

Chapter 1

SPOUSAL RAPE – A CHALLENGE FOR PASTORAL COUNSELLING

1.1 Problem statement

While there is a high incidence of rape in South Africa, women have few resources to turn to in time of need. With regard to spousal rape there are even fewer resources for the victim. The question that this study explores: Do pastoral counsellors effectively address the issue of spousal rape? The usage of the terms “pastoral counsellors” and “pastoral counselling” refer to the workers and work done by those in the context of the Christian faith and operate from a church or para-church organisation. These workers are not necessarily registered with the Health Professions Council of South Africa as “register counsellors” which requires a minimum qualification of an Honours degree in Psychology (cf. Health Professions Council of South Africa 2010:1) Further, there are restrictions placed upon the usage of the terms “counsellors” and “counselling” as used by the amended Health Professions Act 56 of 1974 (cf. South African Government 2008). This Act implies that only those who are registered under this act may use the terms “counsellor” (including pastoral counsellor) and “counselling”. However, those addressed in this study are all those who consider themselves pastoral counsellors and do the work of counselling whether within the above legal definitions or not.

International Crime Statistics released in 1996 by the International Criminal Police Organisation I (CPO-Interpol), indicated that South Africa has one of the highest incidences of rape in the world (Hirschowitz, Worku and Orkin 2000:28). According to recent statistics released by the South African Police Services, 71 500 sexual offences were reported in the year 2008/2009 (South African Police Services, 2009). This indicates an increase of 8.2% from the previous year, that is, 2007/2008. A study conducted by Statistics South Africa, Victims of Crime Survey 1998, (as quoted by Hirschowitz, Worku and Orkin 2000:14) put forward that only 43.8% of women who were raped reported the incident to the South African Police Service. A television documentary, *Every 26 Seconds* (Levitan 2008), has indicated that one rape takes place every 26 seconds in South Africa. Although there may be discrepancies in the research undertaken and the statistics gathered concerning the

actual number of rapes occurring, extrapolation of these figures suggests there are between 110 000 and 490 000 rapes occurring annually in South Africa.

Every rape (including spousal rape) has the following possible long term effects:

Firstly, rape is usually carried out without the use of condoms. This may result in the transmission of life threatening sexually transmitted infections including HIV/AIDS.

Secondly, unwanted pregnancies are possible. Thirdly, the World Health Organisation (2002:1) identifies additional gynaecological complications such as vaginal bleeding, fibroids, chronic pelvic pain and urinary tract infections.

- **Psychological stress and disorders.**

Women who have been raped are at greater risk of attempting suicide. The World Health Organisation (2002:1) reports that women who have been raped present with suicidal thoughts and behaviour. Mental health problems such as clinical depression, panic, anxiety, phobias, and symptoms of traumatic stress are also common. Astbury (2006:5) notes that these problems can occur alongside low self-esteem and “a damaged sense of gender identity”. Studies have demonstrated (see Vetten 2007:23) that rape victims are also six (6) times more likely to develop Posttraumatic Stress Disorder (PTSD) at some point in their lives. Due to the high frequency of rape, rape survivors constitute the single largest group suffering from PTSD. This fact is substantiated by different studies (cf. Bruce et al 2001). Astbury (2006:5) puts it as follows: “Of all the traumatic stressors researched so far, including natural disasters such as earthquakes, hurricanes and tsunamis, it is the “man-made” trauma of sexual violence that most strongly predicts the subsequent development of post-traumatic stress disorder (PTSD)”.

- **Social difficulties.**

The attitude of society towards rape survivors is frequently critical, judgemental and uncaring. Despite the fact that the citizens of South Africa are governed by a progressive constitution which seeks to protect the rights of women, rape victims continue to experience discrimination. An added difficulty is that the rape survivor’s family is frequently unaware of how to respond to her.

- **Spiritual difficulties.**

Rape survivors struggle with issues relating to the meaning and purpose of life in addition to experiencing uncertainty regarding their future. They often question how God fits into their circumstances. This is not a unique question asked by rape survivors but it is also asked by traumatised persons in general.

Pastoral counsellors have the opportunity to be a crucial resource for rape victims. One of the reasons is that pastoral counsellors are, at times, the first resource that a rape victim may turn to for help. According to Foy et al (2003:279-280) pastoral counsellors may be the only “professional resource” for many who never seek assistance from other health professionals. However, they are frequently not considered a viable resource option for these individuals. A South African study (Rasool, et al. 2003:102) revealed that while a number of women felt that the church played a positive role in their lives, they did not feel the church was effective in dealing with issues of violence against women. The reasons for this belief beg investigation. This thesis will test each of the following hypotheses:

- Firstly, the majority of church leaders is male and may therefore be perceived to be unable to identify with rape victims and to therefore be of little assistance.
- Secondly, the clergy are frequently perceived to be judgemental and it is therefore feared that they may lay the blame for a rape on the victim.
- Thirdly, the church and Christian faith are considered to be patriarchal in nature and structure, and therefore female unfriendly.
- Fourthly, a modernist society frequently views the church as being lowly and irrelevant when it comes to psychological issues.
- Fifthly, the assistance offered by the church (if any) is frequently short-term in duration and not long-term as required rape victims.
- Sixthly, in many instances churches as faith communities are often silent on the issue of rape, and is not seen as addressing the matter publicly from the pulpit, from its teachings, or from its counsel.

The phenomenon of rape, also spousal rape, and the subsequent trauma presents a challenge to local churches. Many faith communities do not always have the ability to approach this phenomenon in an appropriate way. This includes pastors

who cannot provide effective counselling for rape victims, especially when these rape survivors have developed rape-related posttraumatic stress (see Sommerfeld 2009). One of the reasons is that pastors are not trained to counsel rape victims in seminary. A possible solution may then be to consider the intervention of specialist pastoral counsellors.

The point of departure of this study is that pastoral counsellors generally offer ineffective assistance to rape victims who have developed posttraumatic stress as the result of rape. The following additional hypotheses will also be tested in this study:

- Pastoral counsellors are not always trained to deal with rape (even less so, with spousal rape-related posttraumatic stress).
- Pastoral counsellors frequently counsel people who present with broad range of issues and seldom specialise in specific problem areas.
- Pastoral counsellors are not legally required to continue the development of their skills and knowledge regarding the latest information and studies in the form of CPD (Continued Professional Development) points, as are other professionals. This results in pastoral counsellors frequently being outdated with regard to current research in addition to them not developing personally.
- Both society and the psychological fraternity generally perceive the role of pastoral counsellors as supportive at best.
- Pastoral counsellors are generally patriarchal in their worldview and are therefore frequently perceived to be gender-insensitive.
- Spousal rape victims who hold to the Christian belief system are not any different from those spousal rape victims who do not hold to the Christian belief system. Both groups are not only likely to present with posttraumatic stress but also to show symptoms of posttraumatic stress disorder.
- Spousal rape victims' spirituality is negatively affected because of the suffering she has endured.

In summary, the problem that is to be investigated is whether pastoral counsellors (with their Christian faith and the Holy Scriptures at their disposal) are able to counsel women who have been raped by their husbands and are suffering

from rape-related posttraumatic stress. The point of departure of this study is that aid to spousal rape victims should be multifaceted and involve aspects such as individual care and therapy, community involvement, mentorship programmes, gender-related issues and theological perspectives.

1.2 Research gap

A research gap will be identified after a selected number of existing studies, articles and books have been explored and research focus areas have been pointed out. Out of this selection a gap will be identified that this study aims to address.

James Martin (2003), titled his Master's thesis in Theology, *Carry a Torch of Hope: Narratives of Trauma and Spirituality*. Martin, who writes from a South African perspective considers a feminist theological perspective in his thesis and addresses trauma-related events from a Christian perspective. Although Martin mentions posttraumatic stress and rape, he does so within the general domain of traumatic events. Martin does not explore the issue of spousal rape however.

The Coping Process of the Unacknowledged Rape Victim, written by Heather Leigh Littleton (2003), is a Doctoral dissertation from the Virginia Polytechnic Institute and State University in USA. Littleton researches rape and the outcome of rape that is undisclosed. Littleton does consider the question of Posttraumatic Stress, however her dissertation is not written from a South African perspective. Further, Littleton is from the faculty of psychology and does not mention any spiritual standpoint.

