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Abstract
Marital rape has been a topic that does not receive the awareness it needs. About 14% of married women experience marital rape in the United States, and of that fourteen percent, 77% of those cases go unreported. Women experience post-traumatic stress disorder (PTSD), depression, higher levels of anger, fear, and guilt, and begin to hate their bodies, therefore causing their self-esteem to drop. Despite the argument that women who are raped by their husbands suffer less because they have already consented to having sexual relations, it is the opposite. Marital rape victims suffer more severe psychological consequences and for a longer period than those who were raped or assaulted by a stranger. Women who suffer from intimate personal violence are also more likely to experience marital rape throughout their marriage. There must be more awareness and support groups that are accessible for the victims to receive help.

Keywords
marital rape, violence, crime
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Abstract

Marital rape has been a topic that does not receive the awareness it needs. About 14% of married women experience marital rape in the United States, and of that fourteen percent, 77% of those cases go unreported. Women experience post-traumatic stress disorder (PTSD), depression, higher levels of anger, fear, and guilt, and begin to hate their bodies, therefore causing their self-esteem to drop. Despite the argument that women who are raped by their husbands suffer less because they have already consented to having sexual relations, it is the opposite. Marital rape victims suffer more severe psychological consequences and for a longer period than those who were raped or assaulted by a stranger. Women who suffer from intimate personal violence are also more likely to experience marital rape throughout their marriage. There must be more awareness and support groups that are accessible for the victims to receive help.

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Marital rape is unfortunately one of the most overlooked crimes that many women suffer from. There are a lot of cases of marital rape throughout the country that go unnoticed and unreported. It has always been a taboo topic, and awareness is not as common due to how easily many dismiss it. Going a few years back, many governments did not want to acknowledge marital rape as a crime because women were seen as objects or property to men. Marital rape was also considered “less of a crime” since it was not done by a stranger, but rather someone whom they were legally tied to. There are far more cases in underdeveloped countries than in the US and even in the UK. The equality theory focuses on determining whether women and men have an equal distribution of resources across them. It compares the contributions and benefits that both bring to society and how it allows them to function as a whole. As the balance gets a bit closer to being equal, men feel threatened and seek ways to halt women from making progress.

In India, men decided to punish women for fighting for freedom and equality by sexually abusing them and increasing the number of sexual assaults and marital rape cases. Men feel the need to degrade a woman whenever they feel threatened and attempt to assert their dominance through despicable ways. Women who have experienced domestic violence are more likely to experience marital rape and suffer from mental illness, halting their cognitive development.

Literature Review

Sexual Violence

Sexual violence usually involves elements of control, humiliation towards the victim, power, and domination. Men, especially those who believe that their wives are their property, rape their wives to establish their dominance and gain the gratification of knowing they have control instead of doing it for sexual pleasure (Ward, 1990). As women fight for equality, it is
also feared that as equality grows, the number of rape cases will increase. In India, the number of sexual violence cases increased as a backlash from men since women were fighting for gender equality. Men are afraid of losing their masculinity and power over women, which they have grown to believe. It is a disease in which men drown in and have no plans of emerging from. In South Africa, there was a radical difference between which cases were brought to court and prosecuted abusers. They placed a lot of emphasis on seeking justice for white women, but ignored the sexual violence occurring to black women. They also believed that low self-esteem and poor mental health were indicators of lack of sex and therefore, they had to obtain sex in order to make all those issues disappear. Young men took it upon themselves to seek “happiness” for themselves and spouses through sex, regardless if their wife wanted it or not. According to the U.S. Department of Justice, it is projected that about 67%-84% of sexual violence cases go unreported, making it more difficult to gather information on the subject.

