

IF CRIMINALIZING A CRIME DESTROYS MARRIAGES, THEN IS THE HUSBAND A CRIMINAL: MARITAL RAPE AND THE UNEQUAL CITIZENSHIP OF MARRIED WOMEN IN INDIA

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ABSTRACT

A woman does not cease to be a human being when she becomes a wife. Yet the debate surrounding marital rape in India continues to be shaped by a deeply patriarchal assumption that marriage grants husbands a form of sexual entitlement over their wives. A woman's refusal is respected when it is directed at a stranger, questioned when it is directed at a partner, and too often dismissed when it is directed at a husband. In this hierarchy, consent does not disappear by accident. It disappears because society has long been more comfortable protecting marriage than protecting women within it.

This article argues that the continued refusal to recognise marital rape is not merely a gap in criminal law but a reflection of a larger social belief that a wife's body is part of her marital obligations. Women are told that marriage requires compromise, adjustment, sacrifice, and service. Rarely are they told that these expectations stop where their bodily autonomy begins. The expectation of the "good wife" continues to coexist with the expectation that a husband is entitled to sex, even when consent is absent.

Through a feminist constitutional analysis, this article examines how the marital rape exception undermines the principles of equality, dignity, and personal liberty guaranteed by the Constitution. It questions why the law fears the consequences of criminalising violence more than the consequences of permitting it. If recognising a crime is believed to threaten marriage, then the problem is not the law's intervention but the conduct being protected from it. A wife is not property. Her body is not a marital entitlement. And constitutional rights cannot be left outside the bedroom door.

Keywords: Marital Rape, Consent, Feminist Jurisprudence, Constitutional Morality, Bodily Autonomy, Marriage, Equality, Women's Rights.

I. Introduction

A woman can refuse a stranger and no one asks her to explain herself. She can refuse a colleague, a friend, a boyfriend, or a fiancé, and her decision is understood as an exercise of choice. Yet when the same woman refuses her husband, the conversation changes. Suddenly, her refusal is no longer about consent. It becomes a question of duty, adjustment, sacrifice, and marriage itself. Society begins asking whether she is being

a "good wife" long before it asks whether her consent mattered. This contradiction sits at the heart of the marital rape debate in India. The issue is not simply about sex within marriage. It is about power. It is about whether a woman continues to have complete ownership over her own body after marriage. More importantly, it is about whether marriage changes a woman's relationship with her husband or her relationship with her own autonomy.

For generations, women have been taught that marriage is built on compromise. A wife is expected to adjust, forgive, tolerate, and endure. She is praised for her sacrifices and admired for her ability to keep the family together. From a young age, women are told that successful marriages require patience, understanding, and selflessness. What is often left unsaid, however, is that these expectations are rarely imposed equally. While women are taught to bend, men are often taught to expect accommodation.¹⁸⁰⁷ The image of the "good wife" continues to occupy a powerful place in society. She is patient when she is hurt. She is silent when she is uncomfortable. She prioritises her family's needs above her own. She does not complain, does not resist, and does not disrupt the peace of the household. Over time, this ideal becomes so deeply normalised that obedience begins to look like love and sacrifice begins to look like virtue. A woman who endures is celebrated. A woman who refuses is questioned. This becomes particularly troubling when these expectations enter the most intimate parts of marriage. Many women grow up hearing that satisfying a husband is part of their responsibility as a wife. Consent is rarely discussed with the same urgency as duty. As a result, a dangerous belief takes root: that marriage creates an obligation to provide access to one's body. A wife's refusal is viewed not as a personal choice but as a denial of something that is believed to belong to her husband.¹⁸⁰⁸

Perhaps this is why conversations about marital rape often focus more on protecting marriage than protecting women. The moment criminalisation is discussed, warnings about broken families, false cases, and the collapse of the institution of marriage quickly follow. The woman's experience is pushed into the background while the marriage itself becomes the primary concern. It is almost as if society fears the consequences of recognising violence more than the consequences of permitting it. Yet

this fear exposes a deeper reality. The resistance to recognising marital rape is not rooted solely in law. It is rooted in a patriarchal understanding of marriage that continues to view wives as caregivers, nurturers, and providers of emotional and sexual labour. Feminist scholars have long argued that traditional marriage has often been structured around unequal power, where women are expected to give while men are entitled to receive.¹⁸⁰⁹ The marital rape exception survives because traces of this belief continue to survive.