C. A. Wakerley's (2005) Doctoral thesis from the University of Johannesburg is titled: *Group Art Therapy with Rape Survivors: a Post-Modern Feminist Study*. In her thesis, Wakerley considers rape-related posttraumatic stress (amongst other issues); rape with regard to adult women; a feminist standpoint; a South African perspective and also a suggested therapy model. There are a number of dissimilarities between this study and that of Wakerley. Wakerley's study is in the faculty of Psychology and makes no mention of spirituality, whereas this thesis investigates spousal rape-related posttraumatic stress from a pastoral perspective. Wakerley is a woman writing on rape, whereas this study is done from a male perspective. Wakerley designed a therapeutic model for the secular psychological fraternity, while I will suggest a pastoral counselling model.

Andrew Weaver et al (1996), has written a number of articles on posttraumatic stress and the Christian faith. Others have also subsequently published articles on posttraumatic stress from a Christian perspective (cf. Sigmund 2003; Hugo: 2008), however the subject of rape is either treated as a theological discussion (cf. Crisp 2001), or addressed within the context of domestic violence (cf. Cooper-White: 1996).

A number of books deal with the subject of spousal rape, however these are mostly written from a psychological perspective (cf. Finkelhor & Yllo: 1985; Petrak & Hedge: 2002). A number of Christian authors have addressed the issue of posttraumatic stress (cf. Leslie: 2003; Fuller: 2002; Weaver et al: 2004) where rape is referred to as being one of these traumatic events. However, none of these consider the posttraumatic suffering of victims of spousal rape. Christian authors who mention the issue of spousal rape do so within the context of domestic violence (cf. Adams & Fortune 1995; Cooper-White 1995) or within the context of other forms of sexual abuse in the home (cf. Heggen 1993; Poling 1991).

These publications have been a useful resource (amongst others) for this study, which explores the issue of spousal rape-related posttraumatic stress from a gender-sensitive, theologically conservative male perspective, with pastoral counsellors in mind.

I suggest there are advantages to researching spousal rape-related posttraumatic stress from a male perspective. Why I as a male pastoral counsellor embark on this study, can be motivated as follows:

- The demographics of many churches indicate that more women than men attend church services (cf. Murrow 2005:4; Keller et al 2006:238), however, in many of these churches, especially the conservative evangelical churches, the leadership and pastorate is predominantly male (cf. Keller et al 2006:446). This means that women approach males should they require pastoral assistance.
- The mindset and worldview of churches and those working within it (including pastoral counsellors) is generally recognized as being patriarchal in nature (cf. Keller et al 2006).

- The Bible is frequently understood and expounded from a patriarchal perspective (cf. Jones 2004).

All of the above-mentioned factors are perceived as being disadvantageous to women. In order to address this concern, I have concentrated on developing a gender-sensitive understanding of spousal rape-related posttraumatic stress. I propose a Christian-based pastoral counselling model and will include Biblical principles which I believe to be gender-sensitive.

According to Cook and Campbell (1979:37), “Validity is the best available approximation to the truth of a given proposition, inference or conclusion”. Validity therefore requires that supportive evidence is utilised when conclusions are reached. There are two main forms of validity: external and internal.

External Validity poses the question “Are the findings generalizable to the defined population?” (Mouton & Marais, 1996:51). This study does not suggest that the conclusions reached are applicable to all churches, church members and pastors. I recognize that the sample is far too small, geographically limited and culturally restricted. Nevertheless, I believe valuable principles and insight are to be obtained from this study. Internal validity is concerned with a cause-and-effect relationship. It considers measurement and inferentials within a study. In order to conclude whether or not research is valid, it might be useful to consider various threats to internal validity. One of these threats is what Mouton & Marais (1996:42) call “Reductionistic Tendencies” and refers to situations where researchers present explanations and interpretations which are grounded in a specific set of variables. In order to overcome this threat, a solution may be to involve other disciplines and thereby make use of an inter-disciplinary strategy. This study will investigate the relevant literature from both pastoral and psychological perspectives in order to counter reductionistic tendencies. Another important consideration is that of “inferential”. Mouton & Marais (1996:107) note that this term refers to the validity of logical inferences (both inductive and deductive). This thesis makes use of Deductive Augmentation (conclusion) which Mouton and Marais (1996:112) define as “true premises necessarily lead to true conclusions; the truth of the conclusion is already either implicitly or explicitly contained in the truth of the premises”.

1.3 Aims and objectives

The aim of this thesis is twofold. Firstly, to investigate the effectiveness of counselling of spousal rape victims and secondly, to propose a model which can be applied by pastoral counsellors in order to address the issue of spousal rape adequately within the context of the church community on which this study focuses. The study is limited to:

- rape perpetrated by a male who is the spouse of the rape victim;
- women within the Christian faith, or those who have approached a local Christian church for assistance;
- spousal rape-related posttraumatic stress;
- the geographical area of Gauteng, South Africa;
- mental health practitioners in South Africa.

This study investigates the therapy/counselling undertaken by pastoral counsellors (including pastoral psychologists and clinical social workers) and not pastoral care-givers or pastors in general. This study focuses on those whose job description is primarily that of pastoral counselling and not on pastors whose chief role is preaching (with counselling being a peripheral duty). The term “victim” refers to a woman/spouse who has experienced rape. What is understood under the term “rape” will become clear in the course of the study.

Some prefer to use the term “survivor” rather than “victim”, when referring to individuals who have been raped. According to Wiehe & Richards (1995), the word “survivor” is considered to be more empowering and to have more positive expressions than the word “victim”. Karen Hwang (in Gavey 2005:173) believes that the term “victim” has a negative influence on women who have been raped and that convincing people they are victims is one of the many ways to victimise them. This view falls within the feminist philosophy and its need to empower women. However, should the term “victim” not be used of women who have been raped, it may in fact result in the woman “avoiding an examination of her feelings of humiliation about having been vulnerable” (Lamb 1999:120).

The online dictionary, *The Cambridge Advanced Learner's Dictionary* (2009) defines “victim” as “someone or something, which has been hurt, damaged or killed

or has suffered, because of the actions of someone or something else, or because of illness or chance”. This study concurs with the last-mentioned definition, in that it acknowledges that a woman who has been raped suffers damage, injury and hurt. The term “victim” is therefore not necessarily a derogatory term and does not necessarily speak of weakness or failure on the part of a woman who has been raped. Rather, this study recognises that only when an understanding of injury and a sense of vulnerability as a result of rape is acknowledged, can mourning and ultimate healing take place.

This study supports the opinion that the term “survivor” has also been misunderstood. Carmen (1995:230) refers to a “survivor” as one considered a “legitimate object of sexual exploitation”, whose own needs are irrelevant to the perpetrator, and are unable to think or act in a self-protective way, particularly during sexual encounters. The use of the term “survivor” in this definition is unfortunate, as it refers to a woman who is currently suffering injury or exploitation. What then is the status of someone who has already overcome a traumatic event? It is only through time and healing that such an assessment can be made. It is possible for women who have been raped to carry psychological and emotional scars and to consequently be unable to live meaningful lives. It therefore seems inappropriate to refer to such individuals as survivors. The use of the term “survivor” in this study refers then to women who have been victims of rape, but who are either on a journey of recovery, or believe that they are healed from the pain and injury which they have endured.

The approaches to counselling that are discussed in this study are from a pastoral and a psychological perspective. Feminist thought and theology will be discussed as they pertain to the rape of women and the issues surrounding this topic. Other aspects with regard to feminist hermeneutics are discussed briefly.

1.4. Methodology

This study is predominantly qualitative and partly quantitative. Qualitative research was previously regarded with suspicion in the fields of psychology and other social sciences (see Joshee 2008:640). Currently however, “qualitative methods are being

used in a number of fields of psychology although with particular interest in the fields of cognitive and social psychology” (Richie et al. 2003:10). The qualitative research method is appropriate to the investigation done in this study. Denzin et al (2005: 3) describe it as follows:

Qualitative research is a situated activity that locates the observer in the world. It consists of a set of interpretive, material practices that makes the world visible. These practices transform the world. They turn the world into a series of representations, including field notes, interviews, conversations, photographs, recordings and memos to the self. At this level, qualitative research involves an interpretive, naturalistic approach to the world. This means that qualitative researchers study things in their natural settings, attempting to make sense of, or to interpret, phenomena in terms of the meanings people bring to them.