**History of Marital Rape**

The United States and other countries believed that a woman was a man’s property and should therefore not be allowed to decline a man’s sexual advances. As mentioned before, a woman has always been seen as property, a sexual object, maid, server, and many more degrading positions. Sir Matthew Hale, who articulated the English common-law principle in 1736, stated that a husband cannot be guilty of a rape that is committed upon his lawful wife since, through their mutual matrimonial consent and contract, she has already given herself to him and cannot retract that (Lesses, 2014). This alone speaks volume as to how women were portrayed back in the 1700s. It was also legally impossible for a man to sexually assault one’s wife in 39 states, and rape was seen as less of a crime because it was done by someone they were
married to (“A Survey of Vermont's State's Attorneys,” 1982). This is a factor as to why many women refrained from reporting since they would only be judged for claiming rape.

**Laws and Legal Cases**

Women learned to adapt in environments where they are seen as property and sex objects, and even began to believe that was acceptable. It came to the point where a woman was not allowed to accuse someone of rape if they were the “date” of their aggressor or if they had engaged in a sexual act before (“A Survey of Vermont's State's Attorneys,” 1982). They created these laws in such a manner that it would be impossible to accuse a man of rape, even if they were not married. Many also tried to argue for spousal immunity and that whatever happened within a couple’s bedroom was to stay in the bedroom. They argued that the justice system had no business meddling in a husband and wife's business and that the laws should stay as they are. They also argued that this would lead to false alarms and many women raising false claims against their husbands to get a divorce and not be judged heavily. A lot of their excuses were about protecting a man’s reputation, but at what expense? A victim’s mental health. Innocence was already placed on a man, regardless of the amount of evidence surrounding it proving otherwise.

The PGA vs the Queen court case occurred in Australia and details how society believes men are entitled to their wife at any point they want. It illustrates how men were given certain immunities while the women were left to endure the traumatic events. Justice was not created to stand by women. In fact, quite the opposite as seen through these laws. The Vermont statute declares that sexual assault can only occur if it is a sexual act with another person other than a spouse. In Iowa, the statute declares that the husband accused of sexual assault can only be prosecuted if he seriously injures the victim, threatens her with a deadly weapon, or creates risk
of death or serious injury (“A Survey of Vermont's State's Attorneys,” 1982). Like today, the judicial system seems to wait until it is too late to help a rape or sexual assault victim. Many hesitate on reporting the crimes due to the humiliations that the justice system has imposed on them. Thankfully, all fifty states recognized marital rape as a crime in 1993, but there are still exemptions that remain for husbands in more than half of the states (Bergen, 1996). For example, Minnesota recently repealed a loophole in 2019 that stated marital rape could not be legally considered as rape or assault if the victim was drugged or unconscious (Karnowski & Smyth, 2019). There was a recent case that involved a 39-year-old woman, Jenny Teeson, who discovered a flash drive with videos of her husband drugging and penetrating her with objects. In one of them, her four-year-old son was next to her. After turning in the videos to the police, he got charged with sexual assault against an incapacitated victim, but the charges were dropped after Minnesota’s marital rape exemption was used to defend him (Smyth, 2019). There are still 17 states that have this loophole for marital rape, including New York, Rhode Island, Ohio, and Washington, where rapists can get away with drugging their spouse and then raping them without any repercussions simply because they were unconscious.

**Different Types of Marital Rape**

There are three types of marital rape: force-only, battering, and sadistic rape. Force-only is when the aggressor uses violence and threats to coerce their spouse into having sexual intercourse. This often occurs in relationships where verbal violence is already prevalent, and violence occurs primarily through intercourse. Battering rape is when physical violence and rape are combined. This occurs as a continuation of the abuse, and the physical abuse is ongoing during the intercourse as well. Lastly, sadistic rape is when the abuser is obsessed with sex and requires it often, but the intercourse is very violent (Barnhill & Kennedy, 2006). Unfortunately,
women who are raped by their husbands are more likely to be raped again about 20 or more times. Women who are at high risk for marital rape are those in marriages with men who view and treat them as property, those in violent relationships, pregnant women, ill or recovering victims, and those who are separated or divorced (Barnhill & Kennedy, 2006). It is unfortunate that even those who cannot fend for themselves end up being the most vulnerable and prone to marital rape.

