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Marital Rape in Pakistan: An Exploratory Study of Public Perception

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ABSTRACT

In Pakistan, marital rape is not considered a significant concern of the Government because physical or domestic abuse is regarded as a private affair of the family. The majority of people in Pakistan are completely unaware of the notion of marital rape. As a country where violence against women is common, it is essential to study the perception level of marital rape. The study sought to ascertain the perception of women living in Bahawalpur about the subject of marital rape. This study is exploratory; depending on saturation, the researcher performed in-depth interviews with 11 respondents. The researcher used the Creswell Model (2014) to assess the qualitative data. According to the findings of the study, the concept of marital rape is rarely known among the female population in Bahawalpur. The family as an institution plays a relatively minor role in imparting sex education to their daughters. The study concludes that there are no institutions in Pakistan other than the family that can educate and aware women of their sexual rights.

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1 Introduction

Marital rape refers to coercive sexual contact with one's legal intimate partner. It was a time when women were unable to give consent or not allowed to give consent. There are further circumstances under which sexual intercourse is considered rape, such as when a wife is held as a hostage, when the wife is threatened, or when she is unable to give her consent voluntarily, then these forms of sexual abuse can term as marital rape (Bergen, 1998).

In 1990, Russell published a book titled, "Rape in Marriage", which brought to light a number of issues regarding marital rape (Russell, 1990). According to this literature, this kind of rape is much more harmful to women than rape committed by a stranger because the perpetrator can hurt them more easily and frequently (Jamshed et al., 2020). Marital rape causes physical harm to women, but it also tears a women's soul apart as the perpetrator is none other than her life partner. To recover from this trauma, women who had been the victims of marital rape require professional assistance. The long-term impacts of marital rape can be devastating, especially when the perpetrator is the one who is entrusted to provide the victim with comfort, love, support and trust. They include depression, shock, anxiety, sleeplessness, and post-traumatic stress disorder (Russell, 1990).

In Pakistan, where violence against women is rampant, reporting such crimes is still highly stigmatised. Women in this country cannot discuss their abusive marital relations because it is considered disrespectful (Andersson et al., 2010). According to a report published by the Aurat Foundation, women in Pakistan suffer abuse and violence regardless of their religion or social class because the country's patriarchal culture dictates their lives. In order to

address violence against women, it is unfortunate that women in this country do not want to discuss the issues that they have with their sexual lives (Rakhshinda Parveen, 2011). Bahawalpur is a major city in South Punjab and many women are subjected to physical and sexual abuse, which has detrimental effects on their mental and physical health.

The term "Marital Rape" is difficult to explain and comprehend. As a member of a society in which traditional and religious values are usually prioritised, it is difficult to address such issues, but putting them under the carpet does not dwindle the gravity of the issue. Marital rape is considered less severe than other kinds of rape. Consequently, this fosters rape within marriage by implying that such acts of abuse and violence are less severe than other types. In societies like Pakistan, the wife is only considered the property of her husband which allows him to treat her in any way he pleases. No woman chooses to live with a rapist; nonetheless, some women prefer this sexual abuse over social stigma.

In Pakistan, research on violence against women and domestic violence has been conducted. However, the researcher was not able to find relevant data and literature on marital rape. Some researchers discussed the issue of marital rape on a general scale. Thus, it was a great difficulty for the researcher to find the primary data on marital rape in Pakistan (Fikree & Bhatti, 1999).

Although there are no official data on the prevalence of violence against women in Pakistan, a study conducted in 2017 by a local news agency revealed that 93% of Pakistani women experience sexual abuse in their lifetime (Mudaser Kazi, 2017). Over the years, society has given very little attention to this grave and frequent issue of marital rape (Troshynski & Dirks, 2016). The National Surveys conducted in Pakistan to evaluate the status of women have highlighted several types of sexual violence. Still, concerns related to women's sexuality, such as marital rape, are frequently disregarded or not addressed effectively (*Talibanisation & Poor Governance: Undermining CEDAW in Pakistan – Second Shadow Report*, 2007). The discussion of marital rape is considered taboo and the families do not want to discuss this issue with their daughters, thus the victims do not seek professional treatment in order to avoid social disgrace and condemnation (Madhani et al., 2017).

