

## A CRITICAL EXAMINATION OF MARITAL RAPE WITHIN LEGAL AND SOCIETAL CONTEXT

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**BEST CITATION** – AMAN SHARMA, A CRITICAL EXAMINATION OF MARITAL RAPE WITHIN LEGAL AND SOCIETAL CONTEXT, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (4) OF 2025, PG. 940-953, APIS – 3920 – 0001 & ISSN – 2583-2344.

### ABSTRACT

Marital rape has traditionally been linked with the female experience of victimization, eclipsing the significant psychological and emotional damage to male victims. Because of the influence of rigid gender roles that emphasize men as strong, invincible, and emotionally stoic, the psychological experience of male victims of marital rape is repressed and largely ignored. Male victims of marital rape experience social isolation and stigma for not being able to express their suffering based on societal beliefs that men cannot be vulnerable or distressed. This denial of emotional suffering perpetuates the psychological trauma, significantly leading to poorer mental health outcomes including depression and anxiety, post-traumatic stress disorder (PTSD), and, at the extreme end, potentially suicidal ideation. Male victims of marital rape may be further traumatized by the lack of a legal framework to protect them from ongoing victimization, violent crime, and more severe forms of trauma. The law rarely recognizes male victims of marital rape as needing protection or access to help and justice, assuming that men are less susceptible to publicly engaging in victimization. This research investigates how social stereotypes of masculinity and the legal context of male victims contribute to the underreporting of marital rape against men and to not recognizing their mental health needs, all through a close examination of real-world examples, personal accounts, and existing research. The paper investigates the emotional burden that men endure as a result of these stigmas, which compound their suffering in silence and increase their emotional pain. It also investigates the lack of services for male survivors, and advocates for systemic changes in the legal and societal context. The paper brings awareness about an issue that has been largely ignored, and advocates for an urgent shift away from societal structures that diminish or deny male victimhood in marital rape. The paper also urges systemic changes in laws, social perspective and mental health supports so that male victims obtain the same compassion, understanding, and legal protection as female victims. This issue is particularly timely due to the increasing number of male survivors that – because of the trauma they have faced – are denied recognition and an opportunity to heal. The purpose of this research is to further understanding of the complexities of male victimization while providing recommendations regarding legal reform, social education, and mental health treatments that are inclusive and compassionate.

### KEYWORDS

Marital Rape, Male Victims, Mental Trauma, Gender Norms, Masculinity, Societal Perception, Psychological Impact, Legal Framework, Stigma, Mental Health Support

## I. Introduction

### Introduction: Background to the Unseen Suffering: The Psychological Toll of Marital Rape on Men

Marital sexual violence, which researchers frequently frame under the umbrella of marital rape historically, has mostly been seen as a women's issue. Public policy, social narratives, and research about marital violence have overwhelmingly discussed the victimization of women within marriage while male victims of marital rape remain largely invisible. This erasure maintains the silence surrounding the issue of male victimhood, which denies male survivors a voice and isolates them legally and emotionally. The trauma of marital rape affects men intensely, but rarely since it maintains the idea that masculinity requires men to express strength, indifference, invulnerability, and the need for strength and superiority. These same gendered observations about masculinities contribute to the silence about male victimhood and increase the trauma that male survivors experience. Male survivors behave in a cycle of pain, shame, and isolation without acknowledgment, support, and legal protection. The cultural norm that men shouldn't feel, or at least not express, feelings of vulnerability becomes a major obstacle to help-seeking or even recognizing the trauma endured. In many cultures, masculinity is linked to being dominant and controlling and suppressing one's emotion. These cultural values often inhibit men from reporting their victimization, as they fear being shamed or ridiculed for failing to conform to the ideals of "real" manhood. The prevailing cultural belief that men are not victims of sexual violence or marital rape is so deeply entrenched that it renders men's traumatic experiences invisible to society and the criminal justice system. Furthermore, the silence surrounding men's victimization around a topic as taboo as marital rape sustains a cycle of neglect, where male survivors are often unable to access justice or receiving therapeutic treatment that would support their recovery.

Psychologically, male marital rape victims endure trauma similar to female victims, but the lack of societal acknowledgment results in underreporting, unresolved psychological suffering and delayed recovery. Male survivors often report suffering from depression, anxiety, post traumatic stress disorder (PTSD) and suicidal ideation, which is aggravated by shame and self-blame for their victimization. These emotional struggles may be dismissed or minimized because of societal assumptions that men should defend themselves from coercion in marriage. Male victims of marital rape often have to cope with the additional reality that they can not access the typical support system with the same level of understanding from those around them. Turchik & Edwards, (2012) further state that men who are sexually victimized are less likely to seek help due to fear and other stigma-leading men to feel that their pain does not matter or is not legitimate in comparison to the pain of female survivors<sup>1586</sup>.

