

Chapter 1

Antecedents of Marital Rape Cases: Disgracing Assailants via Social Media Forums

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ABSTRACT

Indian society has never freed itself from the shackles of patriarchy and its age-old norms. In a diverse nation like India, with age-old gender stereotypes, beliefs, and tradition, the concept of marital rape stands as vague and hence isn't illegal. As all the three pillars of democracy—judiciary, legislature, and executive—stand blindfolded, the only ray of hope lies with the media as they play a major role in shaming the attackers and holding them accountable. The current study is central to understanding the role of social media in shaming the attackers of marital rape by analyzing the possible impact of physical force used by the perpetrator and sexual assault severity on post-trauma stress disorder and coping self-efficacy in particular in marital rape victims. Thus, in this ground, social media can be an effective medium to bring forth the conversations about marital rape into the public sphere by conducting debates, seminars, and interviews in order to effectively engage the public to understand their mindset.

INTRODUCTION

From a woman's salad days, she is being edified to bide in a hunky-dory mythus world. Unfortunately, this bubble of fallacy bursts when she gains muleibrity and steps into the pandemonium and bedlam Janus-faced society where in one hand, she is prayed in culture as goddess and on the other hand, she is preyed by men for pleasure. This bacillus of men of preying on women for pleasure for aeons has metamorphosed into the culture of rape. The society has always been grappled with the scourge of rape turning it into one of the challenging crime as it is the most underreported practice of assault in the criminal justice system (Randall & Haskall, 1995; Yamasaki & Tschanz, 2005; Ullman & Siegel, 1993;

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Mahoney & Williams, 1998; Adinkrah, 2011). Rape can be defined as a kind of sexual penetration, irrespective of how slight or deep, into the vagina or anus, using any body part or object by the perpetrator without the prior consent of the victim (Koss & Oros 1982; Koss & Gidycz, 1985; Koss et al., 2007). Dolefully, the prejudiced pyramid of rape does not reckon the heinous strata of marital rape. The act of marital rape has been a culturally acceptable and fostered means of suppressing women sexually. Marital rape refers to the rape committed by the victim's spouse. The definition of marital rape remains same as rape, but the only contrast is the nuptial bond between the victim and the perpetrator. The visibly invisible atrocious phenomenon of marital rape is even tougher to study and has remained to be the least studied form of sexual assault (Martin et.al., 2007). The reasons behind the arduous challenge to study this very phenomenon could be low reporting rates (Basile, 2002) and diminutive conviction rates (Ferro et.al., 2008).

Marriage in India is pristine and this is a license for permissible sex. Traditionally, it is considered that one of the duties of a married woman is to bear children. So, a lot of non-consensual sex goes on in Indian households and our society seems to be fine with it. World Health Organization declared that women are mostly unsafe at their respective homes following the estimates according to which, one in every three women have experienced physical or sexual abuse in the hands of their spouse in 2017. India is counted among the countries with highest incidence of intimate partner sexual violence. Further, Thomson Reuters Foundation survey has confirmed India to be the most dangerous nation for married woman as they are subjected to a wide range of physical and sexual assaults in the hands of their husband (Shah, 2018). However, the situation is more perturbing in India where spousal sexual violence inform of marital rape is either mostly normalized or ignored widely by the persisting patriarchal society. Unfortunately, the government and the supporting law enforcement agencies are a product of the patriarchal ethos resulting in confining the continuation of sexual assault of wives in the hands of their husbands. With all doors shut, the only ray of hope lies with the media as they play a major role in shaming the attackers and holding them accountable. Moreover, the social media provides an interactive climate with no gatekeepers that gives freedom to the victims of marital rape to express their agony and shame the purveyors (Armstrong & Mahone, 2016).

Marriage isn't equal to consent. Being married is not a valid justification for sexual abuse. But, unfortunately cases of marital rapes are growing in number irrespective of voluminous research works and policy framework. However, after several studies by eminent scholars on consequences of marital rape on the victim; it was observed that marital rape has a significant impact on physical, psychological and social well-being of the wives (Gelles & Straus, 1988; Kilpatrick et al., 1988). In the immediate hours of sexual abuse, victims were exposed to severe shock and disbelief and its aftermath is experienced in the later period (Burgess & Holmstrom, 1974). During the initial weeks following a marital rape, victims are witnessed with acute somatic manifestations including Physical trauma (general soreness and bruising in throat, neck, breasts, thighs, legs, and arms), skeletal muscle tension (Tension headaches and fatigue, as well as sleep pattern disturbances), gastrointestinal irritability (stomach ache, lowered appetite, loosing taste) and genitourinary disturbance (vaginal discharge, itching, a burning sensation on urination). The long-term effects of marital rape resulted in increase in motor activity (including changing residence and phone number as a precautionary measure from threatening or obscene phone calls), fear of indoors, fright of resuming sexual relations with others and prolonged nightmares which could be quite upsetting (Burgess & Holmstrom, 1974).

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