This reality sits uneasily with the promises of the Constitution. The Constitution does not recognise women only as wives. It recognises them as citizens. It guarantees equality, dignity, liberty, and personal autonomy to every individual. These rights are not conditional upon marital status. They do not become weaker after a wedding ceremony. A woman does not stop being a person because she becomes a wife. And yet, when the question of marital rape arises, married women are often treated as though they occupy a separate category altogether. Their consent is debated in ways that no other woman's consent is debated. Their autonomy is subjected to qualifications that would be unacceptable elsewhere. In effect, they are asked to enjoy constitutional rights everywhere except in the one place where they are expected to feel safest.

This article argues that the continued refusal to recognise marital rape reflects more than a gap in criminal law. It reflects a deeper social belief that a wife's body is part of the marital bargain. Through a feminist constitutional analysis, this article challenges that belief and questions why the law continues to hesitate when a married woman demands the same thing every other citizen is entitled to demand: control over her own body. For if dignity, equality, and autonomy truly belong to all citizens, then they must belong to women even after they say, "I do."

Research Methodology

¹⁸⁰⁷ Simone de Beauvoir, *The Second Sex* 444–49 (Constance Borde & Sheila Malovany-Chevallier trans., Vintage Books 2011) (1949).

¹⁸⁰⁸ Catharine A. MacKinnon, *Toward a Feminist Theory of the State* 191–94 (Harvard Univ. Press 1989).

¹⁸⁰⁹ Carole Pateman, *The Sexual Contract* 1–18 (Stanford Univ. Press 1988).

This paper adopts a doctrinal and qualitative research methodology to examine the legal and constitutional dimensions of marital rape in India. The study is based primarily on secondary sources, including constitutional provisions, statutes, judicial decisions, scholarly books, journal articles, reports, and feminist legal scholarship. By drawing upon both legal analysis and feminist thought, the paper explores how questions of marriage, consent, bodily autonomy, and women's rights continue to shape the marital rape debate. It further evaluates the marital rape exception in light of the constitutional guarantees of equality, dignity, privacy, and personal liberty, while referring to relevant comparative legal developments where appropriate.

II. The Good Wife Doesn't Say No

Every society has a favourite woman.

From childhood, women are taught that marriage is about compromise. They are told that one day they will leave their homes, enter another family, and learn to adjust. The advice is almost always the same. Adjust a little more. Be patient. Do not answer back. Keep the marriage together. Think of the family. Think of society. Think of what people will say. Rarely is a woman told to think of herself.

The problem is not that marriage requires effort. Every meaningful relationship does. The problem is that effort is often demanded unequally. Women are expected to bend so frequently that sacrifice begins to look like a natural part of womanhood itself. Over time, adjustment is no longer seen as a choice. It becomes an obligation.¹⁸¹⁰ Perhaps that is why society admires the "good wife" so much. She asks for very little. She tolerates a great deal. She absorbs discomfort quietly. Most importantly, she does not make anyone uncomfortable with her own needs.

The irony is difficult to ignore. Women are praised for surviving circumstances that men are rarely

expected to endure. From street harassment and stalking to domestic violence and marital abuse, women are constantly expected to develop resilience against harms that should not exist in the first place. Society celebrates their strength while remaining remarkably comfortable with the conditions that require such strength. This expectation becomes particularly visible when a wife says "no." If a husband refuses intimacy because he is tired, stressed, emotionally overwhelmed, or simply not in the mood, his decision is treated as perfectly reasonable. Nobody questions his commitment to the marriage. Nobody accuses him of neglecting his duties. His refusal is understood as a personal choice. When a wife refuses, however, the reaction is often very different. Suddenly, her refusal is measured against the expectations of marriage. She is told that a husband has needs. She is reminded of her responsibilities. Her discomfort becomes secondary to his disappointment. The conversation quietly shifts from consent to obligation. What makes this particularly troubling is how normal it sounds. Many women grow up hearing that satisfying a husband is part of being a good wife. Refusal is not viewed as an exercise of bodily autonomy but as a failure to perform a marital duty. The wife is expected to accommodate. The husband is expected to be accommodated. The imbalance is so deeply normalised that it often passes unnoticed. Yet the law is built upon a very different premise. Constitutional rights do not disappear upon marriage. The Supreme Court has repeatedly recognised that dignity, privacy, bodily integrity, and decisional autonomy are essential aspects of personal liberty under Article 21.¹⁸¹¹ These principles do not apply only to unmarried women. They belong to women as citizens. And that is where the contradiction emerges. The Constitution sees a woman as an autonomous individual capable of making decisions about her own body. Patriarchy sees a wife whose decisions must constantly be weighed against the needs of others.