2 Research Methodology

This study is exploratory, as it intends to identify the question that has not been thoroughly researched and discussed in Pakistan. The main purpose of this research is to explore the perception of marital rape in the general public. The study aims to establish a benchmark for future research on this specific issue. A further advantage of employing an exploratory research design enabled the researcher to generate hypotheses and new ideas regarding the research topic.

The sample population of this study consists of women residing in Bahawalpur. The size of the sample in the study is 11 participants and was determined by the level of saturation. In the phase of data analysis, the researcher obtained the same responses because there was no longer any fresh information on the subject. Thus, the researcher halted collecting data after this point, because the quality of data is more significant than its quantity in qualitative research.

Data was collected through conducted in-depth interviews with all the respondents. Each Interview lasted between 1 and 1.5 hours and was carried out solely by the researcher and a respondent. In these interviews, a semi-structured questionnaire was used to gather information for both open-ended and closed-ended questions as well as the discussion related to the issue of marital rape. The open-ended question also facilitated the collection of unstructured and unplanned data collected from the responses.

3 Result and Discussions

In response to the questions put before the participants, very few of them were familiar with the term "Marital Rape". When they understood this term, they were in complete disbelief. Unfortunately, in Pakistan, neither married nor unmarried individuals discuss marital rape in their household gatherings, because it is not considered an issue worth discussing. The respondents have no prior knowledge of the issue and they did not acknowledge the existence of the same. Gentle and James (2019) observed no significant association between public perception of unwanted sex and age. They have also found that the education system has no impact on the inculcation of knowledge of marital rape because all age groups had the same extent of knowledge on the issue (Dr. Samuel Gentle K. & Ewhrujadkpo

James, 2019). A similar phenomenon was also observed in a study conducted in 2015, which found that married women who are the victims of physical abuse by their intimate partners did not consider sexual abuse as a form of violence (Madhani et al., 2017). The research conducted in the past has also indicated that young individuals are less supportive and aware of rape myths, while elderly people are less inclined to believe in the prevalence of marital rape (Basile, 2002; Kathleen C. Basile, 2002).

The results suggested that the basis for not embracing the notion of rape in marriage is due to the reputation and image of society towards marital relationships. The majority of the participants were of the view that this heinous conduct cannot be committed under the sacred and pious bond of marriage. It is also elaborated by Mohammad J. that Islam considers marriage a sacred bond between two people and that getting married is one of the Islamic obligations (Imani Jaafar-Mohammad & Charlie Lehmann, 2011). The significance that participants place on marriage has influenced how they make decisions about marital rape. According to Bronnici (2017), the public is unaware of marital rape since it is not widely reported (Robert Bonnici, 2017). Due to this practice, society is unaware of this violent act and this ignorance persists in under-developing countries like Pakistan. This is the reason why most of the participants were unaware and ignorant to recognise that rape can occur within a marriage. As compared to sexual abuse or rape by a stranger, marital rape is not viewed as a grave act by the participants of the research. Whatley (2005) stated that marital rape is still regarded as a less grave problem due to cultural obligations (Whatley, 2005). The majority of the respondents believed that marital rape is detrimental to the physical and mental health of the victim, but they do not want to suggest any form of punishment for the abusers.

According to the findings, people do not engage in independent reading; instead, they merely believe and advocate unreliable interpretations of various sources. This behaviour demonstrates a lack of institutional or informal platforms suitable for the dissemination of undisputed and true religious information regarding this sensitive problem. This relationship has also been observed in past studies, which concluded that the cultures value the sexuality of women. Despite this, women's mental and physical health is an issue that is undervalued and regarded as an unpleasant topic. As a result, women avoid discussing their sexual issues because they fear being judged by others (Montemurro et al., 2015).