In the light of this definition, it is recognised that there is no single way to perform qualitative research. A number of factors influence how researchers carry out their respective research.

1.4.1 Ontology

Ontology is the assumptions and beliefs that are held regarding reality (Bietsa 201:102). The term "ontology" has its origin in philosophy and is concerned with the nature, character, and meaning of what exists. Three ontological approaches that may be used in order to discover what is known about the social world (cf. Richie and Lewis 2003:23):

- Realism refers to the position that an external reality exists. This is independent of the beliefs and understanding that people may have concerning the reality. This means that there are observable phenomena and it is the task of researchers to discover and describe them.
- Idealism is the view that reality is only knowable by means of human thought. According to Blaikie (2010:93) “social reality is made up of

shared interpretations that social actors produce and reproduce as they about their everyday lives”.

- Materialism focuses on the material features of the world and holds to the view that reality is known only by this feature. There are varying degrees of materialism (see Nelson 2009:48). Nelson (2009:49) notes that ontological materialism raises a number of scientific problems because issues of cognitions and emotion, for example, are “often not material entities or open to direct observation”.

According to Noonan (2008:579) “The point of ontological questioning is to test presupposed assumptions by working beneath the manifest forms of action in given social formations”. Realism claims that there is an eternal reality which operates independently of people’s beliefs or understanding. Richie et al. (2003:11), who makes a distinction between how the world is and how it is interpreted by individuals, confirms this.

1.4.2 Epistemology

Epistemology concerns the quest for truth. Mouton & Marais (1996:31) explain the difficulties with regard to how truth may be attained in social sciences as follows: “Because of the complexity of the research domain of the social sciences, and the inherent inaccuracy and fallibility of research, it is necessary to accept that complete certainty is unattainable”. This does not mean however, that social research must abandon the ideal of truth. Mouton & Marais (1996:19) suggest that although “certain and indubitable knowledge” will result from a study, emphasis must be placed on validity, demonstrability or reliability of study findings. This concept is useful because it clearly defines the boundaries and limitations of research within social science. Although this study (as with other research in the domain of social science) cannot lay claim to certain and absolute knowledge, it does strive for demonstrable and reliable findings. This study will make use of a perspectival rather than a one-dimensional positivist approach. Richie et al. (2003:7) understand this approach as follows: “The school of thought that stresses the importance of interpretation as well as observation in understanding the social world is known as “interpretivism”. This has been seen as integral to the qualitative tradition”. There are a number of issues with regard to a perspectival (interpretivist) approach that are pertinent to this study.

McGettigan highlights one such issue. He laments that “Postmodernists decided to jettison the notion of universal truth in favour of embracing individual-level truths” (McGettigan 2008:897-898). Although I am aware that many scholars argue that a postmodern paradigm should be taken into account, this study does not hold to the so-called postmodern view on truth. Rather, I agree with McGettigan (2002:1) who argues that “universal truth” does exist, “but such truth is not contained within theories that humans have so far constructed to describe the universe”. I also align myself with King, Keohane & Verba (1996:6) who hold the following with regard to objective knowledge:

Our focus here on empirical research means that we sidestep many issues in the philosophy of social science as well as controversies about the role of postmodernism, the nature and existence of truth, relativism, and related. We assume that it is possible to have some knowledge of the external world but that such knowledge is always uncertain.

A further issue with regard to “interpretivism” is the manner in which knowledge is attained. This study applies a combination of approaches. Firstly, because of the usage of hypotheses, an inductive methodology is utilised. Mouton and Marais (1996:133) indicates “inductive inference can be employed to confirm hypotheses or theories”. Secondly, the deduction approach is used in order to acquire the necessary knowledge. Gary Shank (2008:208) describes the deductive approach as knowledge gained through the process of observation and data gathering. Researchers then ascertain the probability of certain claims regarding nature being true, through the use of inductive reasoning.

Implications are then deduced regarding these claims. These implications then serve as hypotheses, which are tested in order to ascertain whether or not they are most likely true. Once the hypotheses have been tested, they serve as premises and the process continues. These tested hypotheses become the basis for further informed hypotheses.

Using both the inductive and deductive methodologies enriches the process of gaining understanding of the subject of the thesis. Krishnaswamy

et al (2009:13) notes “scientific knowledge is accumulated and science progresses through cycles of inductive-deductive thinking”. Mouton and Marais (1996:117) consider induction and deduction as “complementary modes of reasoning”.

1.4.3 Social location

Social science does not occur in a vacuum but rather involves people: the research community; the research participants and the researcher. Each of these groups influences the research. This requires more than the consideration of empirical evidence provided and focuses on social aspects within the research. It requires the acknowledgement that research has many moral implications. The participants need to be aware of the ethics and moral guidelines that govern social science research, as well as their individual rights. Another consideration is the researcher’s own personality, culture, age, gender, worldview and other personal information. These are all important factors in social science research. In order to strive for objectivity and neutrality particular care will be taken with data collection, in order to minimise the extent to which the researcher influences the views of the research participants during the course of the interviews.

In addition to the above-mentioned factors, this study also contains a quantitative element. Richie et al (2003:42) notes that research under-utilizes the combination of qualitative and quantitative research methods. McKendrick (1987:257) too sees value in this combination and refers to it as “Descriptive Design”. Selltiz et al (1976:90) notes that this kind of study aims “to portray accurately the characteristics of a particular individual, situation, or group (with or without specific initial hypotheses about the nature of these characteristics) or to determine the frequency with which something occurs or (whether) it is associated with something else”.

Therefore this study tests hypotheses that emerge from data. The assumption is that the researcher may be incorrect. Ratcliff observes that this assumption is rarely seen in postmodern thought/research due to the emphasis on the multiple views of reality which obscures the possibility that some people are just plain wrong. Ratcliff (1998:6) puts it as follows: “The assumption made in each system appears to be that the constructs will fit every situation, instead of a more tentative and exploratory testing of assumptions and hypotheses”.

This study explores the following matters that are relevant to the investigation:

- the influence that postmodernity has on society;
- a feminist perspective, because women are its subject matter;
- masculinity, because in this investigation male spouses are primary perpetrators of spousal rape;
- the means by which spousal rape may be prevented;
- conservative evangelical perspectives on spousal rape.

1.4.4 Data collection

Data collection is conducted through the use of questionnaires and interviews. The questionnaire given to pastoral counsellors aims to gather data with regard to the various pastoral approaches for the treatment of posttraumatic stress due to spousal rape. It was sent to pastoral counsellors who are members of the South African Association of Pastoral Work (SAAP). Some additional pastoral counsellors who are not linked to this association, but who would counsel people suffering from rape-related posttraumatic stress should they be approached to do so, were also included.

A second questionnaire is aimed at counsellors (not pastoral), psychologists and social workers. This questionnaire aims to examine and evaluate psychological counselling methods utilised with regard to treating rape-related posttraumatic stress. It will be completed by members of the South African Institute of Traumatic Stress (SAITS), rape centres/organisations (viz. POWA), as well individual counsellors, social workers and psychologists who work with rape-related posttraumatic stress. Descriptive Research Design requires that the data gathered from questionnaires be tabulated.

Interviews will be conducted with spousal rape victims. A female interviewer will conduct two of these interviews on my behalf. The interviews will consist of a formal interview process (see Appendix 2). Due regard will be given to ethical considerations.

The interviews aim to procure first-hand information from victims of spousal rape and to ascertain whether these individuals demonstrate posttraumatic stress reactions. The personal experiences with pastoral counsellors of the individuals are also documented. Finally, the interpretation of data will be done. Fink (1974:370)

motivates this as follows: "Simply performing statistical analyses will not tell the researcher what the results mean; rather he must decide what the various averages, percentages or correlations tell him".