¹⁸¹⁰ U.N. WOMEN, PROGRESS OF THE WORLD'S WOMEN 2019–2020: FAMILIES IN A CHANGING WORLD 45–53 (2019).

¹⁸¹¹ Suchita Srivastava v. Chandigarh Admin., (2009) 9 S.C.C. 1.

The Constitution recognises women as citizens. Patriarchy recognises them as wives. The marital rape debate exists in the gap between those two ideas.

The stereotype of the good wife is therefore not merely a cultural expectation. It is a political and legal problem. Feminist scholars have long argued that patriarchal structures often reward women for compliance while penalising them for autonomy.¹⁸¹² A woman who prioritises herself is called selfish, arrogant, too modern, or one of those "Aaj kal ki feminist ladkiyan."

At its core, the "good wife" ideal is not really about love. Love respects boundaries. Love values consent. Love recognises individuality. The good wife ideal often demands something else entirely. It asks women to disappear into a role. To become caretakers, peacemakers, emotional shock absorbers, and perpetual givers. Their value is measured not by who they are, but by how much of themselves they are willing to surrender. The good wife is celebrated not because she is happy, but because she is convenient. That is precisely why the conversation around marital rape cannot begin with criminal law alone. Long before a courtroom becomes involved, society has already laid the foundation. It has spent generations teaching women that saying "no" makes them difficult and teaching men that expecting "yes" is normal.

III. Marriage Is Not Ownership

There is a sentence that women hear far too often.

"But he is your husband."

The sentence is so common that people rarely stop to think about what it actually means. Why should the fact that he is her husband change anything? Why should a wedding ceremony alter the meaning of consent? Why does the title of "husband" suddenly become more important than the experience of the woman standing in front of us? Perhaps because, for generations,

society has quietly treated marriage as a form of ownership. Rarely do we stop and ask why so much of marriage requires women to move while men remain exactly where they are. The imbalance is revealing.

Marriage is often described as a union of equals, yet women are frequently expected to carry the burden of proving their commitment through sacrifice. They are told to adjust more, tolerate more, forgive more, and endure more. The relationship is described as a partnership, but the expectations often resemble an acquisition.

A husband gains a wife. A woman is expected to surrender a world.

This becomes even more disturbing when the conversation shifts to bodily autonomy. Somewhere within patriarchal ideas of marriage lies a dangerous assumption that a husband acquires certain rights over his wife's body. The assumption is rarely stated openly because it sounds unacceptable when spoken aloud. Instead, it appears in subtle ways. A husband has needs. A wife should understand. A wife should not refuse. A wife should keep her husband happy. The language sounds harmless until one asks a simple question: What about her? What about her comfort? What about her dignity? What about her wishes? What about her consent? Too often, these questions disappear from the conversation altogether.

Women are expected to carry the emotional burden of preserving relationships while men are excused through the language of need.

Perhaps this is why the idea of *Pati Parameshwar* remains so troubling. It asks women to see husbands as figures of authority, protection, and reverence. Yet one cannot help but ask a simple feminist question: *Why are men made into gods in the first place? What exactly is so divine about a system that expects women to worship those who are never expected to worship them back?*

¹⁸¹² FLAVIA AGNES, LAW AND GENDER INEQUALITY: THE POLITICS OF WOMEN'S RIGHTS IN INDIA 185–205 (Oxford Univ. Press 1999).