The participants, who were aware of the terminology, stated that the media has been their source of information and no one in the families is aware of it. Before and after they got married, they learned about gender roles by watching and imitating their parents and grandparents. According to the majority, such sensitive topics like domestic abuse and marital rape are considered taboo to be discussed in their households. Similarly, a study conducted in Kenya indicated that girls desire their moms to be open and friendly when explaining culturally sensitive matters, particularly those connected to sexual health, but mothers are not as open as they should be when expressing such information to their daughters (Crichton et al., 2012).

The majority of participants, including married ones, stated that their elderly females never discussed non-consensual intercourse or marital rape. This indicates that families do not aware their daughters of intimate partner violence, rape in a marriage and their sexual rights. Only two respondents knew the victims of marital rape but they were unaware of the terminology. When the researcher further asked these two respondents about marital rape, they realised that they knew some victims who have been suffering this sexual violence or marital rape by their husbands. This finding implies that married women do not seek out other women, nor do they discuss their intimate concerns with others, not even with their married relatives and family members. This result led the researcher to the conclusion that there is a communication gap among people, even between siblings and this gap is fostered by environmental conditioning. Environmental conditioning is significant because it's a common belief that women should not tell their peers about their problems. It can bring humiliation and ridicule to that woman and her family. Basile (2002) also said in his study that women who have non-consensual intercourse with their spouses do not say anything because they believe they have to and thus remain silent, which is something they have learned from their parents (Basile, 2002; Kathleen C. Basile, 2002).

The major reason why people think that marital rape is not a grave issue is that there has not been much discussion and awareness about it. People learn moral values from the people around them, particularly from religious teachings, which are mostly disseminated through the gender roles played by mothers and elderly female members

of the family. Participants also agreed that to keep her spouse content and relaxed, it is the obligation of a wife to follow her husband's commands (Sarfaraz, 2017). According to theories, mothers serve as role models for their daughters and teach them gender roles. Because women are more likely than males to hold specific positions, daughters are more like their mothers than sons are like their fathers. Women are said to be more influenced by their mothers, and a mother's advice has a more positive impact on girls than a father's encouragement (Brogan & Kutner, 1976). These teachings also encourage females to submit to their husbands without question. Additionally, it has been found that when the victim's spouse is the perpetrator of the rape, people are less inclined to support the cause of rape (Mary K. Kirkwood & Dawn K. Cecil, 2001) or think it is less serious than rape committed by a stranger (Monson et al., 2000).

4 Conclusion

According to the results of the current survey, women in Bahawalpur are the least informed about marital rape. Women cannot receive sufficient education about their sexual rights from existing institutions. The family has been identified as the most important factor in gender socialisation, yet in Pakistan, families, particularly mothers, do not educate their daughters about marital rape. Due to cultural expectations placed on women to keep quiet about this matter, the subject of marital rape is not discussed or understood in Pakistan.

References

Andersson, N., Cockcroft, A., Ansari, U., Omer, K., Ansari, N. M., Khan, A., & Ubaid Ullah Chaudhry. (2010). Barriers to Disclosing and Reporting Violence Among Women in Pakistan: Findings From a National Household Survey and Focus Group Discussions. *Journal of Interpersonal Violence*, 25(11), 1965–1985. https://doi.org/10.1177/0886260509354512

Basile, K. C. (2002). Prevalence of Wife Rape and Other Intimate Partner Sexual Coercion in a Nationally Representative Sample of Women. *Violence and Victims*, 17(5), 511–524. https://doi.org/10.1891/vivi.17.5.511.33717

Bergen, R. (1998). Issues in Intimate Violence. https://doi.org/10.4135/9781483328348

Brogan, D., & Kutner, N. G. (1976). Measuring Sex-Role Orientation: A Normative Approach. *Journal of Marriage and the Family*, 38(1), 31. https://doi.org/10.2307/350548

Crichton, J., Ibisomi, L., & Gyimah, S. O. (2012). Mother-daughter communication about sexual maturation, abstinence and unintended pregnancy: Experiences from an informal settlement in Nairobi, Kenya. *Journal of Adolescence*, 35(1), 21–30. https://doi.org/10.1016/j.adolescence.2011.06.008

Dr. Samuel Gentle K. & Ewhrujadkpo James. (2019). Knowledge of Unwanted Sex Among Couples in Ikwerre Local Government Area of Rivers State, Nigeria. *International Journal of Innovative Psychology & Social Development*, 7(4), 92–101.