Legal structures are similarly inadequate in fulfilling the unique exigencies of male survivors of marital rape. In numerous societies, either there are no criminal statutes regarding marital rape, or laws addressing marital rape confront barriers in affording male victims legal remedies. Laws that fail to recognize male involvement in marital rape further complicate the psychological trauma that comes as a consequence of the primary victimization event by leaving male victims feeling powerless and without recourse. As Agnes (2007) suggests, there is a prevailing legal bias in many jurisdictions towards the protection of women, which has resulted in men being unprotected, or left with no course of action as victims of sexual violence perpetrated against them.<sup>1587</sup> The absence of male-protective provisions in marital rape statutes continues to legitimize the idea society has constructed around men being incapable of being victims further silencing their

<sup>1586</sup> Turchik, J. A., & Edwards, K. M. (2012). *Men's Experiences of Sexual Assault: A Review of the Literature*. Journal of Traumatic Stress, 25(3), 1-11

<sup>1587</sup> Agnes, F. (2007). *Law and Gender Inequality: The Politics of Women's Rights in India*. Oxford University Press.

victimization experiences, and contributing to the stigma around being a male victim.

The damage to a man's emotional well-being as a result of marital rape is far more than an individual issue; it is a social problem that needs to be addressed. A body of research suggests that all victims of sexual violence, regardless of gender, suffer long-term consequences to their psychological well-being. Nevertheless, for men, these consequences often have the additional burden of social stigma and little, if any, legal support. The trauma associated with these experiences is often downplayed, disregarded, or worst, rejected, resulting in no way to comprehend, remedy, or recover from these experiences. This article aims to address the psychological impact married rape has had on men; to critique the social and legal frameworks that leaves male victims, at the very least, invisible.

By examining real-life cases, scholarly research, and legal frameworks, this study aims to shed light on the psychological, emotional, and social struggles faced by male survivors of marital rape. Through this examination, the paper advocates for legal reforms that include the protection of male victims and a societal shift that recognizes the trauma faced by men in situations of marital rape. The stigma surrounding male victimhood must be dismantled to provide male survivors with the necessary space to heal. This paper will argue that a more inclusive, empathetic, and understanding approach to sexual violence is required, one that acknowledges the trauma experienced by all victims, regardless of gender. Men, too, are entitled to justice, healing, and societal recognition of their suffering, and it is only through comprehensive legal and social reforms that male victims of marital rape can begin to recover from the invisible scars of their trauma.

### Research Objectives

1. To Examine the Psychological Impact of Marital Rape on Men.

This objective focuses on investigating the emotional and mental health consequences faced by male victims of marital rape, including depression, anxiety, PTSD, and the barriers that prevent men from accessing support due to societal stigma.

2. To Assess Societal Attitudes and Legal Frameworks Regarding Male Victimization

The purpose of this objective is to investigate how social norms related to masculinity, along with legal frameworks in place, obscure male victims of marital rape, and prevent them from seeking justice or support. It will examine the law's sufficiency in protecting male survivors and how masculine norms inform their trauma.

3. To Propose Legal and Societal Reforms for the Support of Male Survivors.

This objective aims to suggest reforms in the law and society to ensure that male victims of marital rape receive adequate protection, acknowledgement, and mental health treatment, pushing for gender-neutral legal perspectives and greater awareness around male victimisation..

### Research Questions

1. What are the psychological effects of marital rape on male victims, and how do societal norms contribute to the exacerbation of their trauma?

2. How do legal frameworks fail to address the needs of male victims of marital rape, and what are the barriers preventing men from seeking justice and support?

3. What societal and cultural changes are needed to provide better recognition and support for male victims of marital rape?

### CONCEPTUAL AND LEGAL FRAMEWORK

#### A. Conceptual Framework: Understanding Marital Rape and Its Impact on Men

Marital rape describes non-consensual sexual intercourse or sexual acts performed by a spouse against the other spouse in a marital



relationship. In several societies, including India, the idea of marital rape has, over time, either not been acknowledged or not recognized, which was often a result of deeply-rooted patriarchal attitudes that have regarded marriage as a form of consent for sexual access. These attitudes do not only narrow the autonomy and rights women have, but in cases where male victims experience rape by their wife, it completely negates their victimization regarding marital rape. The conceptual basis for framing the marital rape construct against male victims is based on the understanding of gender relations, socio-cultural expectations of masculinity, and the consequences of masculinity standards upon acknowledging male victimization. Historically, masculinity has always been synonymous with invulnerability, strength, and sexual dominance. This social construct is entrenched in the belief that men cannot be victimized by sexual violence, and particularly neither by their spouse. This can often have serious psychological and emotional effects on male victims of marital rape, as they often do not report marital rape, and are even loathe to recognize their victimization, given the stigma surrounding male victimization. Number of studies have highlighted the stigma male-survivors of sexual violence experience, either realized or not, along with guilt and shame as psychological burdens.