The main aim of this study is to design a pastoral model for counselling with spousal rape victims who are suffering from posttraumatic stress.

1.4.5 Data analysis

Data analysis is a fundamental of research as it bridges the gathering of data and the findings. According to Van den Hoonaard & van den Hoonaard (1997:187) the purpose of data analyses is to move toward either developing concepts or relating to those already in existence.

This study makes use of the statistical data analysis of data collected from the questionnaires. In order to compile the statistics, a computer software programme called *Epilnfo* will be used to tabulate the results. Maietta (2008:103) describes how computer assisted data analysis is useful: "Qualitative software can be considered as a basic "toolkit" containing specific tools that help users to organize and record thoughts about and reactions to data as well as tools to access and review the material they organize and record".

The interviews will be formal, that is, a set of coded questions will be asked. The various participant responses will be compared by means of question coding. The data gathered by means of interviews will be analysed from the perspective which Mouton and Marais (1996:103) describe as "the researcher has a clear conceptual framework in mind, whether it is a model, theory or a set of explicit hypotheses". This conceptual framework leads to, amongst other aspects, analysis and interpretation. This study does not focus on describing and explaining the conceptual framework within which the study is done. Data was analysed and interpreted by inductive abstraction and generalisation.

1.5 Ethical considerations

The following ethical considerations will be strictly adhered to throughout the investigation.

- **Informed consent**

Informed consent was required from research participants in order to ensure that they were aware of what their participation entailed and that their agreement to participate had been given. This consent was provided in writing. Research participants were informed that this research would be used for the purpose of developing a pastoral counselling model. This consent was free which meant that the participants had voluntarily consented to participate in research and were not coerced in any way. This consent may be freely withdrawn at any time. This consent would be compromised if the researcher was in a position of authority with respect to the research participants. This was not the case however, as the research participants were either colleagues (in the case of questionnaires to pastors) or professionals in their own particular fields of expertise. I, as the interviewer, was aware that if participants felt uncomfortable about that arrangement, a female interviewer would (and did), conduct the interviews. The female interviewer was a professional and registered person working in the area of clinical and medical social work and was fully briefed regarding the requirements and ethical considerations of this study. The language used in the consent form/verbal agreement was comprehensible to the research participants.

- **Privacy and confidentiality**

The right to privacy is a core value. It is the right of individuals not to have their personal and identifying information disclosed without their prior consent. Anonymity was therefore maintained throughout and subsequent to the research. Due to the sensitivity of the subject matter of this thesis, anonymity is of highest premium for the participants.

- **Protection from harm**

The American Psychological Association (2002:6), Ethics Code 2002, 3.04 states: "Psychologists take reasonable steps to avoid harming their clients/patients or clients, research participants, students, supervisees, research participants, organizational clients, and others with whom they work, and to minimize harm where it is foreseeable and unavoidable". This avoidance of harm is a general ethical

principle that applies across the broad spectrum of social science. This study ensured that this mandate was adhered to in every possible way.

- **Avoidance of conflict of interest**

Avoiding a conflict of interest, just like that of avoiding harm to participants, is a general governing ethical principle that should be recognised and adhered to by pastoral care givers. The American Psychological Association (2002:6) Ethics Code 3.06 explains how the avoidance of any possible conflict of interest is to be observed.

Psychologists avoid taking on their professional roles when personal, scientific, professional, legal, financial, or other interests or relationships have the potential to (1) impair their competence, objectivity, or effective performance of their professional functions, or (2) expose professional relationships to harm or exploitation.

This study and all those involved in it abide by these principles.

- **Avoidance of deception**

The use of deception in research is ethically unacceptable in that it undermines the principles of free, informed consent, and unbiased research with regard to the formulation and the conducting of the interviews. Research participants cannot be expected to provide free and fully informed consent in research should they be systematically misled regarding the true purpose of the research and its release of findings at the outset of the research study. In light of this, I am aware of the damage that may be caused to victims of spousal rape, who have already been deceived and had their trust broken by those they trusted most.

The American Psychological Association (2002:11) Ethics Code 8.07 (a) states:

Psychologists do not conduct a study involving deception unless they have determined that the use of deceptive techniques is justified by the study's significant prospective scientific, educational, or applied value and that effective non-deceptive alternative procedures are not feasible.

This code suggests that there are situations when the use of deception techniques are valid, however, this study does not make use of such techniques for reasons explained above.

1.5.1 Ethical clearance

In this chapter, methodology employed to carry out this research was explained. I have also attempted to justify why this particular approach has been chosen. Further, this chapter has dealt with ethical issues that were addressed and adhered to in this study. The aim is to ensure quality, reliability and validity to the research findings and protection and fairness to the research participants.

The following chapter explores the issue of rape in general and introduces the subject of spousal rape.

1.5.2. Personal interests

Personal assumptions influence the choice of the objectives and the methodology of the study and the ethical consequences for pastoral counsellors. Researchers identify, experience, and interpret data differently based on their own experiences, abilities and interest. Brodsky (2008:766) observes that “analysis, interpretation, and meaning-making come from the researcher, using all of her or his personal and professional skills, training, knowledge, and experience as an instrument to produce a coherent, authentic picture of the research as the researcher saw and experienced it”. In light of this statement, I believe it important that my viewpoint is clearly stated at the outset of this thesis. I am a 54-year-old male. I work as a trauma therapist and am an ordained Baptist minister. With regard to spiritual convictions, I would place myself in the camp of a conservative evangelical. In my quest for relevant research, I have gone beyond my comfort zone by exploring postmodern thought; feminist philosophy; feminist theology and psychology. This has resulted in my re-evaluating my core theological perceptions and worldview. Whilst continuing to be challenged, I have been enriched because of this study and am now even more resolute regarding my conservative evangelical perspective of Christianity. I therefore hold to the tenets of a conservative evangelical belief which, amongst others, includes the inerrancy and authority of Bible.

I have worked in the field of trauma counselling for the past 11 years and have counselled a number of rape victims during this time. It was when I began working with spousal rape victims within the church that I became aware of the lack of research in this field.

My approach to this study is similar to that of Ellens (2007:190) with regard to psychology. It is for this reason that this study has made extensive use of psychology literature.

Psychologists who are also Christian, theologians, and other clinicians, therefore, must develop clinical criteria for assessing the process of psycho-spiritual healing and wholeness and of a person's stage in it. Psychology, insofar as it represents unimpeachable truth about its field, provides Christians with much ready-made equipment and insight for this endeavour. From the view point of Conservative Evangelicalism, information from the above mentioned resources can be seen a gift from God's general revelation through the natural and social sciences. Christian healers can wisely employ it in a psycho-theological framework.

1.6 Research outline

Chapter one, Spousal Rape – a challenge for pastoral counselling, includes the motivation for the thesis and research framework. Chapter 2 will explore the phenomenon rape, considering stranger, acquaintance and spousal rapes. Chapter 3 develops the phenomenon traumatic stress and particularly as it relates to spousal rape. Chapter 4 will consider the questionnaires and interviews of spousal rape victims. Chapter 5 will cover the relevance of spirituality, and how it relates to spousal rape. Chapter 6 proposes a counselling model including pastoral and integrative counselling. Chapter 7 deals with the transformation and healing of spousal rape victims.

A number of appendixes have been added, containing information, consent and interview questionnaires used with participants. The remaining appendixes contain additional information from the Sexual Offences Bill and DSM-IV diagnostic criteria as they relate to this thesis

CHAPTER 2

THE PHENOMENON RAPE

2.1. Introduction

This chapter discusses rape in general, including acquaintance rape and then focuses more specifically on the subject of this study, namely spousal rape. Feminist literature has contributed greatly to the study of rape over the past years (cf. Herman 1997; Leslie 2003). It was because of the activism of feminists that the silence regarding rape was broken (cf. Brownmiller 1993). This chapter considers the studies done by feminists and others. Chapter 4 examines the feminist movement more closely.

Rape has occurred since earliest times and has been understood in a number of different ways throughout history. For example, the root of the word “rape” is the Latin word *raptus*, which according to Purdy (2004:122), “was used to define the act wherein one man damaged the property of another. The property, of course, was the man’s wife or daughter”. This definition of rape is however not useful or adequate, as it violates the rights and personhood of women and does not take into account the psychological, emotional, psychical, spiritual and social suffering of rape victims.

