need to remember is that these will be most successful when built on a deeper understanding of complex cultural contexts and women's lived experience.

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Change and Human Interaction in Today's Helter-Skelter World

By Josephine A. Ruggiero

Change is an integral part of the human condition and a permanent feature of social life. Change can be observed on every level from macro (global, cultural, societal) to meso (organizational, community) to micro (small group, personal). All societies change, but not at the same rate. Even within a society, not all elements change at the same rate. William F. Ogburn's (1922) term *cultural lag* focuses on the idea that aspects of material culture, like tools and inventions, usually change faster than aspects of non-material culture, like values and beliefs. If you have lived long enough, you have seen many changes—especially if you have lived in, or near, a large city your entire life.

In this increasingly secularized, impersonal world was there ever an idyllic decade when the pace of change in American society seemed slow enough to produce a positive quality of life for many urban dwellers? In historical perspective, some people would say yes and point to the 1950s. Neighborhoods were more like mini communities then. On the micro-level neighbors seemed to be friendlier. Personal relationships seemed to matter more. Families often lived close to relatives in cities and suburbs.

Of course, this was not everyone's perception or experience. Isolation occurred among urban dwellers. People knew less about what was going on in the U. S. and in the larger world. Politicians made decisions behind closed doors. Oftentimes, their decisions and the consequences of the decisions became public only after the fact and, sometimes, years or decades later.

Computers, the internet, and cell phones were *not* part of our daily life then. Newspapers and television were our principal sources of information, along with conversations with neighbors and friends. Some neighborhoods were beehives of gossip and activity– a lot like villages in the midst of the larger, more impersonal society.

Because of generally positive experiences, many of those who grew up in the 1950s and 1960s had a vastly different experience than do young people today, particularly in urban areas. Life has gotten harder, meaner, and more individualistic without the cocoon of close family and friends to sustain us. The family– the first and most important group we enter, shapes who we are and how we view the world. Not all families are functioning well enough to play this important role today. Older generations of family members have died and those remaining tend to live far from us. People are busier, more frenzied, and come across as more self-centered. It seems that everything is about them.

Norms, behavior patterns, and the predictability of both we relied on in the past have changed. Changes in these areas can and do disorient us. Consider, for example, how the behavior we often observe from drivers in city streets and highways– from driving too fast, following another driver too closely, and darting out from side streets onto a main street into oncoming traffic, has increased. Why do so many drivers we encounter on the roads fly through "Yield" signs rather than slow down and stop? Why do so many drivers behave the same way at "Stop" signs? Driving used to be enjoyable. Many people, me included, think that being a driver on today's roads is no longer enjoyable. Interpersonal behavior in the workplace, and in other social contexts, has also changed, not necessarily for the better, as have notions of "politically-correct" conversations.

Diversity has become a political buzz word for both positive and negative happenings. It seems that everyone has an opinion and insists on telling others theirs, regardless of whether other people want to hear it. People at the extreme right and extreme left are more vocal and public than they used to be. Both throw stones at those who are moderate.

Not much is private anymore. In the last 50-60 years, some *private troubles* that have been hidden in, and by, primary groups are now generally considered public issues in the United States and globally. Transforming our thinking on the differences between private troubles and public issues is a positive change. Child maltreatment in families, spouse and partner abuse, and marital rape– phenomena that used to be regarded as *private troubles*, have been increasingly recognized as important *public issues*. The treatment of residents in prisons, in mental institutions, in orphanages, and in nursing home facilities—places sociologists describe as *total institutions* has also sparked public interest. These once-hidden goings on should be scrutinized and understood as public issues and addressed on the public level through changing laws and practices, creating new ones, developing effective interventions, and making necessary resources available to help harmed individuals heal and improve the quality of their lives.

If a society does not recognize the bad things that happen to its vulnerable members or care about making positive changes in these areas, then it is *not* a society for all. Such a society has become a helter-skelter battleground where power and loud voices prevail. If it does not change in a positive direction, then how can such a society survive and thrive?

As people rush through their days in helter-skelter fashion, how many give more than a passing thought about the other people they encounter, both inside and outside their comfort zones? How many really believe that the lives of *all* people matter– not just their own life and the lives of the people in their inner circle of family and friends?

If you answered: I do. The next question to ask yourself is whether you're willing to stand up and back up your belief that the lives of all people matter with action? If you are willing to act, ask yourself next what you can do each day to make your small corner of the world a kinder, gentler place in which to live and thrive. Here are three suggestions about how to make a difference in a helter-skelter world. First, develop the habit of treating other people better than they treat you. Second, smile more. Not only will you feel better with a smile on your face, but also the people at whom you smile may smile back and keep smiling. Third, in interactions with others, especially interactions outside of your comfort zone, always lead with a compassionate heart. Observe what happens after 30 consecutive days of doing any one of these suggestions.

What, if anything, has changed? If very little, keep practicing the same suggestion until something does. Then practice another one of the three suggestions for 30 days and observe what happens. At the very least you should notice some change in the way you see others and yourself.

We tend to think of meaningful social change as the result of group or collective efforts. However, vocal individuals like women's suffrage activists Susan B. Anthony, Elizabeth Cady Stanton, and Ida B. Wells-Barnett in the early 20th century and charismatic ministers like Martin Luther King, Jr. in the 1960s were at the forefront of changes that have affected many lives. These individuals were instrumental in mobilizing others to press for important changes in American society.

Anyone who is committed to change and who works consistently on behalf of the common good *can* make a difference. However, bringing about change is generally not either easy or fast. Regardless, those who have succeeded in change efforts, even modest alterations, were likely glad they did.

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About the Author: Josephine A. Ruggiero has been fascinated with the study of social change since her years as a graduate student in sociology at Fordham University. New York City was a great context for observing changes and resistance to changes. After completing her M. A. and Ph.D. in sociology, Dr. Ruggiero joined the sociology faculty at Providence College where she taught for over four decades. At PC she designed and taught a course in Social Change to undergraduate students interested in the subject. This course was one of her favorites.