Viewing marital rape as a traumatic event through a psychological lens can lead to serious consequences for male victims, who may experience anxiety, depression, post-traumatic stress disorder (PTSD), and even suicidal thoughts. Due to cultural and societal attitudes towards sexual violence, male victims of marital rape have the further barrier of not being able to access supportive services or even identify that they have experienced trauma. The absence of formal social support resources for male victims, in addition to the perception of men as perpetrators of marital rape, makes the process of healing and recovery more complex. This raises additional questions about how gender norms, societal

expectations, and the general silencing of male survivors intersect with socially constructed legal contexts (i.e., how the absence of laws and legal resources that are accessible to men both contribute to, and counter, their invisibility). Because men are socialized to suppress vulnerability, emotional crises and distress may not be easily recognized symptomatology, adding to a cycle of trauma that tends to be obscured.

### **Legal Framework: The Current Legal Landscape and Gaps in Protection for Male Victims**

The issue of marital rape has been contentious in India for a long time. Traditionally, Indian law did not see marital rape as a criminal offense because of the idea that one consents to sex within marriage. The relevant sections of the Indian Penal Code (IPC) relating to rape, specifically Section 375, applies only to sexual intercourse that is not consented to; there is an exception for the wife, who must also be older than 15. This exception – called the “marital rape exception” – is based on the premise that consent is implied in a marriage, which has made sexual acts between couples outside the definitions of rape law.

Despite this, over the past few years, there have been increasing legal efforts and social acceptance that this exception is both unfair and archaic. The law was contested in several cases, including the Independent Thought v. Union of India case (2017), where the Supreme Court of India recognized that the law’s exclusion of wives below the age of 18 from the current marital rape law was a violation of the right to dignity and equality, as enshrined in the Constitution of India. The Supreme Court found that girls under the age of 18 cannot be presumed to consent to sexual acts, including intercourse, in marriage, and yet the exception to the rape law still did not provide protection to those victims. This case resulted in the criminalization of the act of sexual intercourse with minors within marriage, but did not extend

the protection of marital rape to adult women or men.

Currently, there is no legal provision in India that directly addresses male victims of marital rape. Laws in India afford certain legal protections to women, such as the Protection of Women from Domestic Violence Act, 2005, which would address certain types of sexual violence abuse in the context of marriage. However, there is no corresponding legal provision for men who are subjected to similar abuse. The absence of such a legal provision highlights the difficulties men face in trying to find relief from sexual violence violence committed against them in the context of a marital relationship. Section 375 of the IPC and the Domestic Violence Act are both enacted to consider the potential evidentiary challenges of female victims of sexual violence and are silent on male victims of sexual violence in the context of marriage.

### Case Law and Judicial Interpretations

The issue of marital rape has been recognized by Indian courts, but more so for female victims. The case *Independent Thought v. Union of India* (2017)<sup>1588</sup> is a significant case which addressed marital rape, though it did not address male victims specifically. The case challenged the exception to Section 375 that absolved husbands of labeling sexual intercourse with wives under the age of 18 as rape. The Court ultimately held the exception violated constitutional rights for girls who married before they were 18 years old, and criminalized marital rape involving minors. The Court did not extend rights to adult women or to male victims of marital rape.

One of the essential issues of reforming the law against marital rape in India is the slow advancement surrounding male victims. Meanwhile, other countries, like the US, UK, and Canada, have acknowledged the reality of men being victims of marital rape for much longer. Take for example, *United States v. McGill* (2005)

<sup>1589</sup>Case, where the Court stated that a husband could commit the act of marital rape regardless of whether the marriage was opposite-sex or same-sex. The Court's decision in this case serves to support the notion that the idea of marital rape should not be rejected based on the relationship.

### Gaps and Limitations in Legal Protection for Male Victims of Marital Rape

Despite some advances made towards recognizing the rights of women and minors in marriage, the significant lack of clear legal protection for male victims of marital rape is still striking. Section 375 of the IPC presumably still operates under the idea that marital rape can never occur (unless the victim is a minor). The failure to recognize said rape creates a significant barrier to male victims for accessing justice as compared to female victims who can take advantage of the protections of the law. Furthermore, male victims of marital rape also struggle find legal and psychological support. Laws tend to be gendered, and many of the systems that would assist survivors (shelters, counselling, legal assistance, etc.) are geared towards female victims. Additionally, there is substantial societal stigma associated with male victimization of sexual violence, which would doubtless contribute to male victims' reluctance in coming forward, reporting the abuse, and seeking support.

### Key Indian Legal Provisions:

#### 1. Indian Penal Code (IPC) Section 375:

Defines rape and explicitly excludes marital rape from its scope, with the exception of cases where the wife is below 15 years of age. The need for reform in this section to include marital rape of adult women and male victims is a central point of debate.

**2. Protection of Women from Domestic Violence Act, 2005:** While this Act offers a broad definition of domestic violence that includes sexual violence, it is primarily tailored for female victims. Male victims often struggle to receive

<sup>1588</sup> *Independent Thought v. Union of India*, (2017) 10 SCC 800, Supreme Court of India.