Feminist scholars have long argued that patriarchy survives by disguising power as tradition.¹⁸¹³ Practices and beliefs are repeated for so long that they begin to appear natural. It starts looking like culture. This is precisely where constitutional values become important. The Constitution does not recognise women merely as wives. It recognises them as citizens. Citizens possess dignity. Citizens possess autonomy. Citizens possess bodily integrity. The Supreme Court has repeatedly affirmed that the right to make decisions about one's own body is a fundamental aspect of personal liberty.¹⁸¹⁴

Marriage does not erase these rights.

A mangalsutra is not a title deed.

A wedding ritual is not a transfer of property.

A marriage certificate is not a licence to ignore consent.

A wife is not an asset acquired through marriage.

IV. "He Has Needs": The Politics of Male Entitlement

There is a sentence women hear so often that many stop questioning it.

"He has needs."

It appears whenever a husband's behaviour needs to be excused. It appears when a wife says she is uncomfortable. It appears when she says she is tired. It appears when she says she does not want sex. It even appears when she says she felt violated.

Married women are often not viewed as individuals first. They are viewed through the lens of what they owe others. Their decisions are constantly weighed against the expectations of family, culture, and marriage itself. A refusal is rarely treated as a personal choice. It is treated as a disruption. The burden is exhausting. Women spend their lives being taught how to make other people comfortable. They learn it as daughters. They learn it as wives. They learn it as

mothers. They learn to soften their words, lower their voices, suppress their anger, and minimise their needs. By the time many women reach adulthood, self-sacrifice has become so normal that they no longer recognise it as sacrifice. That is why the marital rape debate cannot be understood only through law. It must also be understood through the everyday experiences of women who have been taught that saying no is selfish. A wife who prioritises her own comfort is questioned. A wife who prioritises everyone else's comfort is praised. The lesson is painfully clear. Your boundaries are negotiable. Your duties are not.

For decades, feminist scholars have observed that women are often socialised into relationships where care flows disproportionately in one direction.¹⁸¹⁵ Women are expected to nurture, accommodate, and maintain relationships, even when doing so comes at the expense of their own well-being. What is celebrated as love frequently contains expectations of silence, endurance, and emotional labour. The marital rape debate exposes the darkest consequence of that expectation. Because if a woman has been taught her entire life that being a good wife means accommodating others, then how freely can she refuse? How freely can she assert her boundaries? How freely can she insist that her body belongs to her?

These questions become even more urgent when one considers how violence within intimate relationships is often dismissed. Research across jurisdictions consistently shows that sexual violence by intimate partners is minimised more frequently than violence committed by strangers.¹⁸¹⁶ Society finds it easier to recognise a violent stranger than a violent husband. The husband is familiar. The husband is trusted. The husband is expected to love. Yet women know something that legal systems have historically struggled to acknowledge.

¹⁸¹³ CAROLE PATEMAN, *THE SEXUAL CONTRACT* 1–18 (Stanford Univ. Press 1988).

¹⁸¹⁴ *Suchita Srivastava v. Chandigarh Admin.*, (2009) 9 S.C.C. 1; *Joseph Shine v. Union of India*, (2019) 3 S.C.C. 39.

¹⁸¹⁵ Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development* 16–38 (1982).

¹⁸¹⁶ Diana E.H. Russell, *Rape in Marriage* 58–76 (Indiana Univ. Press 1990).

The person who has access to your life also has the greatest capacity to violate it.

Perhaps this is why so many women feel invisible in discussions about marital rape. Public debates often focus on preserving marriage, preventing misuse, protecting families, and safeguarding tradition. Rarely do they begin with the woman herself.

Feminist philosopher Marilyn Frye once observed that oppression is often maintained through patterns that appear normal when viewed individually but become undeniable when viewed together.¹⁸¹⁷ The marital rape exception reflects precisely such a pattern. It is not merely a legal provision. It is part of a broader belief that marriage changes the significance of a woman's refusal. But why should it? A wedding ceremony cannot transform violence into intimacy. It cannot transform coercion into consent. And it cannot transform a woman into something less than fully human.

The Constitution promises dignity. The language of equality promises dignity. Human rights law promises dignity.¹⁸¹⁸ Yet dignity means very little if it disappears at the bedroom door. At its heart, the marital rape debate asks a question that is both legal and deeply personal: When a married woman says no, is she still entitled to have that no respected? If the answer is anything other than yes, then the problem is far larger than criminal law. The problem is that society still struggles to see wives as women before it sees them as wives.

