Marital Rape: The Line Between Consent & Coercion
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Why Marital Rape for a Topic?
- Close friend raped by her husband
- Personal family history of Domestic Violence
- Strong Passion for Women’s Rights
- Scholarly Project – Masters in Nursing

Disclaimer

- While victims and offenders may be either male or female, for the purposes of this presentation, victims will be referred to as female and offenders will be referred to as male

Definitions Used for this Presentation
- Rape
  - forced vaginal, anal or oral sex
- Intimate partners
  - can include current or former spouses, dates, non-cohabitating intimate partners or cohabitating partners
    (Bennice & Ressick, 2003)
- Forced sex can include unwelcome sexual acts
  - rough or painful intercourse, threats of violence if sex is refused or beatings which may occur before, during and/or after sexual intercourse
    (Campbell & Soeken, 1999).

Definition (cont)

- Legal definition for most states
  - refers to rape as a non-consensual sexual behavior, that includes coercion, by the abuser
    (Anderson, Cooper & Okamura, 1997)
- Marital Rape
  - Also referred to as:
    - Spousal rape
    - Intimate partner rape

Battering

- Battering is different from physical assault because it is chronic/continuous
  - Process where the intimate partner victim loses
    - power
    - control
    - becomes psychologically vulnerable
    (Coker, Smith, McKeown & King, 2000)
Categories of Marital Rape

- Force Only
  - man uses only the amount of force needed to coerce wife into having sex

- Battering Rape
  - woman is raped and beaten
  - beating occurs before, during or after the sexual assault

- Sadist/Obsessive Rape
  - man uses torture or perverse sexual acts, often involving pornography

The offender may use any one of these or a combination in order to maintain control.

The amount of violence may change or increase over time.

Marital rape is a betrayal of trust not just a physical and sexual violation.

It is an act that may be repeated frequently

Results in the victim feeling they deserved what has happened to them.

(Hidden Hurt: Domestic Abuse Information)

Historical / Legal Context

- Historical definition of rape
  - A man having sex with a woman not his wife
  - Without her consent

(Bergen, 1999)

What this meant...

- Man could rape his wife
  - Without fear of prosecution

- Wife had belief she could not refuse sex with husband

(Finkelhor & Yllo, 1985)

- Some (both men and women) who still believe this

Historical Context

- 1736
  - Chief Justice of England stated man could not rape his wife
  - She had “given” herself in marriage

(Russell, 1990)

- 1950s
  - Benjamin Karp stated that rapists were victims of disease
  - Claimed many suffered more than their victims

(Brownmiller, 1975)

- 1993
  - All 50 states had one section of sexual offense codes to cover marital rape
  - 33 states had conditional exemptions designed to protect a man from rape claim
  - These exemptions primarily related to degree of violence used

(Bennice & Resick, 2003; Kirkwood & Cecil, 2001)

- The closer the relation b/t couple, the less like assault will be considered rape

(Kirkwood & Cecil, 2001)
Washington State Statistics

- 2000, 203 cases of non-stranger rape were investigated as DV cases
  - No information re: victim and offender
  - No information re: gender of those involved
  - Offender may/may not be spouse

(Covering Domestic Violence in the Media)

What is Coercion?

- One definition is the use of force to gain compliance or submission
  (Oxford English Dictionary).
- Can mean different things to different people

Coercion – why is it important

- Date rape & rape by acquaintance often involves coercion
- Coercion is often involved in marital rape

Coercion and marital rape become more confusing with the addition of cultural factors

- Some cultures believe marital rape can not occur
- Cultural definition of marriage affords them the right to sexual activities
  (Heise, Moore & Toubia, 1995)

In Kenya it is estimated that more than 16,000 rapes occur every year

- Only about 8% are reported to health officials or law enforcement
- Even so, the number of reported cases has gone up from 515 in 1990 to over 1600 in 2000.

(Rape is Prominent in Kenya Elections)

Most Arab/Islamic countries offer no help for a wife who is abused.

- A woman may be granted a divorce only if there are physical injuries.
- At a Bahrain Anti Domestic Violence Center in 2008, almost ½ of DV cases reported involved sexual violence by a spouse

(The WIP Contributors: Bahrain offers Women No Protection from Spousal Rape.)
43% of divorce cases are due to violence, not rape.

Rape between a husband and wife does not exist in Islamic law.

Afghanistan law allows for spousal rape for Shiite couples.