<sup>1589</sup> *United States v. McGill*, 2005 U.S. App. LEXIS 23999 (7th Cir. 2005).

protection or recognition under this Act due to its gendered focus.

**3. Indian Evidence Act, 1872:** This Act includes provisions related to the admissibility of evidence in sexual violence cases. However, the legal process remains heavily biased towards female victims, and the laws do not offer the same support for male victims, especially in cases of marital rape.

### International Legal Perspectives

Unlike India's present position on marital rape, international law has been developing forward in acknowledging male sexual violence victims' lived experiences. For instance, the Convention on Elimination of all forms of Discrimination Against Women (CEDAW) noted the necessity to shape legal frameworks that would benefit survivors from all genders. The possibility of marital rape has been recognized as a crime against both women and men in nations such as Canada, the UK, and the US, attributing to more inclusive legal frameworks that benefit all survivors.

### Barriers to Reporting Marital Rape: Social, Cultural, and Legal Challenges for Men

#### Social Stigma and Cultural Norms

A significant obstacle encountered by male victims of marital rape who wish to report the crime is the entrenchment of social stigma around male victimhood. In India and many other societies, men are socialized to represent ideals of strength, dominance, and emotional stoicism. Masculine norms, often referred to as "hegemonic masculinity," require men to be powerful and untouchable, especially in sexual areas. This type of narrow cultural context stigmatizes male victims of marital rape because acknowledging they are victims may be a challenge.

Marriage is viewed as a sacred institution in India, and rights related to marriage are traditionally favored in favor of the husband. There is an understanding that sexual relations within marriage are a form of duty for the wife, therefore, the idea that a husband can be

sexually forced or coerced by a wife seems unnatural and foreign. In this context, marital rape represents a state of affairs that is not even conceivable for men, adding to the invisibility of male victims. Moreover, the cultural notion of male invulnerability can leave many male victims feeling alienated, debased, and reluctant to come forward due to shame. Research has shown that social notions of masculinity block many male victims from revealing their experiences, worried that they may appear feeble or "unmanly" (Turchik & Edwards, 2012)<sup>1590</sup>.

Moreover, the image of men as necessarily sexually active and ready for sex is reinforced by media and popular culture. This contributes to the broad-based societal misconception that men cannot be sexually assaulted, particularly in their own marriages. This perpetuates doubt when male victims attempt to report sexual violence in marriage and creates a climate in which male victims cannot be easily validated by their society. The stigma of victimization creates underreporting and another layer of silence for male victims within a marital rape context.

#### Psychological Barriers to Reporting

The psychological effects of marital rape on male survivors are profound and diverse, but they are frequently misjudged or dismissed due to the stigma that accompanies male victimhood. Male survivors of marital rape often contend with a unique psychological landscape that renders them unable to accept their victimization. Chief among these features of their psychological experience is the conflict between the trauma of marital rape and societal gender norms. Men are socialized to see themselves as strong, dominant men in charge of their sexual urges and needs. Being sexually assaulted by their spouse contradicts these normalized beliefs about masculinity and can create emotional upheaval. Many male

<sup>1590</sup> Turchik, J. A., & Edwards, K. M. (2012). "Men's Experiences of Sexual Victimization: A Review of the Literature." *Aggression and Violent Behavior*, 17(4), 281-287.



survivors carry guilt, shame, and confusion with them. In some instances, the survivor believes he "should" have enjoyed or wanted sex, making it even harder for him to understand the pain of abuse. The survivor is often inclined towards self-blame, which in itself acts as a barrier for male survivors because they think what they said or did (or didn't say or do) somehow made the abuse excusable. These feelings often lead male survivors to downplay what happened to them, not calling it rape or abuse, and in the process, manage to dismiss the impact of the trauma on their lives.

In addition, male victims of marital rape are less likely to seek professional services because of a fear of being disbelieved or stigmatized. They may be reluctant to tell family or friends about their experiences because of the shame they may see associated with being a male victim of sexual violence. It is difficult enough to process the trauma of rape; male victims experience additional shame because they are often not recognized as victims by mental health providers or the legal system. The trauma of having been raped can lead to psychological trauma and potential life-long mental health conditions such as depression, anxiety, and PTSD. Because of the social stigma associated with being a male victim, a victim may develop these symptoms without ever receiving professional help, thus prolonging their isolation and harm.

### Legal Challenges and Gaps in Protection

The legal system regulating marital rape in India is a further obstacle to male victims seeking justice. The Indian legal system defines rape according to Section 375 of the Indian Penal Code (IPC), which provides an exception under which a husband cannot be found guilty of raping a wife in cases of consensual intercourse. This exception, in effect, constitutes a legal loophole to protect a husband from being found guilty of rape. Under Section 375 of IPC, only non-consensual sexual intercourse with a woman constitutes rape, unless marital relations are involved. This exception clearly

states that male victims of marital rape are excluded from any protections offered by law. This legal structure perpetuates the antiquated idea that men are inherently responsible for sex and that a husband is entitled to sex in marriage. Thus, a male victim of marital rape is not recognized in law and their experience is rendered virtually inconsequential by the legal system.

