

Psychosocial implications of marital rape

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Abstract. The paper deals with spousal rape, an act of violence with a high degree of social danger and the elements by which the perception of marital rape is determined by the social and cultural context, by the religious affiliation, by local traditions as well as by society's mentality. The aim of the approach was to highlight the correlation between spousal rape and patterns of conduct induced by this phenomenon on the family level, resulting in consequences that affect the sexual freedom of the person, and restrict a person's right to protection of psychic and mental health. The techniques used in the research applied were the counselling and semi-structured interview, applied between September and December 2020, to a number of 13 women who experienced incidents of rape by their partner. Thus, we can consider that this particularly serious phenomenon induces major damage to the personality of the victim, who may suffer from depressive disorder, sex life troubles, sleep deprivation, addictive disorders and eating disorder.

1 Analysis of the literature

1.1 Conceptual delimitations

The issue of marital rape has aroused the interest of many researchers concerned with the causes, and especially the effects of this phenomenon so controversial in contemporary society. Civil society, representatives of religious entities, legal specialists and others have sought an answer to the question of whether the sexual abuse of a husband against his wife is understandable.

Rape is one of the most serious violations of the law and human rights, because it not only causes suffering and physical injury, but also affects the most intimate part of the human being. Sexual abuse of women in a couple remains a taboo subject because of social norms that make shame and guilt hang over victims and not aggressors [1]. In a broader sense, rape is any act of coercion or threat exerted on a person regardless of age, health or discernment for the purpose of having sexual intercourse or taking advantage of that person's inability to defend himself or herself and express refusal or opposition and this act must be punished first of all by the law (in normative plan), then by the people by a court decision pronounced following some steps in court [2].

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In our country, the most important legislative step regarding the fight against domestic violence and the protection of women was taken on May 22nd 2003 by the promulgation of law 217 for the prevention and fight against domestic violence. In art. 2 (1), domestic violence is defined as "any type of physical or verbal act committed [3]. Intentionally by a family member against another member in order to cause him or her physical, mental or sexual distress or physical damage". The elaboration of a specific legislation represents an advantage because the law extrapolates the concept of domestic violence including, in addition to physical violence, other forms of its manifestation that until recently were ignored [4].

According to art. 197 para. 1 of the Romanian Criminal Code, the crime of rape consists in the "sexual intercourse of any nature, with a person of the opposite sex or of the same sex, by coercing that person or taking advantage of his or her impossibility to defend himself or herself or to express his or her will" [5].

1.2 Brief history of rape

Rape has a prolonged history, as long as the history of mankind, being in close connection with the evolution of the human being in social terms and awareness of the recognition of dignity, being influenced by many social, psychological, political, legal, cultural and religious factors, but also by the whole evolution of philosophical-legal thinking [4].

In ancient Greece, rape was perceived as a non-premeditated act, the perpetrator being punished at most by a fine. In the context of the war, such deeds were considered "a right of domination" at that time, the best-known case being that of Princess Cassandra by the victors of Troy. We encounter the same situation during the early Middle Ages, rape was considered an act of passion rather than an act of violence [6].

With the beginning of the 10th century, kidnappings of girls became very common, as forced marriages were carried out in order to obtain benefits that would end their rape. As a result of these deeds, the Basilica of the time of Emperor Constantine the Great ordered that the kidnapper be poured molten lead into the mouth. Thus, rape became a particularly serious crime, but not in relation to the woman who had been the victim of rape, but to her father or future husband, and kidnapping became part of the crime of rape [7].

At the beginning of the thirteenth century, rape was included among the most serious crimes, along with murder, robbery, treason, arson, being understood as "the physical knowledge of a girl or a wife who is an adult without her consent or a minor girl with or without her consent, the minimum age for considering consent being 12 years" [8]. Since the reign of Alexandru Isipanti, more attention was paid to "seduction and corruption of women". Such acts were punished by the rapist being forced to marry the victim. According to church canons, virginity was considered an essential part of a girl's dowry [9]. In the Criminal Code of 1864, sexual abuse was included in the section "Assault against morals", and rape in the form of "attack with violence against decency" regulated by art. 264. According to the definition given by the code, the crime consists in committing normal sexual acts, with violence and acts of homosexuality or perversion that also involved violence. Such acts were punishable by imprisonment for a period of 5 years, and if the victim was a minor, detention was ruled for a period of 10 years.

After the fall of the communist regime in 1989, society evolved, and people's conceptions about rape changed significantly. The change in mentality has led to major progress in the legal definition of rape as the "forced sexual intercourse of any kind, with a person of the opposite sex or of the same sex" [10].

