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When marriage is less than sacred

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Illustration: Deepak Harichandan

By appropriating female consent in sexual matters, misogyny denies women the right to stand up to sexual abuse from violent husbands.

In April, Union Minister of State for Home Affairs [Haribhai Parathibhai Chaudhary said marriage in India is a sacrosanct institution. The concept of marital rape is not suitable in the Indian context](#), he said, due to illiteracy, poverty, social customs, values, religious beliefs, and other factors.

Many years ago, when I was travelling in rural north India on a research trip, I encountered some women in a village, who asked me if I was married. I said I was not. After giving me warnings about finding a “good boy” before it was too late, the women started joking about their men. And in an uncharacteristic move, they began to discuss their very first sexual encounters. I was shocked, not by the unexpectedly liberated manner of these women, but

by the acts that they described on their wedding night, where their husbands had pounced on them in hormone and alcohol-fuelled frenzies. Their initiation into conjugal life was through an act that can only be described as rape. They did not know the word for rape, but from what they described, they hated the encounter, which turned into a lifelong abhorrence for their husbands. At least one woman said that she had tried to lock the door the next night. You may be compelled to dismiss the argument saying, “but they were married” — much like some of our current politicians.

Appropriating consent

However, what I realised is that these women in ghonghats had no desire for their men; they did not love them and hated the idea of intercourse. When we discuss marital rape and whether women need to be protected from it, we need to think about one key issue — women’s consent and its relationship to misogyny. Misogyny is a special type of hatred for women, much like racism, where a person believes that women deserve to be treated in particularly demeaning, hateful ways; that they are inferior simply because they are women. Misogyny is the ideology that undergirds patriarchy, a system where men dominate in all spheres of life. Misogyny formulates for patriarchy an “other” over whom a man can express superiority, ritually and through open violence. Without this female other to suppress, patriarchy would not be a system.

Misogyny is insidious because it is also an ideology that appropriates and controls female consent. Patriarchy is a system that can only thrive if women’s consent to the rules of the patriarchal game is pre-scripted and defined. The practice of misogyny is the practice of prejudice. Misogyny is an ideology that affects the lived experiences of women.

To understand this debate on marital rape, we need to first locate what Indian society’s relationship is to the idea of female consent. On the one hand, consent in many matters is taken as given. For instance, girls who are raped are “asking for it because they wore short skirts” (implied consent or availability for sexual acts), or if a woman marries someone she is consenting to intercourse always. On the other hand, it is precisely the lack of consent which is part of the allure for a misogynist. So misogynists, on the one hand feel entitled to a woman’s consent, on the other; when it is not given, men see it as extra encouragement to extract this consent by other means, usually by other means, usually violent.

Therefore, misogyny not only appropriates female consent in matters especially related to desire and sexuality, but when a woman begins to make choices, misogyny denies women the freedom to say no. When we do not recognise marital rape and sexual crimes against women, we are derecognising female consent. Derecognising consent in a sexual matter means that a woman’s “no” is equated with her saying “yes”. In other words, a woman can say whatever she wants; a man is still entitled to her body. Her voice does not matter. Neither does her choice making, nor her consent or lack thereof. When we do not recognise marital rape as rape, we are consigning women to lifelong sexual abuse at the hands of men, who should properly belong in jail. Consider that the National Family Health Survey revealed that about one in twelve women had at some point faced sexual violence. Of these, as Kanika Sharma and Aashish Gupta report, 93 per cent had experienced this at the hands of their spouses.

To suggest that a husband has a right to his wife’s body is spurious. Let me illustrate this. Suppose a wife bakes a cake and asks her husband to eat it. He says no. So, she forcibly opens his mouth and shoves large chunks of cake down his throat without his consent. Even when he says he has had enough and asks her to stop, she continues to shove more cake down his throat. He then asks her again to stop but she does not. She slaps him and force-feeds him the whole cake until he throws up. Once he is done throwing up, she feeds him a second cake

until he throws up again. He is terrified of her because this is a never-ending cycle. Technically, she is a good wife feeding her husband. But chances are that she would be booked for cruelty and abuse.

Differences in a 'no'

Are we disturbed by this illustration? We are, and this is because when a man says "no", society understands that he means "no". Marriage does not mean that choice and consent are always given and non-contested. A woman's "no" should be treated at the same level as a man's "no". Our ministers and lawmakers are trying to deny women the right to say "no" to intercourse in a marriage in the name of culture, values and tradition. When they do this, they clearly do not have a clear picture of the type of abuse that women face in Indian marriages. They clearly also have not looked at data which ably demonstrates that sexual violence within families and by acquaintances is rather high for a country which mistakenly prides itself on culture and values. Their assessment rests on a circular logic that a husband cannot be a rapist because he is a husband. How logical is it to assume that men, who have abusive patterns of behaviour, will not somehow sexually harm a woman who they have complete control over because they married her?

As mentioned before, part of the allure of misogyny is to take consent by force when it is denied. If we can safely assume (and we can) that a majority of men are misogynist in India, then how can we possibly logically conclude either that marital rape does not occur, or if it does it is not quite so serious. If the housewife suicide rate between the ages of 18-35 and the number of cases of cruelty to wives are any indicators, then Indians are foolish to think either that marital rape doesn't happen, or, that it can be left out of policymaking.

Policymakers have a responsibility to protect their citizens from violence by putting in place preventive laws and generating consequences for perpetrators. A man who commits a violent crime against his wife should be tagged as a criminal for he has violated another rights-bearing individual. When we do not take marital rape seriously, we allow husband-rapists to get away with crimes that they would be prosecuted for had they not been married to the victim. We take away from women the right to choose when to give consent to an act of intercourse and we allow men to maintain a hateful entitlement to the body of women.

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