It is therefore important to define rape in order to avoid possible incorrect perceptions that may negatively influence the recovery of rape victims. The public seems unclear as to what behaviour and circumstances constitute rape. A number of factors may exacerbate this confusion:

- **The relationship between rape victim and perpetrator**

It appears to be easier to understand rape when no relationship exists between the victim and the perpetrator. The more intimate the relationship existing between the two, the more difficult it appears to define rape.

- **The circumstances in which the rape occurred**

The definition of rape may be blurred by the misconception that the victim was “asking for it” as a result of the clothing she wore; her behaviour and/or the location she visited.

- **Whether a woman is considered to be compliant**

The rape incident may be questioned if the victim did not fight or resist her attacker.

- **The ages of those involved**

Some individuals appear to find it easier to accept that a rape occurred when the victim was a young child or an elderly woman. The validity of an adult woman's rape experience is at times questioned, as it is assumed that she is already sexually active. It is therefore more difficult for some to accept that a woman did not consent to sexual intercourse.

According to previous South African legislation, rape "consists in a man having unlawful, intentional sexual intercourse with a woman without her consent" (South Africa Law Commission 1999:67). The document later states: "The penetration of other orifices by the penis is not rape, nor is the penetration of the vagina with something other than the penis" (South Africa Law Commission, 1999:69). These definitions are very limited and narrow in terms of the definition of rape.

Other organisations operating within the South African society have interpreted rape differently - each with their unique value, but also with their own shortcomings. The Rape Crisis centre in Cape Town (2007) defines rape as: "any act of a sexual nature which has been forced onto another person". The Mpumalanga Department of Safety and Security (2008) has suggested, "Rape is painful, violent and it hurts". These understandings may be considered outdated however, in that they meet McGregor's (2005:1-2) criteria for rape in days gone by. "Historically rape was not acknowledged unless there was extreme force by an aggressor and utmost resistance by the victim (and *de facto* the two were not acquaintances)". Another factor believed to perpetuate the occurrence of rape, is that of patriarchy. According to Van Niekerk (2006:1), rape is "fuelled by patriarchy" which propagates the dominance of men and the disempowerment of women. This study briefly explores the validity of such an opinion.

Rape is generally considered a forceful and violent act, committed mainly by strangers who have no other agenda than to assert their authority, dominate and control women. The Criminal Law (Sexual Offences) Amendment Act of 2003 of South Africa (Appendix 2.1) defines rape in a well thought out manner. Rape in this Act is defined as: "Any person (A) who unlawfully and intentionally commits an act of sexual penetration with a complainant (B), without the consent of B, is guilty of the

offence of rape” (Criminal Law [Sexual Offences and Related Matters] Amendment Act, 2007:20). This study accepts the last-mentioned definition of the term “rape” to be adequate and understands it as follows:

- Rape is unlawful, due to the fact that it involves a lack of sexual consent.
- Consent is considered to have been denied if the victim was mentally impaired. This could have been due to the use of medication; intoxication, mental retardation.
- Rape is an intended act by a perpetrator or perpetrators.
- Rape may or may not consist of force and/or violence.
- Rape recognises the penetration of the penis into either the vagina or anus.
- Any coercive circumstances surrounding rape may be clearly defined.
- Rape may occur between partners who are married to each other, or between acquaintances and strangers.

2.2. Theories concerning rape

In an attempt to comprehend the complexities of rape, a number of theories have been advanced. In his book, *Theories of Rape*, Ellis (1989) suggests three theories: Feminist Theory, Learning Theory and Evolutionary Theory. Burgess-Jackson (1996) offers three alternative theories of rape: Conservative, Liberal and Radical. Each of these theories adds value to the explanation of why rape is perpetrated by men against women.

- **Feminist theory**

The feminist theory advances the opinion that men believe women to be unequal to them. Such men therefore view women as a subordinate gender, needing to be dominated. According to Wiehe & Richards (1995:80), this domination of men over women not only seeks to control women within their interpersonal relationships, but also within their sexual relationships. Ellis (1989:11) further observes that according to feminist theory, the prime motive of rape is more to establish or maintain the dominance of men over women, rather than sexual gratification. Radical feminism advocates that rape arises out of “patriarchal constructions of gender and sexuality within the broader system of male power, and emphasizes the harm that rape does

to women as a group” (Whisnant 2009:1). In other words, the feminist explanation of rape states that rape is a behaviour based in a patriarchal system which socializes males to dominate females and females to permit this domination.

- **Social Learning Theory**

Psychologist Bandura (1977) proposed a means of learning which he calls Social Learning Theory. Social Learning Theory emphasizes the modeling of behaviours, emotional reactions and attitudes towards others. According to Nevid (2007:635), one of the basic tenets of the social learning theory is that aggression is learned behaviour through observation and imitation. This theory suggests that repeated exposure to violence tends to desensitise individuals and may even cause them to engage in similar aggressive behaviour. Children at play can be seen to imitate and fantasise imagery to which they have been exposed. Wiehe & Richards (1995:81) state that constant exposure to violence – and more especially sexual violence - in the mass media, may cause the viewers to become uncaring or unaware of how the victim is affected.

- **Evolutionary Theory**

In early times, rape allowed men to have intercourse with more than one woman, thereby increasing reproductive success. This belief is based on Darwin’s natural selection theory, which propagates that all behaviour is driven by the desire to pass on one’s genes. May and Strikwerda (1994:140) conclude that the evolutionary biological account of rape, “would seemingly suggest that no one is responsible for rape”.

- **The Conservative Theory**

Purdy (2004) suggests that rape takes place when women, who are considered the property of their husbands, are sexually violated by another. A crime is therefore believed to have been committed against their husbands, as their property had been damaged. Burgess-Jackson (1996:45) concurs with this view: “What makes the rape wrong to the conservative mind is that the man to whom the woman belongs has not consented to the intercourse”. The outcome of this belief is that the husband, or father, of the rape victim considers himself to have been violated and therefore seeks justice. This is motivated by his sense of personal injury, rather than that of

injury to the rape victim. Rape in marriage is furthermore inconceivable, as the husband owns the “property rights” to his wife’s body.

- **The Liberal Theory**

This view considers rape to be a form of gender-blind assault (Burns 2005: 69). Burgess-Jackson (1996:50) elaborates, “The harm of rape is to an individual, not a woman. It is perpetrated by an individual, not a man”. The central issue is therefore consent. This theory considers the only difference between ordinary sexual intercourse and rape to be the question of whether or not consent was granted. Rape is therefore considered a violation of an individual’s (male or female) right to bodily integrity or autonomy (Burns 2005:69).

- **The Radical Theory**

In this view, law, culture and society reinforce and perpetuate the inequality that exists between men and women and are therefore responsible for the occurrence of rape. Burgess-Jackson (1996:53) explains it as being more about power, fear, status, and control than about an individual’s breaking of social norms. This theory is supported by May et al.(1994), who propose that rape is best understood not in individualistic terms, but rather in socialisation patterns which are created by both men and women. Men and women are therefore jointly responsible for rape

Burgess-Jackson (1996:54) concludes his theories with the following summary: “To the conservative, rape is something a bad man does to another man; to the liberal, rape is something a bad man does to a woman; to the radical, rape is something men do to women”.

This study supports the feminist objection to the Evolutionary Theory that suggests men rape not seeking domination, but because they are driven by basic instinct and are therefore not to be blamed for their actions. The Conservative Theory suggests that women are nothing more than the property of men. Some have suggested that the Scriptures propagate this belief, however this study does not hold to this belief. This issue is further discussed in Chapter 4.