(The WIP Contributors: Bahrain offers Women No Protection from Spousal Rape.)

Asian, African-American and Latina women are more likely to stay with their partners. (Russell, 1990)

Immigrant women who are controlled by abusive partners have multiple barriers to leaving:

- fear they might be deported
- Possibly being separated from children (Dasgupta, 1998)

Spousal rape affects members of the Lesbian, Gay, Bisexual Transgender population (LGBT) as well.

One small study found 36% of women and 34% of men experienced forced sex with a current or recent partner. (Sexual Coercion in Gay Male and Lesbian Relationships)

In another study of almost 300, 52% reported at least one incident of sexual coercion by partner. (Wisconsin Coalition Against Sexual Assault)

Searched online for examples of student education regarding coercion and SA

- Reed College Handbook
  - Defines consent & coercion
  - Tells what victim of rape should do

Coercion (cont)

- Hampshire College handbook
  - Section on sexual harassment
  - No information about protection from sexual assault

- Berkeley University handbook
  - Section deals with sexual assault & rape
  - Does not discuss coercion

- Evergreen State College handbook
  - Primarily deals with after the rape

Coercion (cont)

- Mount Holyoke College handbook
  - Detailed definition of rape, coercion, consent
  - Notes that consent is required for sexual intercourse
  - Consent is
    - Explicitly communicated
    - Reversible
    - Mutual agreement
  - Fine line between consent & coercion
Many use self-help books as a resource looking at marriage counseling books. 
- 3 of 4 – no pertinent information
  (Combs, 2004; Ferguson, 2006; Spring, 1996)
- One discussed dysfunctional sexual relationships but did not specify coercion or consent
  (Markman, Stanley & Blumberg, 2001)

Looking at books dealing with violence in the family
- One looked at battered women but little on forced sex
  (Wilson, 1997)
- One did cover sexual assault and forced sex
  (Dugan & Hock, 2006)

Four Types of Coercion
- Social
  Societal expectations that are part of being a wife
- Interpersonal
  Sex occurs as the result of aggressive behavior of husband
- Threatened Physical
  Husband specifically implies use of force
- Physical
  Spouse uses physical violence during sex
  (Finkelhor & Ylo, 1985)

Five Types of Acquiescence
- Unwanted turns to wanted
- Inconvenience of marriage
- Easier not to argue
- Doesn’t know what will happen if I don’t
- Know what will happen if I don’t
  (Basile, 1999)

Acquiescence due to
- Fear of what might happen or
- Knowing what will happen
  These are severe forms of violence
- Important to look at first three types
  - Unwanted turns to wanted
  - Marital duty
  - Easier not to argue
- Will there be an escalation from these forms to the more violent categories?
  (Basile, 1999)

Forced sex may occur occasionally for many
- May occur with other satisfying, consensual sexual acts
  - This further confuses the issue
    (Campbell & Soeken, 1999)
- In cases of forced sex
  - 56% of victims did not refer to this as rape
  - They did not say “no”
    (Basile, 1999)
### Affects on Sexuality & Fertility
- Women have 4x greater risk of unwanted or mistimed pregnancies
  - Due to coercive control
  - Unclear what came first – abuse or pregnancy (Gazmararian, Adams, Saltzman, Johnson, Bruce, Marks, Zahniser & the Prams Working Group, 1995)
- Husband takes away her ability and control for safe sex
  - Loss of control - does/does not want children
  - Takes away her power for decision making (Coggins & Bullock, 2003)

### Popular Attitudes
- Study with 469 undergraduate students
  - Students stated marital rape least likely to be considered rape (Kirkwood & Cecil, 2001)
- Study of violence between intimate partners in Cape Town
  - Incidence of sexual violence linked to use of violence for other problem solving (Abrahams, Jewkes, Hoffman & Laubscher, 2004)

### Societal Beliefs as to Incidence
- Approx 80% of general population
  - Believe husbands use force often or somewhat often...BUT
  - Society does not look at marital rape as real rape
- The more intimate the relation
  - The more likely forced sex will not be considered rape
  - Believe that it is less likely harm will have occurred
  - More likely the victim will be blamed (Basile, 1999; Kirkwood & Cecil, 2001; Monson, Langhinrichsen & Binderup, 2000)