Moreover, the Protection of Women from Domestic Violence Act, 2005<sup>1591</sup> (PWDVA)<sup>1592</sup>, which offers legal safeguards against domestic violence, is similarly gendered. Although it affords thorough protections for women subjected to physical, emotional, and sexual violence, it does not consider male victims. The gendered statutes within Indian law never allow male victims of marital rape legal recourse for protections under law. The lack of gender-neutral statutes for male victims of marital rape within Indian law is exacerbated by both the lack of general public awareness and the recognition of male victims and judicial training related to the availability of justice for male victims of marital rape. Internationally, many countries, like the United States, Canada, and the United Kingdom have included marital rape as a criminal offense by gender-neutral definitions. On the contrary, India excludes men from these protections and continues to characterize marital rape as a crime against women. The lack of legal recognition for men as victims affects the systemic response to report victimization, as men are left uncertain if their experience will be even taken as seriously as criminal under Indian law.

### Global Perspectives on Marital Rape and Male Victimization

#### Global Perspectives on Marital Rape and Male Victimization

Marital rape, which refers to sex without consent in marriage, has developed as a crime

<sup>1591</sup> Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005.

<sup>1592</sup> Turchik, J. A., & Edwards, K. M. (2012). "Men's Experiences of Sexual Victimization: A Review of the Literature." *Aggression and Violent Behavior*, 17(4), 281-287.

in various places around the world. In earlier times, marriage was viewed as an institution whereby husbands had a legal sexual right to their wives. In fact, many legal systems viewed this as a matter of law, and resistance by a spouse in marriage was not viewed as a crime. However, as social understandings of consent, human rights, and gender equality have advanced, many countries have modified their legal systems to identify marital rape as a crime, irrespective of the gender of the donator or victim.

Take the United States as a case in point: there was a substantial shift in how the law treated marital rape. In the 1970s, some U.S. states began amending their laws to make marital rape a crime. By the 1990s, every U.S. state had adopted some type of legislation that criminalized marital rape. This change in the law demonstrated a growing recognition in society that consent is necessary for all sexual contact, no matter if the parties are married. In a similar vein, the United Kingdom, Canada, Australia and New Zealand have developed legal frameworks that offer protection against marital rape for both genders, suggesting a trend towards gender neutrality regarding the recognition of sexual violence within marriage.

### **Male Victimization of Marital Rape: Global Underreporting**

On a global scale, the victimization of men experiencing marital rape is an issue that has largely gone unrecognized, due to social stigma, legal impediments, and misconceptions regarding male sexuality. Men, particularly in patriarchal societies, are expected to be dominant, sexually active, and emotionally tough. These stereotypes provide the context to create a scenario where men that are victims of marital rape are unlikely to report the fact that they are victimized, and may not even see themselves as having been victimized.

Limited research exists on male victimization, and the vast majority of literature focuses on women's victimization experiences. However, research from countries where male

victimization is recognized offers insight into the barriers men face when reporting marital rape. For instance, in the United Kingdom, a 2013 study by the Office for National Statistics found that about 1 in 10 (10%) men experienced some form of sexual violence in their lifetime, some related to intimate partners. Even so, a 2016 report by British charity, ManKind Initiative, found that few male victims of marital rape had sought formal help, with disclosures related to sharing feelings of shame or embarrassment and fears they would not be believed<sup>1593</sup>.

Though male victimization of marital rape is recognized by federal and state laws in the United States, the notion of men being perpetually sexual willing creates complications in acquiring true reporting data. Male witnesses reporting incidents of sexual violence experience disbelief and disdain from police officers, healthcare professional providers, and even their families. Likewise, in Canada, male victims of marital rape may struggle to be taken seriously by authorities if they report their victimization due to gender norms and societal expectations framing men as aggressors over victims. This lack of recognition of male victims in the public domain contributes to the silence regarding marital violence and male sexual assault experiences.

### **Cultural Barriers to Male Victimization: Gender Norms and Masculinity**

In many cultures, the beliefs about masculinity contribute overall to underreporting of marital rape by men. Conventional masculinity is understood as a man's ability to be sexually aggressive, emotionally strong, and physically tough. These ideals create societal pressure on men and boys to mask vulnerability, including the experience of sexual violence in a marriage. In these situations, male victims may blame themselves or feel guilty for being unable to stop the violence or even feel responsible for their victimization. As an example, in many African and Asian cultures,

<sup>1593</sup> ManKind Initiative. (2016). Male Victims of Domestic Abuse: Statistical Report. Retrieved from [mankind.org.uk](http://mankind.org.uk)



masculinity is defined by a man's ability to exert power and control, sexually and socially. In these cultures, a belief that a man could be sexually coerced by his partner or wife is met with disbelief and male victims are often subjected to ridicule or exclusion. Even in the Western world, the stereotype of men being endlessly sexual and willing to engage with women means that even the thought that a man could be raped or coerced by his wife is inherently disbelieved.