Fikree, F. F., & Bhatti, L. I. (1999). Domestic violence and health of Pakistani women. *International Journal of Gynecology & Obstetrics*, 65(2), 195–201. https://doi.org/10.1016/S0020-7292(99)00035-1

Imani Jaafar-Mohammad & Charlie Lehmann. (2011). Women's Rights in Islam Regarding Marriage and Divorce. *Journal of Law and Practice*, 4(3). https://open.mitchellhamline.edu/cgi/viewcontent.cgi?article=1020&context=lawandpractice

Jamshed, J., Mujtaba, A., Javed, M. W., & Bukhari, S. W. R. (2020). Measuring Pakistan's legislative preparedness against COVID-19: A critical study of newly promulgated law. *Journal of Business and Social Review in Emerging Economies*, 6(4), 1517-1524.

Jamshed, J., Javed, M. W., Bukhari, S. W. R., & Safdar, A. (2020). Role of Police Investigation in the criminal justice system of Pakistan. *International Journal of Management Research and Emerging Sciences*, 10(2).

Kathleen C. Basile. (2002). Attitudes Toward Wife Rape: Effects of Social Background and Victim Status. *Violence and Victims*, 17(3), 341–354.

Madhani, F. I., Karmaliani, R., Patel, C., Bann, C. M., McClure, E. M., Pasha, O., & Goldenberg, R. L. (2017). Women's Perceptions and Experiences of Domestic Violence: An Observational Study From Hyderabad, Pakistan. *Journal of Interpersonal Violence*, 32(1), 76–100. https://doi.org/10.1177/0886260515585533

Mary K. Kirkwood & Dawn K. Cecil. (2001). Marital Rape: A Student Assessment of Rape Laws and the Marital Exemption. *Violence Against Women*, 7(11), 1234–1253.

Monson, C. M., Langhinrichsen-Rohling, J., & Binderup, T. (2000). Does "No" Really Mean "No" After You Say "Yes"?: Attributions About Date and Marital Rape. *Journal of Interpersonal Violence*, 15(11), 1156–1174. https://doi.org/10.1177/088626000015011003

Montemurro, B., Bartasavich, J., & Wintermute, L. (2015). Let's (Not) Talk about Sex: The Gender of Sexual Discourse. *Sexuality & Culture*, 19(1), 139–156. https://doi.org/10.1007/s12119-014-9250-5

Mudaser Kazi. (2017, March 8). 93% of Pakistani women experience Sexual Violence. *The Express Tribune*. https://tribune.com.pk/story/1348833/93-pakistani-women-experience-sexual-violence

Rakhshinda Parveen. (2011). *Gender-based violence in Pakistan: A scoping study*. Aurat Publication and Information Services Foundation. http://arks.princeton.edu/ark:/88435/dsp0141687h49h

Robert Bonnici. (2017). The outlook of Maltese university students on non-consensual marital sex. University of Malta.

Russell, D. E. H. (1990). Rape in marriage (Expanded and rev. ed., with a new introd). Indiana University Press.

Sarfaraz, H. (2017). Marital Rape; A Myth or Fact? *International Journal of Women Empowerment*, *3*(1), 19–21. https://doi.org/10.29052/2413-4252.v3.i1.2017.19-21

Talibanisation & Poor Governance: Undermining CEDAW in Pakistan – Second Shadow Report. (2007). Shirkat Gah-Women's Resource Centre.

Troshynski, E. I., & Dirks, D. (2016). Marital Rape. In C. L. Shehan (Ed.), *Encyclopedia of Family Studies* (pp. 1–4). John Wiley & Sons, Inc. https://doi.org/10.1002/9781119085621.wbefs502

Whatley, M. A. (2005). The Effect of Participant Sex, Victim Dress, and Traditional Attitudes on Causal Judgments for Marital Rape Victims. *Journal of Family Violence*, 20(3), 191–200. https://doi.org/10.1007/s10896-005-3655-8