### Rape Myth Acceptance
- Rape supportive attitudes
  - May believe marital rape is less traumatic for victims (Frese, Moya & Megias, 2004)
- Those who believe in more traditional marriage beliefs
  - Place greater responsibility on victim
  - Victim deserved attack (Whatley, 2005)

### Potential Reasons for Lack of Research
- Belief that this type of rape is less important than stranger or date rape
- Marital rape may be considered societal taboo in American culture (Whatley, 2005)
- Difficult to recruit study participants
  - Safety issues
  - Hidden

### Limitations of Studies
- Disagreement of definition of rape
  - Is it rape or acquiescence (Basile, 1999)
- Ambiguity regarding the term “coercion”
  - Personal opinions = different definitions (Kirkwood & Cecil, 2001)
- Few studies where marital rape is the main topic
  - Available studies often lack prevalence statistics (Kirkwood & Cecil, 2001)
Limitations of Studies (Cont)

- Many studies use college students as participants
  - More likely to make sex-role stereotypes for victim blaming
    (Monson, Langhinrichsen-Rohling & Binderup, 2000)

- Large number of study participants were Caucasian
  - Can lead to sample bias
    (Basile, 1999; Kirkwood & Cecil, 2001; Monson, et al; Whatley, 2005)

Case Study #1

- Lee - middle age Caucasian/Native American female
  - Teen years
    - Initially did not recognize emotional/physical abuse against her
    - Based on information, she was emotionally abused

All names have been changed to protect the privacy of the victim

Met Bill in her early twenties
- Emotional abuse began immediately
- 2 weeks before wedding he hit her in the face
- She called wedding off

Her mother advised her to go back and “deal with it”

About that time, met Roy
- He picked up the pieces
- Convinced her to marry him
- Took her to California

Roy was domineering but, initially, sex was consensual

He began to use coercion
- Her responsibility to give him sex whenever he wanted
- Isolated from family – told her she only had him

Promised to move back near her family
- Later told her he had lied to her

He wanted children – she didn’t
- He raped her

Lee feels she should have seen warning signs
- He had vast pornographic collection
- Most dealt with child pornography

Lee does not recall other incidences of rape by Roy

Psychological abuse continued until their divorce
Lee was never denied birth control
- Refused to take her to hospital for tubal ligation
- Did not visit her

She was forced to perform sexual acts against her will

Roy videotape sex acts with her

He often pressured her to participate in group sex

Coercion occurred almost every time, for sex

She feels in retrospect, she was raped frequently

Lee has since remarried
- Current husband is gentle and understanding
- Knows Lee’s past history

Not Lee’s first experience with DV or sexual abuse
- Paternal grandfather was physically abusive
- Father was physically abusive until Lee was a teenager
- As a child was sexually abused by neighbor and family friend

Lee did not have a positive role model for stable family

Like Lee - About 1/3 of violence identified by victims occurs in current or recent relationship
- For a woman - if father physically/emotionally abused mother
  - Significantly greater risk to become a victim of domestic violence
  - She may see violence as normal aspect of intimate relation

(Coker, Smith, McKeown & King, 2000)

Like Roy – men with increased exposure to pornography are more excepting of use of sexual coercion

(Anderson, Cooper, Okamura, 1997)