V. The Constitution Stops at the Bedroom Door

The Indian Constitution is often described as a document of transformation. It was drafted with the promise of dismantling old hierarchies and creating a society founded upon equality, dignity, and liberty. For women, these promises carried particular significance. The Constitution was supposed to challenge centuries of

discrimination and ensure that a woman's rights would not depend upon tradition, custom, or the authority of men. It promised that every citizen would stand equal before the law. Yet when it comes to marital rape, one cannot help but wonder whether that promise was only partially fulfilled.

There is something profoundly disappointing about the fact that a married woman can invoke the Constitution in almost every aspect of her life except when confronting one of the most intimate forms of violence. The woman remains the same. Her body remains the same. Her dignity remains the same. Yet the law begins to see her differently because she is a wife.

This contradiction sits uneasily with Article 14 of the Constitution, which guarantees equality before the law and equal protection of the laws.¹⁸¹⁹ The marital rape exception creates a legal distinction between women based solely upon marital status. A violation that would unquestionably be recognised as rape outside marriage becomes legally complicated within it. The harm suffered by the woman does not change. The trauma does not change. The absence of consent does not change. Only the identity of the perpetrator changes.

The disappointment deepens when one turns to Article 21. Over the years, the Supreme Court has repeatedly expanded the meaning of life and personal liberty to include dignity, privacy, bodily integrity, and autonomy.¹⁸²⁰ The Court has consistently recognised that human dignity is not an abstract ideal but a lived reality tied to control over one's own body and choices. In *Suchita Srivastava v. Chandigarh Administration*, the Court affirmed that a woman's reproductive choices are a dimension of personal liberty.¹⁸²¹ In *Justice K.S. Puttaswamy v. Union of India*, privacy was recognised as an essential aspect of dignity and individual autonomy.¹⁸²² These decisions reflect a constitutional vision in which individuals

¹⁸¹⁷ Marilyn Frye, *The Politics of Reality: Essays in Feminist Theory* 1–16 (1983).

¹⁸¹⁸ Convention on the Elimination of All Forms of Discrimination Against Women art. 16, Dec. 18, 1979, 1249 U.N.T.S. 13; Comm. on the Elimination of Discrimination Against Women, General Recommendation No. 35, U.N. Doc. CEDAW/C/GC/35 (2017).

¹⁸¹⁹ INDIA CONST. art. 14.

¹⁸²⁰ INDIA CONST. art. 21.

¹⁸²¹ *Suchita Srivastava v. Chandigarh Admin.*, (2009) 9 S.C.C. 1.

¹⁸²² *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 S.C.C. 1.

are treated as owners of their own bodies and lives.

The inconsistency becomes even more striking when one examines the Supreme Court's treatment of sexual violence itself. In *Bodhisattwa Gautam v. Subhra Chakraborty*, the Court described rape as a violation of fundamental rights and basic human dignity.¹⁸²³ In *State of Karnataka v. Krishnappa*, it recognised sexual violence as an unlawful intrusion upon a woman's privacy, sanctity, and dignity.¹⁸²⁴ These observations were not limited to physical injury; they acknowledged the profound violation of personhood that accompanies sexual violence. If rape is understood as an assault upon dignity and bodily integrity, it becomes difficult to understand why the same reasoning should not apply when the perpetrator happens to be a husband.

Perhaps the most frustrating aspect of the constitutional discourse surrounding marital rape is that Indian jurisprudence has otherwise moved steadily towards recognising women's autonomy. In *Joseph Shine v. Union of India*, while striking down the offence of adultery, the Supreme Court firmly rejected patriarchal notions that treated wives as the property of their husbands.¹⁸²⁵ The Court emphasised that marriage does not diminish a woman's individuality or constitutional identity. Similarly, in *Navtej Singh Johar v. Union of India*, the Court elevated constitutional morality above social morality, affirming that fundamental rights cannot be sacrificed merely because society is uncomfortable with them.¹⁸²⁶ These judgments reflected a progressive constitutional commitment to dignity and freedom.