The current Criminal Code has been inspired by the legislation of other states, such as Germany, Austria, Portugal, Spain. According to the regulations in force, rape can be committed by any act of penetration, whether it is a standard sexual act, performed by the conjugation of the male sexual organ with the female one, whether it is a sexual act consisting of an oral or anal penetration, committed on a person of the same or opposite sex

[11].

1.3 Sexual abuse in the couple's relationship

Sexual abuse has existed since ancient times and is now present in many cultures. In most cases, women who are victims of sexual abuse in a relationship are reluctant to make confessions to their family or close friends for fear that they may be misjudged or misunderstood [12].

Sexual abuse is the imposition or attempt to impose any sexual contact without prior permission, for example, marital rape, forcing sexual intercourse after physical beatings, assaulting sexual parts of the body, or treating another person in a humiliating manner sexually; forcing the victim to have sex with another person, on the Internet, or to pose for sexually explicit images against the person's will" [13]. Sexual abuse often begins with insulting comments about the woman and continues with unpleasant touching and various insults to the victim during or in connection with sexual intercourse.

Rape is a form of violence that women often endure in silence, paying tribute to social norms that consider intimate relationships to be primarily a man's right, a territory where he is the master who decides [14]. Sexual violence can manifest itself in the following forms:

- continuation of sexual intercourse when the victim is not fully conscious, is threatened or coerced by the partner
- causing physical injuries to the victim during sexual intercourse or injuring his genitals, even using objects, weapons, in the intravaginal, oral or anal areas.
- forcing the victim to have intimate relationships unprotected against an unwanted pregnancy or sexually transmitted diseases
- criticizing a woman's sexuality and using offensive nicknames regarding her ability to have intimate relationships [15].

Sexual abuse is associated with mental abuse and physical violence, with subsequent physical, sexual and psychological effects. In the context of despair and helplessness, victims of marital rape can abuse substances with a hallucinogenic effect or alcoholic beverages to manage to forget for a few hours the humiliation and ordeal they are subjected to in the relationship.

Classifications of "marital rapists" and repercussions on the woman victim. The defining feature of rape is the absence of guilt in the aggressors. In the literature, sexual aggressors are classified as follows: battering rapists, who use force to get what they want (force only- rapists) and obsessive rapists. Rapists who are physically aggressive are people who humiliate their partners in the most humiliating ways possible, verbally and nonsexually abusing them. Victims of this type of abuse are the result of uncontrolled outbursts of anger. Canadian authors M. Manson and Langhinrichsen Rohling [15] believe that "when episodic abuse occurs, it can be extremely violent. Theoretically, rapists who get what they want by force do not use more force than is necessary to have sexual access and marital violence that occurs is the result of sexual conflicts. In the case of obsessed rapists, the main source of sexual fantasies is pornography. The wives of such individuals are forced by them to have more sexual intercourse in one day and thus the partners manage to achieve maximum satisfaction".

Another classification of marital rapists is made by the author Russell, DE, 1990 [16] which identifies three types of marital rapists: men who rape their wives after consensual sex, men who force their wives to have intimate relations and men who use rape following the wife's rejection of their approaches. According to the American author, the reasons for such behaviour can be multiple, from the exercise of power to the maintenance of sexual acts dominated by sadomasochistic gestures. The behaviour of married men can be customized especially in the context in which we focus only on the interpersonal aspect (social problems) and intrapersonal issued (sexual dysfunctions) [17].

2 Psycho-social consequences of marital rape

Rape is a very complex phenomenon that brings to the fore several problems of contemporary society. Beyond the universe of violence, rape is the object of its own conception, that of the rapist who is in turn the product of the society in which he lives. The perception of the marital aggressor tends to minimize the image and effects of violence, this trend can be found among family or friends, or even in a part of society that find excuses for the rapist because they can see themselves in many of his behaviours, and this leads in the construction of a so-called "rape culture" [18].

Marital rape is a particularly serious act which, by its consequences, affects not only the sexual freedom of the person, but also the person's right to the protection of psychic and mental health. In addition to the physical wounds it causes, it also generates a deep mental lesion, this wound is not aware of the aggressor, it is blurred by the pressure of bodily desires. For women who are victims, this injury is not only the product of the brutality of the physically endured cruelty, but also the product of helplessness and shame.

The consequences are greatly intensified by the fact that through rape the victim suffers a degradation, her self-esteem is strongly affected, and this is also felt by those around her. The process of personal degradation that the victim goes through turns into an obstacle that prevents her from taking steps to escape the abusive relationship [19].

From a psychological point of view, the self-image of victims of marital rape is extremely affected, it is manifested by anxiety as regards sexual intercourse and partners, in some cases triggers mental illness that requires the administration of drug treatment and psychiatric observations: panic attacks, neurosis, depression (post-traumatic stress disorder). Non-consensual sexual intercourse is accompanied by physical and psychological abuse that consists of ridicule about a woman's ability to have intimate relations.