Case Study #2
- Julie is a 40-something professional woman

She was 16 & Tim was 15 when they met

Julie’s family has no history of DV; Tim’s does

5 months after started dating, thought she was pregnant
<table>
<thead>
<tr>
<th>Initially considered sex consensual</th>
</tr>
</thead>
<tbody>
<tr>
<td>In retrospect, feels he was coercive</td>
</tr>
<tr>
<td>Tim expected sex daily</td>
</tr>
<tr>
<td>Early in relation, she tried to break up</td>
</tr>
<tr>
<td>□ He became upset</td>
</tr>
<tr>
<td>□ Threatened to kill himself</td>
</tr>
<tr>
<td>□ He talked her into returning</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Several months later discovered she was pregnant</th>
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</thead>
<tbody>
<tr>
<td>This was when the physical violence began</td>
</tr>
<tr>
<td>He began to hit her</td>
</tr>
<tr>
<td>Controlling behaviors increased</td>
</tr>
<tr>
<td>□ Still demanded sex daily</td>
</tr>
<tr>
<td>□ Threatened violence if she did not comply</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>After becoming pregnant again, he decided they should marry.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tim’s dad had wanted her to abort 1st pregnancy</td>
</tr>
<tr>
<td>Now he didn’t want them to marry</td>
</tr>
<tr>
<td>He got angry and threw her against a wall</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tim was jealous</th>
</tr>
</thead>
<tbody>
<tr>
<td>He frequently accused her of sleeping with men</td>
</tr>
<tr>
<td>After 2nd child was born, Tim thought Julie had slept with his cousin</td>
</tr>
<tr>
<td>He became angry while driving</td>
</tr>
<tr>
<td>Threatened to crash car and kill them all</td>
</tr>
<tr>
<td>He finally calmed down</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>One job she held was as a waitress.</th>
</tr>
</thead>
<tbody>
<tr>
<td>When she was pregnant with their fourth child, Tim saw a regular customer wave</td>
</tr>
<tr>
<td>Tim accused her of sleeping with him</td>
</tr>
<tr>
<td>She finally admitted she had</td>
</tr>
<tr>
<td>□ He made her feel attractive</td>
</tr>
<tr>
<td>□ Listened to her</td>
</tr>
<tr>
<td>□ Feels she may have been looking for a rescuer</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tim threatened to kill her</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forced her to drive</td>
</tr>
<tr>
<td>He became more angry and made her stop</td>
</tr>
<tr>
<td>He forced her to climb into the passenger seat</td>
</tr>
<tr>
<td>□ Wouldn’t let her out; afraid she’d run</td>
</tr>
<tr>
<td>□ Tim drove, beating her as they went</td>
</tr>
<tr>
<td>Julie kept her purse over abdomen</td>
</tr>
<tr>
<td>□ Protect her unborn child</td>
</tr>
</tbody>
</table>
Tore her wedding ring off her finger
- Threw it out the car
- Both eyes were puffy
- One eye and lip were bleeding

At home
- Pinned her to the bed
- Ripped off clothes
- Raped her

This was the first time she realized she was raped
- In retrospect she knows she was raped multiple times both before and after
- Tim’s pattern after violent outbursts was to express remorse, cry and threaten suicide
- In the end Julie made the decision to divorce

Tim beat her in front of their 4 kids, ages from a few months to 5 years
- Afterwards he expressed remorse
- Wrapped vacuum cord around his neck
- Julie tried to stop him
- Manager didn’t call police
  - Intimidated by Tim

Getting Away
- Julie began planning
  - She hid small amounts of money
  - Family helped her buy plane tickets to fly to her parents
  - When Tim left for work, Julies family and friends helped her pack up the house – it was her things
  - They went to the airport

Julie and Tim were together for 7 years
- Tim was physically violent 6-8 times a year
- She was also frequently shoved
- Tim used intimidation to control Julie and for sex
- Tim didn’t use alcohol but did use marijuana during these violent outbursts

Julie was denied birth control measures from the start
- Tim said it would kill her
- Tim isolated her from family and friends
- 20 Years later she still reacts to his violent legacy
  - Very emotional even today
    - Tears and anger
- When woman is sexually assaulted by one that she should expect trust and love from
  - Shock may be more than that of a victim of stranger rape
  - Effects more be more long-lasting
    - Dugan & Hock, 2006
- This was true especially for Julie

**Conclusion**
- Women are frequently screened for physical abuse
- Less likely to be screened for forced sex
  - Considered too intrusive into personal life
    - (Ylio, 1999)
- Healthcare often assumes sexual intercourse is consensual
  - In reality it may unwanted, forced or violent
    - (Coggins & Bullock, 2003)

- Research appears to be lacking in area of
  - Marital rape
  - Coercion related to forced sex
- Important to identify
  - Victims
  - Trends of potential abuser violence escalation rates
  - Characteristics of abusers / victims that cause abusers to become more violent

**Why Forensic Nurses**
- Have the knowledge re: interpersonal crimes
- Can support clinical staff in issues r/t victim and offender
  - As educator
    - What may/may not be evidence and how to handle it
  - As clinician
    - Screen for violence
    - Treat victims/offenders
    - ID, collect, preserve evidence

- Many researchers believe marital rape vastly under reported
- Potential number of women who have been victims/will be victims in lifetime is staggering

**References**
References (cont)


References (cont)


References (cont)


References (cont)


References (cont)

- Wisconsin Coalition Against Sexual Assault: Lesbian, Gay, Bisexual, Transgendered (LGBT) Populations and Sexual Assault. (2003).
Questions???

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