The contradiction is not merely constitutional. It is also statutory. The Protection of Women from Domestic Violence Act, 2005 explicitly recognises sexual abuse as a form of domestic violence.¹⁸²⁷ In doing so, the law acknowledges an uncomfortable reality: sexual violence can and

does occur within marriage. A husband can be the source of sexual harm. A wife can be the victim of sexual abuse. The legal system therefore recognises the existence of the violence itself. Yet when the question becomes whether that violence should be called rape, uncertainty returns.

The Supreme Court's decision in *Independent Thought v. Union of India* further highlights this inconsistency.¹⁸²⁸ The Court refused to allow marriage to justify sexual intercourse with a minor wife, recognising that the institution of marriage could not override concerns of bodily integrity and child protection. The judgment was rightly celebrated as a victory for girls' rights. Yet it inevitably raises a troubling question. If marriage cannot justify non-consensual sexual intercourse when the wife is below eighteen, why should marriage itself continue to carry such extraordinary legal significance once she becomes an adult? The underlying principle of bodily autonomy should not become less valuable merely because a woman has crossed a statutory age threshold.

Perhaps that is what makes the issue so disheartening. The Constitution has evolved. The courts have evolved. The language of dignity, autonomy, privacy, and equality has become richer and more expansive. Again and again, Indian constitutional jurisprudence has affirmed that women are not property, that they possess agency, and that their choices matter. Yet married women continue to encounter a legal framework that treats their consent differently from that of every other woman.

The Constitution was never meant to protect women only when it was convenient to do so. Its purpose was to protect them precisely when social traditions, cultural expectations, and entrenched power structures failed. *A Constitution that follows a woman into her workplace, her university, her polling booth, and even her prison cell, but struggles to protect her*

¹⁸²³ *Bodhisattwa Gautam v. Subhra Chakraborty*, (1996) 1 S.C.C. 490.

¹⁸²⁴ *State of Karnataka v. Krishnappa*, (2000) 4 S.C.C. 75.

¹⁸²⁵ *Joseph Shine v. Union of India*, (2019) 3 S.C.C. 39.

¹⁸²⁶ *Navtej Singh Johar v. Union of India*, (2018) 10 S.C.C. 1.

¹⁸²⁷ Protection of Women from Domestic Violence Act, No. 43 of 2005, § 3 (India).

¹⁸²⁸ *Independent Thought v. Union of India*, (2017) 10 S.C.C. 800.

in her own bedroom, remains a constitution that has not fully delivered on its promise. Until a married woman's refusal carries the same legal value as every other woman's refusal, the promise of equality remains incomplete. Until her bodily autonomy is respected without qualification, the promise of dignity remains unfinished. And until the law recognises that marriage cannot erase consent, the Constitution will continue to stop at the bedroom door.

VI. Protecting Marriage or Protecting Male Privilege?

Why is society often more disturbed by the possibility of men losing privilege than by the reality of women experiencing harm?

Patriarchy survives because it convinces people that privilege is natural. When men are placed at the centre of families, communities, and institutions for generations, their advantages begin to look ordinary. Their expectations begin to look reasonable. Their authority begins to look deserved. Over time, what is actually privilege is mistaken for tradition.

The marital rape debate exposes this process with remarkable clarity. Many of the arguments against criminalisation are built upon assumptions that would sound absurd in any other context. A husband is expected to be trusted more than a wife. A husband's fear of accusation is often discussed more than a wife's experience of violence. A husband's reputation is treated as fragile and precious, while a woman's suffering is treated as something she should quietly endure. Why? Why is male discomfort treated as a social crisis, while female suffering is treated as a private matter? Why are women expected to prove that they deserve protection while men are assumed to deserve it?

These questions reveal the invisible advantages that patriarchy grants men. Privilege is most powerful when it is unnoticed. It does not announce itself openly. It hides behind words such as culture, family values, tradition, and

social harmony. It presents itself as common sense.

Feminist scholar Peggy McIntosh famously described privilege as an invisible knapsack of unearned advantages that people carry without recognising its existence.¹⁸²⁹ The resistance to criminalising marital rape demonstrates exactly this phenomenon. Many people do not see themselves as defending male privilege. They see themselves as defending marriage. Yet when one looks closely, the two are often intertwined. What is being protected is not merely the institution of marriage but a particular version of marriage in which men continue to enjoy advantages that women do not.