**Impact and Consequences**

According to the National Coalition Against Domestic Violence (NCADV), marital rape is four times more common than stranger rape, yet there is not much awareness about it. They also stated that one in ten married women will experience marital rape, which is millions in the United States alone. According to the U.S. Department of Justice, 77% of women who experience marital rape do not report it. The sample size was 60,010 women who were not injured but were raped. The NCADV describes how one in five victims said that their children witnessed the assault. Battered women not only endure physical and psychological harm, but more often than not, also endure sexual harm. The psychological effects are usually more prominent since their behavior begins to shift rapidly. This then has effects on their social life, work life, academic life, and even relationships with their friends and family. Rape has a lot of negative psychological effects, especially when done by someone you know or trust. The victims begin to either believe it was acceptable or pretend like nothing happened.

There was a study that sampled 62 battered women who experienced intimate partner violence (IPV) and sexual violence. The purpose was to see the effects IPV had on the severity of PTSD and the effect it had on their relationships. It was found that there is a positive correlation between physical and sexual violence, as well as sexual violence and PTSD
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symptoms (Bennice et al., 2010). This research further deepened the findings within the correlation of physical violence and PTSD versus sexual violence and PTSD. PTSD is a lot more likely to develop when traumatic events occur in an environment they believe to be safe. After being assaulted in their own homes, victims tend to lose their security in themselves, the world, and believe they are worthless (Goodman, et al., 1993). Depending on the severity of the sexual violence, it did prove to show how there was a significant variance in PTSD symptomology beyond what physical violence severity already accounted for. Therefore, this elucidated the reasons as to why the mental health and social skills for those women are more affected than those only experiencing IPV.

Because this is a traumatizing event, especially if done by a husband, many women try to make excuses for their husband’s behavior. They blame themselves or see it as “marital conflict” and believe the only way to fix it is by not refusing sexual advances, even though she does not want it (Weingourt, 1985). There are not many studies that solely focus on marital rape, but there is evidence proving that marital rape and rape by a stranger both have similar symptomology. There were many arguments about marital rape being less traumatizing than stranger rape since the aggressor is unknown, but there is no concrete evidence to back that up. This is also refuted by the evidence showing that both rapes have the same post trauma symptoms. The short-term consequences are PTSD, fear, anxiety, depression, and sexual dysfunction (Frieze, 1983).

Women who then seek refuge or go to shelters to seek safety are only offered minimal help and are not screened for IPV. Only about 52% of domestic violence shelters and 17% of rape crisis centers inquire about IPV and sexual violence. Less than 5% of centers provide information about marital rape on their brochures, and only 4% clearly talk about marital rape in their mission statement (Barnhill & Kennedy, 2006). The lack of awareness about marital rape adds
on to why many women chose not to come forward and can be interpreted as if marital rape is not as traumatic or severe as those who experience it differently. In fact, the research that has been conducted has found marital rape survivors to have more severe and long-lasting consequences. They suffer from higher ratings of anger and depression than those who were raped by strangers (Frieze, 1983). Victims express a lot more guilt, humiliation, and betrayal and experience much more sexual distress. Those who experience both rape and physical abuse have lower self-esteem, are unsatisfied with their body image, and are not happy in their sexual relationships (Frieze, 1983). Marital rape takes a drastic toll on a woman’s overall health. It is a violation that occurs to their mental and physical self simultaneously. Their home, which they once believed to be their safe space, has now been intruded by her rapist husband, in whom she confided. The person who was supposed to respect and care for her has now violated her space and deprived her of any comfort she once knew.