This issue is compounded in a context of "patriarchal masculinity"<sup>1594</sup> which teaches men to control women sexually and socially from an early age. The mindset that men are superior to women creates a further challenge for male victims since they have to not only navigate personal feelings of weakness or failure, but then they may experience cultural ramifications for not fulfilling their duty as a strong, dominant man. The idea of toxic masculinity that justifies and upholds these cultural constructs, makes it even harder for male victims to come forward as it threatens their ideas of worthiness and identity.

### **Legal Challenges: Discriminatory Laws and Gendered Legislation**

In many regions throughout the world, marital rape is either not defined under the criminal law or defined for offences based on the victim's gender. For example countries like India, Saudi Arabia, and Afghanistan have never defined marital rape under the criminal law nor punished it. The law is based on past cultural ideas that all sexual encounters in marital relationships are consensual. Therefore, victims of marital rape, both female and male, have little or no chance of seeking legal justice; thus becoming further victims of abuse. On the other hand, countries like Sweden, the Netherlands, and Belgium still have fairly progressive legal

schemes that define marital rape as a crime and punish such conduct, regardless of the victim's gender. Sweden, for example, was one of the first countries to condemn marital rape as a crime in 1965<sup>1595</sup>. The laws of Sweden, and other Scandinavian countries, have developed a framework around treating sexual violence in from partnerships or marriage the same as other forms of rape. Furthermore, towards the same ends they also promote public campaigns encouraging reporting of sexual violence from both male and female victims; ensuring both genders have an equal reporting and treatment scheme.

Throughout the 1980s and 1990s, marital rape laws were slowly adopted in the United States. While every state eventually criminalized marital rape, it took decades for the U.S. legal system to identify the full range of sexual violence applicable to marriages. Initially, there were legal exceptions for marital rape and some states only partially criminalized sexual violence in marriage. The aversion to fully criminalizing marital rape for male and female victims resulted in a considerable legal void of protections for survivors. Nonetheless, even when marital rape has gained some stricter definitions and recognition, the legal landscape remains inconsistent across the globe. In many countries, rapes are defined legally without reference to spousal rape or only part-racially. Male victims of marital rape also have the added complication of legal systems designed in a predominantly protective way for female victims and no resources or legal recognitions.

### **Global Advocacy for Male Victim Support and Recognition**

A global movement is garnering increased attention on behalf of male victims of marital rape. Organizations like the ManKind Initiative in the UK in the US have worked tirelessly at helping male victims sexual violence as well as marital rape become more visible. The efforts of these organizations have supported male

<sup>1594</sup> Patriarchal masculinity defines a set of social standards, expectations, and behaviors pertaining to masculinity within a patriarchal society. In a patriarchal society, men are historically in positions of domination in society, and masculinity is framed as desirable in terms of power, control, and dominance. Patriarchal masculinity is a type of gendered performance that supports the adherence to and reinforces traditional gender norms and hierarchies.

<sup>1595</sup> Swedish Penal Code (Brottsbalken) Chapter 6, Section 1 (revised 2005).

survivors of sexual violence in numerous ways through supporting survivors with resources, counseling, and advocacy, while also providing men with a space to seek support without being ridiculed. Larger institutions, such as the United Nations, are also working towards addressing sexual violence against men and women on a broader basis, though we still have much work to do to accepting and understanding the lived experiences of male victims. For example, the 1993 United Nations Declaration on the Elimination of Violence Against Women hardly mentions men, yet acknowledges the legal and social protections that are needed for all victims of sexual violence. Furthermore, there has been some slow, but progressive, movement acknowledging that men are also victims of sexual violence, while systems adapt to the new understanding that women have been the only victims.<sup>1596</sup>

The worldwide conversation about marital rape and men's victimization is still in flux, but we are seeing phenomenal progress regarding our notions of social change and legal frameworks to protect all victims equally. For a more just world where all survivors of sexual violence have legal and social recourse and can seek justice and healing, it is crucial to acknowledge at least men's victimization in the case of sexual violence in marriage.

#### THE ROLE OF MEDIA IN SHAPING THE NARRATIVE OF MALE VICTIMS OF MARITAL RAPE

The media is significantly influential in framing how society views sensitive societal issues, including marital rape. The marital rape of men is a matter that has been largely neglected over the course of decades; if it enters public discussion at all, it is often ridiculed and dismissed. Media representations serve as a vehicle that can sustain or contest cultural understandings of gender, sexuality, violence, and victimization. The media's portrayal of men as victims of marital rape has

not been sufficiently addressed, which perpetuates harmful ideas and desensitizes society to male victimization. This section will discuss how media portrays male victims of marital rape, commemorates the challenges that representations face, and provides potential for reconsidering the discussion of gendered violence in the media.