As stated in Chapter 1, I hold to a conservative Christian belief system advocating that the teachings of the Christian Scriptures are the final authority on matters of faith, living and social order. This is the basis for this study not holding to

the feminist view regarding reasons for men raping women. The Feminist concept that men rape in order to express their dominion and enforce their control over women does not fit into the Biblical understanding of the role of men - especially that of a husband towards his wife. Further, the Feminist theory that considers patriarchy to be the root cause of men's controlling attitude and behaviour towards women is not synergistic with the teachings of the Scriptures. The Christian Scriptures, as understood from a conservative viewpoint, views the patriarchal system to be the Biblical model for today's society. Men have, however, abused the system of patriarchy and this has become a major issue with regard to rape and, more especially, spousal rape. This subject is discussed further in Chapter 4.

The Liberal Theory seeks to present rape as gender neutral. This study highlights that differences between men and women are not only physical, but also emotional, psychological, and perceptual. This study therefore holds to the Scriptural view that there are distinctive male/female gender roles. This issue is discussed further in Chapter 6.

The Radical Theory promotes the thought that rape involves a collective (men and women) responsibility. This study does not out rightly reject this theory; however it is careful not to divert the responsibility for a sinful act from an individual man who requires punishment for the unlawful act he has perpetrated.

This study aligns itself more closely with the Social Learning Theory, which suggests that learning takes place by observing others, and the modelling of that observation. This study holds to the view that the Scriptures promote such means of learning. Jesus said to his disciples "I have set you an example that you should do as I have done for you" (John 13:15). According to Collins (1988:567), the basis of social learning theory (and also a principle reflected in the New Testament) is that of people imitating and following others. People learn as a result of observations they have made in both their childhood and their current situations. This learning is not always positive, but according to Bandura (1978), aggression is also learned by observation. Men therefore act out violence and rape against women because they have learnt this through exposure to other men who have abused women. This could be due to their own individual childhood experiences or due to exposure to bad social practices where women have been viewed as being the property of men.

Myths regarding rape have a detrimental impact on the realities of rape, since they seek to either minimise or deny the occurrence of sexual violence. Schmidt (2004:191) explains how myths regarding rape are perpetuated:

Myths are either untrue and unfounded ideas misconstrued as facts (victims want to be raped) or partially true yet atypical experiences that get applied uncritically to all sexual assault cases (strangers rape women in dark alleys). These myths are learned through cultural socialization by our family, peers, religious instruction, schools, media, and community”.

There are some important consequences of rape myths and their accompanying attitudes. Burt (2003:136) notes that the more one believes rape myths, “the higher levels of stereotyping, adversarial sexual beliefs, sexual conservatism and acceptance of interpersonal violence”. Even victims are likely to accept a range of rape myths that lead them to believe they are responsible for their own rapes. This is especially true when it comes to acquaintance and spousal rape and results in the crime not being reported to the authorities. The silence concerning spousal rape is therefore perpetuated.

The broader society also has specific beliefs concerning rape. Burge (1983:104) notes that what society believes about rape is “complex, situational and usually inaccurate”. The victim is therefore at risk of a “second rape” due to societal disapproval.

Rape myths, whether held by the victims, perpetrators or society, are damaging to victims and cause confusion, blame and guilt.

The social and legal understanding of rape is based upon the notion of consent. The concept of consent therefore lies at the heart of the issue of rape. Different understandings of consent have been proposed.

It is commonly accepted, both in theory and in law (cf. South Africa Law Commission: 1999), that sexual intercourse achieved by force or threat, constitutes rape. The radical theory assumes that if neither force nor threats are present, then consent has been granted and no rape has occurred. The problem with this assumption is that coercion may take many different forms and does not necessarily consist of threat or injury. Certain coerced sex may therefore not be considered rape. Sanday (1990:15) explains that coercion “need not be accomplished by physical force or threat of force but may be inherent in the circumstances surrounding the transaction”. The issue of consent therefore should be considered more carefully.

To the liberal, the issue of consent is the determining factor when it comes to rape. A common misconception is that most women, most of the time, consent to sexual intercourse. Rape resulting from non-consensual intercourse is therefore considered rare. The downside to this misconception is that the trauma of rape is downplayed by society and the justice system. The radical theory perceives coercion as being the mainstay of rape and believes that most women, most of the time, are coerced into having sexual intercourse. This approach goes to the opposite extreme and may cause confusion in the sexual interaction between men and women. Men are seen as villains and women as victims. According to Burgess-Jackson (1996:103), rape is pervasive. This highlights the importance of the issue of consent. If not clearly addressed, the issue may cause much damage to interpersonal relationships and sexual intimacy between couples.

The justice system places a legal burden on women to demonstrate that they have not consented to sexual intercourse, or it is de facto assumed that they have in fact consented. The law requires explicit evidence of non-consent in order to establish rape. The implication is therefore that consent is presumed in any sexual encounter. McGregor (2005:105) poses the question: "Is consent a useful concept, one that helps distinguish lawful from unlawful conduct?" and then makes the pertinent point (2005:111) that women should have positive control over their sexuality and bodies by agreeing to have sex and not merely have "negative" control, by not consenting to sexual activity.

Consent may be understood as being either expressed by attitude or other means of communication, either verbal or non-verbal. Because it is difficult to accurately interpret attitudinal and non-verbal consent, feminists rightly promote the verbal consent approach (cf. Friedman & Valenti 2008). The onus is then on the defendant to explain how what the woman said could be construed as sexual consent. Consent must therefore be distinguished from voluntary action (that is action that is not made with intent). Baker (1999:64) suggests that there ought to be a standard agreement which requires overt positive expression of interest from both parties in order for sexual interaction to be permissible. McGregor (2005:191) concurs that, in order to protect women's sexual autonomy, the law should look for not only the defeaters of consent, but also positive signs of consent. Troost (2008) proposes the use of what she calls "explicit verbal consent" and goes on to suggest that non-verbal, assumptive touch may also be a form of consent for the continuance

of more intimate sexual touch. Troost (2008:176) suggests continuous explicit verbal consent effectively restores body sovereignty.

Consent is not simply the absence of refusal or resistance. It can also not be based upon the woman's appearance or upon the nature of the relationship with the man in question. Rather, consent is a clearly communicated decision by the woman to further sexual involvement. This consent may be withdrawn at any time during the sexual interaction.

The question as to whether or not it is possible for a man to mistake a woman's consent to sexual intercourse. Husak and Thomas (1992:109) suggest that this may indeed be the case and may occur when a woman has not consented to sexual intercourse but a man sincerely believes otherwise and has made an honest mistake. This "honest mistake" could serve as a defence to rape prosecution. The prosecution must then demonstrate that not only did non-consensual sex take place, but the man was also aware of his action of rape and that consent was not granted. In other words, if there is no communication between a man and a woman, it can be suggested that the man was unaware of whether or not his partner was consenting.

Burgess-Jackson (1996:139) proposes, "a typology of rape- related mental states" as identified in Table 1.1 below:

Purposeful rapist		"I know that you don't consent, but that is exactly what I want".
Knowing rapist		
	Indifferent	"I know you don't consent, but I don't care; my aim is to have intercourse"
	Preferential	"I wish you would consent, but I know you're not; I'm going ahead anyway".
Reckless rapist		
	Indifferent	"There is a good chance, based upon your behaviour, that you're not consenting to sex with me; but then maybe your protests and resistance aren't meant to be taken seriously; maybe it's part of your game; in any event I don't care; my aim is to have intercourse".
	Preferential	"I wish you would consent, and if I knew that you weren't consenting I'd desist; but I'm not sure your protests and resistance are

		meant to be taken seriously; maybe it's part of your game; so I am going ahead anyway".
Negligent rapist		"Women like you remain silent or put up a front of resistance because you don't want to appear 'easy'; you say 'no', 'maybe' or nothing at all when you mean 'yes' so even though you're resisting/remaining silent/ lying motionless, I think you're consenting to intercourse; its part of the sexual game; I'm going ahead".

Table 1.1

It is not surprising that some feminists (see Harris and Pineau 1996:116) argue for the eradication of mens rea with regard to the prosecution of rape.

South Africa, with its progressive constitution, seeks to promote and protect women's rights. One of the reasons is because of the local feminists being ardently campaigners for sexual justice in earlier days. Artz and Smythe (2008:14) state that these campaigns have produced mixed results. They may have resulted in the establishment of unassailable rights with respect to the social and political life of women in South Africa, however the application of these rights is sadly lacking not only in South Africa, but also throughout the world.