Women who were assaulted by their husbands were often physically hurt due to the aggravation. As a result of marital rape, many women experienced pain during intercourse, vaginal pain and bleeding, leaking of urine, miscarriages, stillbirths, and unwanted pregnancies. Women who refused to have sex were often hit, burned, or kicked during sex (Bergen, 1996). There was also a strong correlation between women who suffered from IPV and marital rape. There was another study that surveyed 100 women about the impact that marital rape had on their development. It created a connection between rape and other forms of violence. This study also made an association between male dominance and marital rape. Out of the one hundred participants, one fifth stayed with their aggressor, and oftentimes more than one person (excluding the husband and wife) is aware of the rapes. This study was conducted in 1982, which is prior to marital rape being illegal, and there were only nine incidents reported to the police.
During this period, it was the same issue mentioned above, that involved men not believing their wives had the right to refuse their husbands sexual advances. Men would ignore their wives' refutations and persist despite knowing it was against their will. In some cases, it was mentioned that men preferred raping their wives than having consensual sex because it made them feel more dominant (Russell, 1982).

Summary

Women who have experienced domestic violence are more likely to experience marital rape and consequently suffer from mental illness, which halts their cognitive development. Most of the time, women who have gone through marital rape do not want to recognize their trauma due to personal humiliation, self-blame, or believing it is their obligation as a wife to please their husband. It is also difficult for a woman to accept that they have been raped by their husbands since there is not much awareness teaching women about it, nor is there much outreach to communities, doctor offices, hospitals, etc. The lack of support for marital rape victims may also be attributing to the lack of cases being reported. It is important to remind and validate all the victims’ trauma equally. Many women who experience marital rape do not come forward because they believe it is humiliating since it was their husband, but the truth is, rape is rape, no matter who it is committed by.

Conclusion

There is a huge call for outreach and awareness for marital rape victims. There are not enough studies that solely focus on a woman’s mental, physical, and emotional health after experiencing marital rape. There is a lot of evidence pointing to self-blame, and a lot of victims accepting it. Marital rape was made illegal in all 50 states in 1993. That was less than three decades ago. It is interesting to see how a woman was able to vote by 1920 but was not able to
say no to unwanted sexual advances made by their husbands. By offering help and bringing awareness to marital rape, victims will be able to come forward and seek the help they need. It will also be more accepting since many rape crisis facilities do not mention them now. Many women are not only suffering from domestic and mental abuse but sexual abuse as well and do not want to talk about it since it is being done by their husbands. It is of prime importance that women begin to recognize it as rape and not as something that is part of their marriage. Women who have experienced domestic violence are more likely to experience marital rape and suffer from mental illness and poor mental health. There was enough evidence to support the thesis and demonstrate the high risk that marital rape victims are in. Policies must be enacted worldwide since this is not only an issue in the U.S. Especially in third-world countries where domestic violence rates are higher. It is of utmost importance that all the loopholes rapists can use to their advantage and decrease their sentence be forbidden. It is not safe for those men to be wandering in the communities after committing crimes against the people they claim to love. It is also important to teach young men and women to respect each other and place more emphasis on men respecting women, instead of scolding young girls for how they dress or look. This can all begin in grade school, where teachers and school administration usually criticize how a young girl dresses instead of teaching the boys to respect one another regardless of how one dresses. Another recommendation would be to bring more awareness and support to those suffering from marital rape. Rape is a common topic, but not when it is happening right at home, and it is important to speak and reach out to those victims, so they know they are not alone. There needs to be a lot more empirical studies done on marital rape here in the U.S. so that victims receive the help they desperately need and deserve. Marital rape is a health hazard that comes with a lot of risks for both one’s physical and mental health. It was known that with the shelter-in-place
orders due to COVID-19, domestic violence increased, and the likelihood of marital rape increasing is also a likely event. This was something that went underreported and was not talked about, although it is a huge problem for society due to the hundreds of lives that are endangered. There needs to be more studies that investigate the physical and social lives of the perpetrators in order to understand and compare their psychological states as well as the nature of their acts.
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