#### Cultural Representation and Gender Norms in Media

Most media coverage of sexual violence has focused on women as victims, and has frequently placed men within the role of perpetrator rather than victim. This portrayal is influenced by a deeply embedded normative construct of gender that equates masculinity with strength, control, and protection. Such beliefs make it difficult for society to conceptualize men as victims of sexual violence generally, and maritally. In Indian society, for example, patriarchy has considerable sway over the media's representation of sexual violence, and marital rape is frequently cast as a private matter digested within the relationship of marriage, as opposed to an act of violence. Media representation, therefore, reinforces this gendered normative construct by not acknowledging – or just failing to recognize – that men can be victims of marital rape.

Indian media has also been significantly reluctant to pay attention to issues related to male victimization, casting men more often as perpetrators in sexual violence discourse. In the limited instances in which male victims are represented, the emphasis is most frequently on humor or ridicule, which adds to the stigmatization of male victimization within sexual violence narratives. This diminishes the phenomenon of male victimization and tends to silence the male victim. In India, popular culture and television soap operas often reinforce traditional gender roles for men, recognizing them as aggressive, sexually aggressive men, thus further complicating acceptance of male victimization for men when it faces the phenomenon of violence within marriage.

<sup>1596</sup> United Nations. (1993). *Declaration on the Elimination of Violence Against Women*. United Nations General Assembly. A/RES/48/104. Available at: <https://www.un.org/documents/ga/res/48/a48r104.htm>.

## Legal and Social Dimensions of Marital Rape in Media Narratives

Marital rape is not considered a crime in India. While rape is defined in Section 375 [of the Indian Penal Code], husbands are exempt from this definition. Therefore, sexual intercourse within marriage can never be considered rape, unless it can be proven that there was coercion or force used. As a result of this code, media representation struggles to even discuss the possibility of marital rape for heterosexual subjects or misinterpret consent altogether. Because of this exemption, male victims are given limited representation in media as it continues to uphold the notion that marital rape only affects women. When media representations finally discuss issues of sexual violence, the narrative continues and focuses on women victims while men are made invisible or told to be the offenders. While Indian legal discussions on marital rape are heavily gendered, the absence of laws surrounding marital rape for men in India means that the media is not permitted to provide nuanced representations of male victims. The Indian media, as it reflects legal norms, is also slow to shift the narrative towards the reality of men as victims of marital rape.

## Media Sensationalism and Stigma Around Male Victims

When the media does present stories that cover male victims of sexual violence or marital rape, it typically dramatizes it or diminishes the issue. Male victims are either ridiculed or their victimization is minimized. This perpetuates the stigmatization men feel when thinking of seeking help. In dramatized news, men appear weak or emasculated if they reported victimization, thus reinforcing societal conceptions of masculinity that insist men must be stoic, and never a victim. Conversely, female victims of sexual violence are treated with more compassion, and news coverage tends to dwell on the victim's trauma, bravery and strength of female survivors. This gendered reporting of sexual violence encourages a culture of

empathy and attention towards female victims while also allowing men to remain outside of any dialogue about the topic.

As an example, Indian tabloids and online news stories frequently highlight stories of male rape victims, but these articles often sensationalize the shock value of the male rape victim experience above the trauma. Sensationalized stories about male rape decrease the credibility of male victims and create a toxic and hostile environment for male victims who might even be somewhat considering coming forward.

## Breaking the Silence: Media's Potential Role in Male Victim Advocacy

Despite these obstacles, the media has the potential to create change and provide some visibility to male victimization of marital rape. For instance, documentaries or TV programs, or articles in the news media, can challenge stereotypes and promote an awareness of the reality that men can be victims of sexual violence as well. That, in fact, in certain regions of the world, in countries such as the UK and Canada, news media have occasionally shifted public opinion about male victimization. A British documentary, *Male Rape: Breaking the Silence* (2007)<sup>1597</sup>, for example, shared the narratives of male victims and the realities of their lives. There the discussion is in its infancy but there are indications of movement happening. In the Indian newspapers *The Hindu*, *Times of India* and *Indian Express*, for example, they have at times published articles or and op-ed articles about various by products that come with male victims experiences. These articles typically describe calls for gender neutral laws, and advocate for a more sensitive and empathetic approach to a male victim experience.

The #MeToo movement, although initially focused on women, has also shed light on the harassment and abuse faced by men, especially in workplaces. This movement has

<sup>1597</sup> BBC. (2007). *Male Rape: Breaking the Silence*. BBC Documentary. Available at: BBC Documentary Archive



created space for male victims to share their stories, and media coverage of these incidents has slowly contributed to reducing the stigma associated with male victimhood.