Sociologist Sylvia Walby argues that patriarchy operates through social structures that consistently place women in subordinate positions while presenting those arrangements as natural and inevitable.¹⁸³⁰ This is precisely why the marital rape debate cannot be reduced to a disagreement about criminal law. It is a debate about power. It is a debate about whose interests society instinctively protects and whose suffering it instinctively doubts.

The deeper question is not whether men possess power. The deeper question is why that power is so rarely examined. Why are women constantly asked to justify their demands for equality while men are seldom asked to justify the advantages they already possess? Why does the burden of explanation always fall upon those seeking rights rather than those benefiting from inequality?

Perhaps this is because patriarchy fears scrutiny. The moment male privilege becomes visible, it becomes difficult to defend. It is far easier to speak about protecting marriage than to admit that some opposition to reform stems from discomfort with women being treated as equals.

The marital rape debate therefore reveals something larger than a gap in criminal law. It reveals how deeply society has normalised male

¹⁸²⁹ Peggy McIntosh, White Privilege and Male Privilege: A Personal Account of Coming to See Correspondences Through Work in Women's Studies (Wellesley Ctrs. for Women Working Paper No. 189, 1988).

¹⁸³⁰ Sylvia Walby, Theorizing Patriarchy 20–39 (Basil Blackwell 1990).

privilege. It reveals a culture that is often willing to question women's experiences before questioning men's power.

VII. The Promise She Never Made

Marriage is often described as the most sacred institution in Indian society. Sacred enough to be celebrated. Sacred enough to be protected. Sacred enough, apparently, to be placed above criticism. But perhaps the time has come to ask an uncomfortable question: sacred for whom? For generations, Indian women have been taught that marriage is the ultimate milestone of their lives. Long before a girl learns what equality means, she learns what adjustment means. Long before she learns about autonomy, she learns about sacrifice. She is told that one day she will leave her home, adapt to another family, and prove her worth through her ability to keep relationships intact. Marriage is presented as a celebration, yet the preparation for it often resembles training in self-erasure.¹⁸³¹

Perhaps this is why rituals deserve closer scrutiny. Not because culture is inherently oppressive, but because culture is not immune from patriarchy. Consider **Kanyadaan**. It is often defended as a beautiful expression of parental love. Yet beneath the sentiment lies a troubling question: why must a woman be "given away" at all? Why is the language of marriage built around transfer? Why does society speak of a daughter leaving one household and entering another as though she were moving between systems of authority rather than exercising her own agency?¹⁸³²

Then there is the idea of **Pati Parmeshwar**. Generations of women have been taught that husbands deserve a form of reverence rarely demanded of wives. One cannot help but wonder how equality is expected to survive in a relationship where one partner is elevated and the other is expected to be devoted. Marriage is often described as a partnership, yet cultural

narratives frequently imagine it as a hierarchy. A husband is respected because he is a husband. A wife is respected when she fulfils the duties of being a wife. The difference is subtle, but it is profound.

Even the language of devotion deserves interrogation. Phrases such as **Tann, Mann, Dhan** are celebrated as symbols of commitment. But why does commitment so often sound like surrender when women are involved? Why is a woman's love measured by how much of herself she is willing to give away? Why are women praised for losing themselves in marriage while men are praised for succeeding within it?¹⁸³³

The irony is that the actual wedding vows do not demand any of this. The Saptapadi speaks of companionship, friendship, mutual support, and shared responsibilities. It speaks of walking together. It does not speak of obedience. It does not speak of submission. It does not speak of a wife carrying the emotional weight of an entire institution on her shoulders. No bride stands before the sacred fire and promises that she will always adjust. No bride promises that her comfort will matter less than family honour. No bride promises that preserving the marriage will take precedence over preserving herself. No bride promises that her body will cease to belong to her. Perhaps that is the greatest contradiction at the heart of Indian marriage. Society celebrates women for sacrifice while calling it love. It celebrates endurance while calling it strength. It celebrates silence while calling it dignity. Women are praised not for being equal partners but for their ability to tolerate inequality gracefully.¹⁸³⁴

The belief that a husband is entitled to sex because he is a husband does not emerge from a legal provision alone. It emerges from a culture that has spent centuries teaching women that a successful marriage requires endless accommodation and teaching men that

¹⁸³¹ Nivedita Menon, *Seeing Like a Feminist* 111–138 (Zubaan 2012).