Many women who have been raped choose not to lay charges against their perpetrators. Smythe and Waterhouse (2008:200) refer to the National Youth Victimization Study (2005) and point out that of the 83.2% sexual assault victims who shared their experience with someone, only 11.3% reported the assault to police. There are a number of reasons for this, including the victims' negative experiences within the justice system. The justice system consists of a number of divisions and departments that may cause victims to undergo secondary traumatising. This study uses the term "secondary traumatising" in the sense that the victim suffers on-going trauma because of the interaction with those involved in the initial traumatic event, namely institutions and people such as the following:

- **Police**

According to Estéal & McOrmond-Plummer (2006:194) the police may minimise rape in a number of ways, including their choice of words and the nature of questions they ask. The common sentiment is that of a lack of police sensitivity towards rape victims. This is exacerbated by the fact that some police perpetuate myths and stereotypes regarding rape. Smythe and Waterhouse (2008:199) identify these myths as notions of women lying about rape when no signs of violence belie her charge.

- **Prosecutors**

Should rape victims decide to lay charges, they will be required to have their case filtered by a Public Prosecutor prior to the case being heard in court. Estéal and McOrmond-Plummer (2006:197) report that the police and/or the prosecutors convince some women that there is little hope of a guilty verdict. This results in the victims requesting for charges to be dropped and occurs even more frequently in the case of partner rape.

- **Trial**

A number of difficult challenges await rape victims in the courtroom. Firstly, postponements are common in most trials. This prevents closure for victims and results in ongoing retraumatisation for the duration of the trial. Secondly, victims are the complainants and as such, are not entitled to any legal representation. The sole role of complainants is that of state witness. Therefore, unlike the accused, victims do not benefit from any form of legal protection. Further, the complainant's word and character are frequently placed on trial. Ward (1995:101) reports that when the victim's moral character is described as "dubious", a great number of acquittals occur. The South African judicial system seems no different to that of other countries. According to Vetten (2007:27), "many have described rape victims' experience of going to court and testifying as a kind of second rape during which the victim, rather than the accused, appears to be on trial".

- **Judgment**

The conviction rate in rape trials is low. This may be due to the majority of rape cases been withdrawn either by the victim or by the state. Nevertheless, according to

the United States Department of State (2011:22) only of rape cases 4.1% end with a conviction. Correspondingly, Estel & McOrmond-Plummer (2006:203) estimate that convictions are rarer in the case of partner rape. This trend results in victims being reluctant to report rape.

- **Prejudicial impact of a Posttraumatic Stress Disorder Diagnosis**

The presence of Posttraumatic Stress Disorder is an important consideration when understanding the effects suffered by rape victims. Weaver et al. (2004:105) note that Posttraumatic Stress Disorder is the most common disorder diagnosed in victims of rape or sexual assault. According to Astbury (2006:5), rape victims are six times more likely to develop Posttraumatic Stress Disorder at some point in their lives when compared with women who have not been raped. They also constitute the single largest group suffering from Posttraumatic Stress Disorder. The significance of posttraumatic stress with regard to rape victims is dealt with in depth in Chapter 3.

While Posttraumatic Stress Disorder is the strongest rape-related diagnosis on which to base expert testimony, this diagnosis often works against victims. Maw et al. (2008:140) substantiate this statement when they note: “the use of Posttraumatic Stress Disorder in rape trials may be considered to be prejudicial on multiple levels and therefore unable to meet the court’s demands for neutrality”. Should the diagnosis of Posttraumatic Stress Disorder be used in court, it may also disadvantage the complainant, in that it could open the door to questions regarding the complainant’s previous sexual history. It may also be used to present the complainant as being pathological. Maw et al. (2008:142) claim that “psychology has not developed the scientific rigour necessary to satisfy the court’s accountability demand”.

2.3. Acquaintance rape

Stranger rape is frequently perceived as being a more serious form of rape and has therefore been given the title of “real rape” (Leslie 2003:14). Any other form of rape is somehow perceived as being less severe. Bergen (2006:6) concurs, stating that for many, rape in marriage is not perceived as “real rape” This study examines the severity of a specific form of acquaintance rape known as “spousal rape”. The

extreme and unique hardships and injury suffered by women who have been raped by their spouses are highlighted.

Wiehe and Richards (1995:4) suggest a definition for acquaintance rape in their book, *Intimate Betrayal*, as being “a sexual assault that occurs between two individuals who are acquainted with each other or are known to each other”. This definition may be considered to be too broad, as it includes individuals who are dating, friends, colleagues, relatives or life partners. I am of the opinion that while there are generic responses to acquaintance rape, there are also different categories of acquaintance rape. These categories may result in different reactions to rape, due to the discrepancies that exist within various acquaintance groups and their relationships. This study therefore specifically investigates spousal rape.

It is generally accepted that the most frequent form of rape involves people who are acquainted with each other. According to Wiehe and Richards (1995:10-14), the majority of rapes (50 to 85 percent) are carried out by a known acquaintance and in a familiar residence (61 percent). Victims of acquaintance rape are less likely to seek support from friends, family, crisis centres and the police. They therefore continue to live with a traumatic secret whilst behaving as if all were well. The complications of acquaintance rape are compounded if a rapist interacts within the victim’s immediate social circle. These rape victims frequently experience heightened feelings of guilt, anger, frustration, shame and self-blame, even more so than if they had been raped by a stranger. Questions and self-doubt plague victims. Allison et al. (1993:71) explain that even though victims of spousal rape may suffer less physical injury, psychological injury may be greater than for stranger-raped victims, who openly discuss their ordeal with others, thereby releasing pent-up emotions.

The judicial system often complicates the experience of rape for victims. This results in their holistic healing being compromised. The complexity of acquaintance rape is most evident within the judicial arena as it appears easier for the court to acknowledge stranger rape than acquaintance rape. This results in the burden of proof resting more heavily upon the acquaintance rape victim. Spousal rape is particularly difficult to prove because the parties have a joint sexual history.

The primary benefit of reporting rape involves empowering the victim to regain a sense of control over her life. Once the legal process is initiated, the victim may however find it difficult to maintain any control over her case. This in turn compromises her perception of having control over other aspects of her life.

However, acquaintance rape has a low conviction rate. Should an acquaintance rape charge be dismissed by the court, the victim may then be considered to be an unreliable witness should she ever be raped again. Wiehe & Richards (1995:107) make the strong statement that only by making acquaintance rape a punishable crime with compensation for personal injury, can the law support women in protecting their own bodies against sexual assault.

2.4. Spousal Rape

It was not until recently that it was possible for a man to be charged with the rape of his wife in South Africa. Allison et al (1993:85) point out that in America prior to 1978 spousal rape had not been considered a possibility. It was not until South Africa was about to enter its new political dispensation, that wives were protected by law from being raped by the husbands. According to Naylor (2008:26), the marital rape exemption had been abolished in South Africa in 1993 under the Prevention of Family Violence Act. Spousal rape is not confined to any specific class, race or religion. Bergen (2006:3) confirms that research on marital rape indicates that it is not confined to women of any specific age, race, ethnicity, social class, or geographical location. The occurrence of spousal rape has been perceived as low, yet the Centre for the Study of Violence & Reconciliation (CSV) (2001:4) reports: “National statistics supplied by the SAPS National Crime Information Centre indicate that approximately 1% of rapes reported during 1996 and 1997 were perpetrated by husbands upon wives”. This may be considered a low percentage, however spousal rape is the least likely category of rape to be reported to the police. Further, the incidence of spousal rape may be higher than previously estimated, particularly when one considers that women who are involved in physically abusive relationships may be especially vulnerable to rape by their partners (cf. Campbell, 1989; Pence & Paymar, 1993).

As stated above, spousal rape is under-reported. Various reasons are cited for this trend. Bergen (2006:6) suggests that victims of spousal rape may not report the assault for many complex reasons, including fear of retribution by their abusers and/or fear that the police may not believe them. Further, self-blame or shame is also a contributing factor.