Numerous studies show that the effects on the psyche of marital rape victims are sometimes so great that they can reach the stage where they consider themselves the only guilty party for the violent behaviour of the husband, they consider to be the cause of certain behaviours that they attract upon themselves, the cause of their misfortune, of the partner's curses, all the more so as the verbal "dirt" (insults, swearing language) thrown by the partner amplifies their guilt [20].

3 Research methodology. Data analysis and interpretation

This section presents the design of a research in the area of Mountainous Banat, Caraş-Severin county. The study used the following research methods: documents' analysis, counselling and semi-structured interview. The techniques used in the applied research counselling and the semi-structured interview, applied between September and December 2020, to a number of 13 women who suffered incidents of rape by their partner. The study started from the elements through which the perception of marital rape is determined by the social and cultural context, religious affiliation, local traditions and mentality. The aim of the approach was to highlight the correlation between marital rape and patterns of behaviour induced by this phenomenon on the family level, emphasizing the risk of depression, on the one hand, and on the other hand, women found that they can regain their dignity, reshape their personality, they begin to know their rights to private and public life through care and psychological counselling sessions. This research objectively reflects the social reality of women subjected to marital rape, an act of violence with a high degree of social danger that induces major damage to the victim's personality, which may suffer from depressive disorders, sexual problems, lack of sleep, addiction disorders and eating disorders.

Through in-depth research on awareness, perception and consequences of domestic violence, an analysis based on data on income, poverty and inequality was proposed, with a

special focus on analysing the isolation of women subjected to marital rape. The approach of the domestic violence phenomenon from a multidisciplinary perspective is relevant in the theoretical and applied research in numerous scientific and practical fields. In this respect, research has been undertaken on awareness, perception and consequences of domestic violence, and this study aims to review the main solutions to improve the situation that generates the degradation of human life quality and the violation of women's rights affected by any form of abuse.

This survey started from two hypotheses, namely that the influence of unfavourable family, social, economic factors and the negative pressure of the abuser have drastic repercussions on the women subjected to domestic violence, accentuating the risk of depression, on the one hand, and on the other that through special protection, through counselling, rehabilitation, legal assistance it was found that women regain their dignity, their personality is reshaped, they begin to know their legitimate rights related to private and public life. In order for this research to objectively reflect the social reality of the women subjected to marital rape, two methods of qualitative research were selected: semi-structured interview and individual counselling. The selection of the document analysis method in this analysis proved once again that the document analysis provides information through which some facts are proven with the help of official documents.

The scope of the analysis focused on raising awareness of all relevant social stakeholders, including those on the community level, about the principles of equal opportunities, the phenomenon of marital rape, the development of effective measures to prevent, combat and monitor domestic violence.

Another dimension of the analysis was the identification of intervention forms. The main needs identified among the beneficiaries were physiological needs; medical needs; emotional needs; affection needs; educational needs; recovery needs; identity needs. Depending on these needs identified following the multidisciplinary evaluation, performed by the multidisciplinary work team consisting of social worker, psychologist and doctor, a complex individualized intervention plan was developed, focused on each case (of the 13 situations), plan which aimed to meet the immediate and long-term needs of the beneficiaries.

The analysis of the results shows that the individual causes of the domestic violence phenomenon should not be identified and explained only by alcohol or drug use, mental health problems or general social and economic causes such as poverty, lack of education, unemployment, membership in disadvantaged social groups, etc. The fact that domestic violence also occurs in families with a decent living standard or in rich ones draws our attention to studies that have investigated family relationships, considering domestic violence a problem of the couple [20]. Society's response is often manifested by blaming the victims who are believed to be guilty of violating various rules of conduct from the target group of the research approach, which proves that marital rape is a reality that must be taken into account. Marital rape is perpetuated by a combination of factors, such as: economic (women's economic dependence on their partners, limited access to financial resources, limited access to jobs and education); cultural (gender socialization, which involves assigning precise roles to women and men); legal (lack of adequate legislative regulations to sanction violence within the couple and discrimination against women in society, cumbersome and unfavourable legal procedures in case of divorce and child custody, non-involvement of the police), educational, certain negative feelings or addictions. From the application of the research techniques, other characteristic elements of those who practiced rape within the couple were highlighted: traumas suffered in childhood (they were victims of rape or attempted rape by a mature person, or even a person in the family, in which domestic violence was a common phenomenon); personality disorders or mental illness; alcohol addiction, gambling, adult movies and violence; trauma generated by an accident with repercussions on mental capacity; violent beatings; unemployment; exaggerated jealousy. It is found that victims of sexual violence do not want to talk about

the problems they go through, because they believe they will be judged by the community, that people nearby will think they deserved that treatment because they provoked their partner, others do not prefer to discuss the issue for religious reasons also, so as not to be disregarded or because they are financially or emotionally dependent on the abusive partner.