¹⁸³² Leela Dube, *Women and Kinship: Comparative Perspectives on Gender in South and South-East Asia* 52–89 (United Nations Univ. Press 1997).

¹⁸³³ Uma Chakravarti, *Gendering Caste: Through a Feminist Lens* 68–91 (Stree 2003).

¹⁸³⁴ Kumkum Sangari, *Politics of Diversity: Religious Communities and Multiple Patriarchies*, 30 *Econ. & Pol. Wkly.* 3287, 3291–95 (1995).

marriage grants them certain unquestioned privileges.

The truth is painfully simple. Women promise many things when they marry. They may promise companionship. They may promise loyalty. They may promise to build a life with another person. But they do not promise obedience. They do not promise surrender. They do not promise permanent access to their bodies. They do not promise that marriage will matter more than their dignity. That promise exists nowhere in the vows. It exists only in the imagination of a society that spent generations confusing love with sacrifice and commitment with submission.

VIII. How did men become entitled in the first place?

One of the questions that feminism has repeatedly forced society to confront is not what women owe men, but what men have been taught to expect from women in the first place.

Patriarchy does not merely shape women. It shapes men too.

From a young age, boys are taught that masculinity is linked to authority, control, and validation. A successful man is expected to lead. To provide. To command respect. To be obeyed. Within this framework, marriage is often presented not as a partnership but as a milestone that confirms manhood itself.¹⁸³⁵

Perhaps this is why so many men experience disagreement from wives as disrespect and refusal as personal humiliation. The issue is not simply desire. It is ego. For generations, masculinity has been built upon the assumption that men should occupy positions of authority within intimate relationships. When women challenge that authority, patriarchy interprets it as rebellion rather than equality.¹⁸³⁶

A striking contradiction emerges here. Society constantly tells women that marriage is about love, yet teaches men that marriage is about

status. A married man is seen as settled. Responsible. Complete. His wife often becomes evidence of his success. The danger of such thinking is that it slowly transforms relationships into possessions and affection into validation.

Why are men rarely taught that intimacy requires vulnerability rather than authority?

Why are boys taught how to become husbands but not how to become equal partners?

Why does masculinity continue to be measured through control rather than care?

Feminist scholars have long argued that patriarchy harms women through subordination, but it also harms men by trapping them within narrow and destructive ideas of manhood.¹⁸³⁷ Men are encouraged to seek power rather than emotional intelligence, dominance rather than reciprocity, and validation rather than connection. The result is a model of masculinity that struggles to understand equality because it has been taught to associate respect with authority.

Perhaps the real challenge is not changing women's expectations of marriage. Women have spent generations adapting. The challenge is asking whether men are willing to unlearn the privileges they were taught to mistake for normal.

Conclusion

For centuries, women have been told that marriage is built on love. Yet too often, they have been asked to prove that love through sacrifice, silence, and obedience. The marital rape debate is not simply about criminal law. It is about whether a wife is seen as a person or as a role. Whether her body belongs to her or becomes subject to expectations attached to marriage.

A woman's body is not a reward for marriage, not a duty attached to a wedding vow, and not a privilege granted to a husband. It belongs to her before marriage, within marriage, and after

¹⁸³⁵ Raewyn Connell, *Masculinities* 67–86 (2d ed. 2005).

¹⁸³⁶ Prem Chowdhry, *Contentious Marriages, Eloping Couples: Gender, Caste and Patriarchy in Northern India* 23–48 (Oxford Univ. Press 2007).

¹⁸³⁷ bell hooks, *The Will to Change: Men, Masculinity, and Love* 1–16 (2004).

marriage. Any legal system that struggles to recognise this is not protecting marriage. It is protecting male entitlement.

A woman does not surrender her autonomy at the altar. She does not lose her dignity with her surname. And she does not stop being entitled to consent because she becomes a wife. Perhaps that is the uncomfortable truth at the heart of this debate: marriage was never meant to give men rights over women. It was patriarchy that convinced society otherwise.

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