### CHALLENGES AND RECOMMENDATIONS

Male survivors of marriage rape encounter profound legal, societal, and psychological obstacles that inhibit them from seeking justice and moving from victimhood to survivor. A considerable hurdle is the legal system, particularly in countries such as India where Section 375 of the Indian Penal Code (IPC) omits husbands from prosecution for the crime of rape to their wives and cements a gendered view of sexual violence. This legal gap means male victims truly have no legal recourse against the offender for their victimization, and become invisible and vulnerable within the legal process. Further, by omitting marital rape from the IPC's view as a crime for husbands, this legal context reinforces that men cannot be victims of sexual violence, especially in marriage. This situation stands in stark contrast with other contexts, including the U.K., where marital rape was criminalized in the 1990s, articulating a nuanced understanding of consent within the context of marriage.

Culturally, there is stigma associated with men being victims of marital rape in societies like India, which is shaped by patriarchal social norms that influence conceptions of masculinity and sexual entitlement in marriage. Under traditional Indian cultural beliefs, marriage is a relationship where the male spouse is seen to have sexual entitlement, and, consequently, the notion that a male spouse could be coerced or raped by a marital partner is largely unnatural. This ideology is supported by traditional expectations that men should always desire sex and be sexually dominant to a woman, thus creating obstacles for society to recognize maleness in these terms of vulnerability. These cultural beliefs confound male victims from coming forward, and sadly engender some ridicule by others. Cultural stigmas surrounding traditional male stereotypes render men to

suffer in silence, where they sometimes internalize the trauma for fear of being perceived as weak or non-masculine.

Male victims of marital rape endure extreme psychological harm, yet it continues to be underreported and ignored. Victims may suffer from depression, anxiety, post traumatic stress, and significant shame and isolation; however, many social standards encourage men to avoid expressing emotional struggles. Further, there are no support systems specific to male victims to help mitigate these psychological wounds. While female victims may more openly find support networks with shelters, counseling, and legal assistance, male victims often struggle to find services and support to process trauma. Male victims are left to bottle-up their feelings or find inadequate means of support, resulting in never being able to heal properly and often suffering more. Additionally, news stories and media focus exclusively to female victims of sexual violence and rarely acknowledge or affirm male survivors' experiences. When male victims are presented, they are often sensationalized or trivialized; this reinforces stereotypes and diminishes the seriousness of male sexual victimization. Many, as a result, will not seek help for their traumatic experiences.

In order to address these issues, various important recommendations should be instituted. The first step would be to reform the law so that marital rape is recognized as a crime, regardless of the gender of the rapist. Modifying section 375 of the IPC to define marital rape as an offense against all victims will provide male victims with the same legal recourse available to women. This would signal a progressive shift to recognize male victimization and would provide justice for male victims. In addition to changes in the laws, social attitudes must change through educational campaigns and awareness programs. These campaigns should counter harmful gender stereotypes, while simultaneously educating the public regarding the reality of male victimization in marital

relationships. Schools, universities, and community organizations should participate in encouraging gender equality within marriages alongside mutual respect for both genders when it comes to recognizing that both men and women can be victims of sexual violence.

There is also a need for appropriate support systems to assist male victims of marital rape, which includes creating helplines, shelters, counseling, legal aid, and specialized programs for male survivors. These support systems will allow male victims to benefit from being part of a support system for victims of sexual violence and give them the ability to heal and recover in a safe and supportive space. Media representation of male victims of marital rape needs to illustrate the nature of their experiences and create normalization surrounding conversations about male sexual victimization. Responsible and compassionate media coverage can influence the way the general public perceives the experience of some male victims of marital rape, whereas advocacy through media will help pressure lawmakers to adopt more gender-neutral laws protecting all victims of marital rape. Lastly, working alongside international organizations and NGOs specializing in gender-based violence such as the World Health Organization (WHO) or UN Women will assist India in tracking trends and research to guide the country closer to a best-practice model for addressing male victimization and developing a comprehensive support system.

### CONCLUSION

Addressing marital rape, particularly in relation to male victims, is crucial given the systemic legal issues and societal attitudes that perpetuate injustice. Many jurisdictions, including India, have laws like Section 375 of the Indian Penal Code that exempt marital rape from being a crime when it is committed by a husband. Such laws continue to perpetuate archaic notions that men have an entitlement to sex while they are married; this legal gap for male victims means they have no recourse. At a

societal level, masculine social norms reject male victimhood; the belief is that men are always the sexual agent and cannot be victimized. Stigma causes male survivors of marital rape to remain silent regarding their abuse, carrying on with the psychological trauma (depression, anxiety, PTSD) they are left with; there is no institutional assistance for them as nearly all services, shelters, and counseling are directed towards women. The media similarly ignores or misrepresents male survivors of marital rape by depicting them exactly how we should not, creating worse stereotypes than they may be subject to in real life. In order to move towards an effective solution, there are a number of reforms that need to take effect; legal recognition of marital rape as a gender-neutral crime, elements of society need to challenge notions around toxic masculinity, service providers need to widen the parameters around male sexual survivor supports, and media needs to appropriately represent male survivors of sexual violence to repair and end damaging stereotypes. Without these changes, we will not see equity, justice, and healing for all survivors of sexual violence regardless of gender.

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