Domestic violence affects a woman's physical health, endangers her mental health, lowers her confidence in herself and others. The long-term effects are to post-traumatic stress disorder, usually found in victims of wars or natural disasters [21].

From the quoted sources and from the information presented in the analysed documents, as well as based on the semi-structured interviews applied in the research, it appears that domestic violence involves major costs for society, we mention the direct ones represented by the value of services for victims of violence. legal proceedings); social (decrease in health, drop in life quality), as well as economic (lower labour productivity, less active adults on the labour market, increase in the number of sick leave etc.).

Results. The diversity of family, educational, economic factors but also the pressure of the entourage leave their mark on the behaviour of women who are subjected to domestic violence, these factors having an influence on their social behaviour. The phenomenon of domestic violence in Caraş-Severin is closely connected with the economic problems, the lack of alternatives to the jobs of the beneficiaries, as well as with the state of poverty. In the present approach it was found on the one hand, that the rights of women related to dignity, personality, privacy, information on the observance of their rights are not respected, and on the other hand they do not see their rights observed in terms of special protection, counselling, rehabilitation, legal assistance. Preventing and overcoming the isolation of women subjected to domestic violence may include various measures which should be developed such as: changing attitudes, roles and stereotypes that make violence against women acceptable, the establishment of specialized assistance services, and so on The consequences of marital rape are major, have worsened over time, and the personality of the victims has suffered substantially, and one has reported depressive disorders, anxiety, panic attacks, suicidal thoughts, paranoid personality disorder, sex disorders, sleep issues (nightmares, insomnia), addictive disorders (alcohol consumption, drugs), eating disorders (anorexia, bulimia). The effects of marital rape are dramatic and stay with the victims for long periods also after the end of the relationship in which they were raped, because this trauma does not go away along with the separation from the aggressor, people can remain with states of fear. The persons who are victims of sexual violence in a couple must turn to a specialist, psychologist, psychiatrist, in order to try to regain their inner balance and be able to get out of that toxic relationship, with the least possible trauma.

The most relevant conclusions refer to the fact that women's rights with respect to dignity, personality, privacy, information, and on the other hand to special protection, counselling, rehabilitation, legal assistance are not respected. Preventing and overcoming the isolation of women subjected to domestic violence may include various measures that should be developed, such as: changing attitudes, roles and stereotypes that make violence against women acceptable, and establishment of specialized assistance services.

Approaching domestic violence from a multidisciplinary perspective is of interest in the theoretic and applied research in many scientific and practical fields. Societal dissolutions generated by it are apparent in family structure and function, with strong effects on its stability. Research was thus conducted on the awareness, perception and consequences of domestic violence, and this study aims at reviewing the main solutions for improving the situation generating the human life quality degradation, violation of the rights of women affected by any form of abuse [21]. Counselling is important for domestic violence victims, but not enough, and in order to have the courage to end the relationship with the aggressive partner, it is necessary for the multidisciplinary team to get a personalised intervention plan in order for the woman to overcome fear and end the toxic relationship [22]. Domestic violence is a relatively new field of investigation, this form of violence having been considered a taboo subject for a long time, as family is the intimate setting in which each

member should be free to express his or her personality [22].

4 Conclusions

Marital rape is still a taboo subject in contemporary society, and this is generated by flawed conceptions that have placed rape strictly out of wedlock. Although marital rape has existed since ancient times, tackling this phenomenon is extremely difficult due to its multiple social, political and legal implications.

In traditional families, marital rape was the result of the man's position of superiority, which dominated by authority and control, and which considered that the wife must respond to his sexual approaches regardless of the context and conditions in which the sexual act took place. Women were unaware of the abuse, and men did not pay attention to the effects of unwanted sexual intercourse.

Even though society has evolved in recent decades, and women have become independent, men continue to want their supremacy, often discrediting the actions of their life partners. Women's achievements can often contradict men's expectations, and this can lead to conflicts within the couple, which can degenerate into acts of violence, such as physical abuse, verbal abuse, and unwanted sexual intercourse.

The consequences of marital rape are particularly complex, the psyche of the victims is extremely affected, they can show anxiety, panic attacks, depression, they may tend to isolate themselves, and even threaten to take their own lives. The lack of sexual desire on the part of the woman can lead to acts of physical violence, the man resorting to violence out of the desire to satisfy his bodily needs at any cost.

Given the implications and effects of this phenomenon that affect the cohesion of the family, but also on society as a whole, it is absolutely necessary to adopt rigorous legislative measures to combat marital rape.

Therefore, in the process of legislating domestic violence, the aim must be to ensure the observance of human rights and to develop strong and effective strategies to reduce the number of victims.

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