In an American study, Bergen (2007:6) found that some spousal rape victims do not consider their experiences as rape due to the common perception that only stranger-rape is 'real rape' and because sex in marriage is culturally considered obligatory. South African studies concur with these findings and may be even more pronounced in terms of wives' perceptions regarding marital sex. The Development Research Africa and CSIR Defence, Peace, Safety and Security Unit (2008:73) finds that "there is a high level of awareness of the criminality of domestic violence among respondents in this study – with 92% believing that what had been done to them was a crime. However, very few respondents understood that forced sex within a relationship or with someone known to the respondent is rape".

Spousal rape not only affects the women involved but their children as well. According to Wiehe & Richards (1995:71), children exposed to emotional trauma often learn patterns of violence, including sexual violence, and duplicate this violence while they are still young and into their adult lives.

Spousal rape is generally considered to have a low incidence. Studies contradict this general perception and rather point to a high incidence of occurrence (see Finkelhor & Yllo 1985; Russell 1990). Gelles (1997:77) points out that between 10 and 14% of married women have experienced rape in marriage. Randall and Haskell (1995; cf. Bergen 2006:1) found that 30% of women, who were sexually assaulted as adults, were actually sexually assaulted by their intimate partners. Mahoney et al (2007:7) estimate that "one in ten to one in seven married women will experience a rape by a husband".

Although traumatic, a woman raped by a stranger usually only endures one such event by that stranger. This is not this case with spousal rape. Kernsmith (2008:58) indicates that, of those who report spousal rape, 70 to 85 per cent experienced more than one rape, and 30 to 55 per cent report in excess of 20 incidences (cf. Greenberg et al 2010:540).

Spousal rape frequently involves intense physical and psychological injury. According to Mahoney & Williams (2007:3), "many victims of wife rape also suffer severe physical injuries and endure multiple rapes throughout their marriages". Wives are at particularly high risk of physical and sexual violence while attempting to leave their spouses, due to the fact that their abusive spouses view this as a direct challenge to their control and sense of entitlement (cf. Englander 2007:159).

Spousal rape usually also involves other forms of domestic abuse. According to Gelles (1997:77), spousal rape does not occur in isolation but tends to occur along with other acts of domestic violence. These results in multiple assaults and women often suffer severe long-term physical and emotional consequences. Kernsmith (2008:58) points out that a study by Mahoney and Williams (1998) found that victims of spousal rapes were ten times more at risk of repeated assaults than victims of stranger or acquaintance rapes. This has led to the issue of spousal rape being considered as merely an extension of domestic violence. Marital rape is therefore overlooked as a distinctive problem. It is however a particularly devastating and traumatic occurrence and must be specifically treated as such.

Despite the myth that spousal rape is a relatively insignificant event which results in little trauma, spousal rape in fact has severe and prolonged consequences for wives, especially in terms of psychological trauma. One of these important consequences is the development of mistrust. According to Purdy (2004:123), what follows rape by an intimate partner is even more emotionally damaging than sexual assault by a stranger, as loss of trust is experienced. Another possible psychological consequence of spousal rape is Posttraumatic Stress Disorder (Weaver et al 2007:478).

Studies (see Frieze 1983) indicate that women who are raped by their partners frequently experience severe and long-term emotional trauma, because they have been exposed to multiple 'completed' assaults by someone whom they presumably loved and trusted. Further, according to Plichta & Falik (2001:251), victims of spousal rape are more often diagnosed with depression or anxiety than are victims of physical violence or sexual abuse by strangers or acquaintances.

Seeking help for spousal rape is frequently complicated. Mahoney and Williams (1998:9) report that women raped by a partner are often reluctant to report the assault and are less likely to seek medical or psychological assistance than those who have been assaulted by strangers or acquaintances.

A victim may turn to a number of possible resources for help. The first may be her family and friends. However in many cases, as Bergen (1996:54) points out, the husbands limit their wives' contact with her family and friends in order to isolate her and thereby keep her under control. The second possible resource is the police. This too is often found to be of little use because of the police response of apathy and disinterest when an incident of spousal rape is reported to them. Thirdly, women who

have been raped by their spouses may not feel safe in rape shelters and crisis centres. Bergen (1996:58) finds that the most common criticisms were that the victims' experiences of spousal rape were ignored and they felt excluded from the rape crisis centres. A further complication may be that victims frequently fall between the cracks of shelters for battered women and rape crisis centres. Each agency perceives the responsibility for the problem of rape as being that of the other and therefore refers the victims there.

Another possible resource may be that of religious advisors. Yet studies (Bergen 1996:52) indicate that support for women in violent relationships is not always forthcoming from religious advisers. Some religions focus on wives being required 'to obey their husbands' and not refusing sexual intercourse with them. This merely serves to exacerbate the problem of spousal rape.

A deeper understanding of spousal rape may be obtained if the issue is contextualized. Finkelhor et al (1985) classifies spousal rape as follows:

- **Battering rape**

According to Finkelhor et al (1985:37), men who beat their wives are also more likely to rape them. There is therefore a strong correlation between domestic violence and spousal rape. It should be noted however, that not every domestic violence situation involves spousal rape and neither does every spousal rape incident involve other forms of violence.

- **Force-only rape**

This classification may be understood in terms of what Groth (1979:25) identifies as 'power rapes', where sexuality is a means of compensating for a husband's "underlying feelings of inadequacy and serves to express issues of mastery, strength, control, authority, identity, and capability".

- **Obsessive rape**

With regard to obsessive rape, the husband exhibits bizarre and perverse behaviour. Finkelhor et al (1985:59) describe it as follows: "It is the element of obsession, not sadism, which stands out as the most common feature of this category of marital rape".

Many of the above-mentioned studies precede the year 2000. However, recent studies in the United States and South Africa confirm the tendencies found in earlier studies. In 2000, the National Violence Against Women Survey regarding the extent, nature, and consequences of intimate partner violence in the United States found that:

- There were an estimated 322,230 intimate partner rapes committed against U.S. women during the 12 months preceding the survey (Tjaden & Thoennes 2000:1).
- Approximately half (51.2 percent) of the women raped by an intimate partner stated that they had been victimized many times by the same partner (Tjaden & Thoennes 2000:39).
- Women who were raped multiple times by their intimate partners indicated that their victimization occurred over 3.8 years on average (Tjaden & Thoennes 2000:39).
- Thirty six point two percent (36.2 %) of women raped by an intimate partner since age 18, sustained an injury in addition to the rape itself during their most recent victimisation by their partner ((Tjaden & Thoennes 2000:41).
- Less than one-fifth (17.2 percent) of the women raped by an intimate partner indicated that their most recent rape had been reported to the police (Tjaden & Thoennes 2000:49).
- Approximately one fifth (21.2 percent) of the female rape victims did not report their victimization to the police and indicated they were afraid their attacker would retaliate, and one-fifth (20.3 percent) noted that the rape was a once-off or minor incident. In addition, 16 percent of the women reported that they felt too ashamed or preferred to keep the incident private and 13 percent perceived the police as being unable to do anything regarding their situation (2000:51).
- Information from the NVAW Survey indicates that violence perpetrated against women by intimate partners is seldom prosecuted. Only 7.5 percent of women raped by an intimate; 7.3 percent of women who had been physically assaulted by an intimate, and 14.6 percent of the women who were stalked by an intimate said their attacker had been criminally prosecuted (Tjaden & Thoennes 2000:52).

The Development Research Africa and CSIR Defence, Peace, Safety and Security Unit have recently released the results of the report, *Consolidated Report on the Nature and Prevalence of Domestic Violence in South Africa*. Below are findings that pertain to partner rape. It is useful to compare the American report of 2000 with this 2008 South African study:

- Ninety two percent (92%) of the victims and survivors of domestic violence are aware that domestic violence is a crime. However, very few respondents understand that forced sex within a relationship or with someone known to the respondent is rape (2008:142).
- Domestic violence practitioners emphasise the correlation between abusive relationships and the high rate of HIV infections amongst women who are raped by their husbands, or who do not have the power to insist upon the use of condoms or safer sex in their relationships (2008:145).
- Almost no rape charges were laid against perpetrators, despite the hundreds of accounts of rapes related to the interviewees (2008:153).
- Abusive relationships often lead to the death of a partner. When abused women see no way out of their situations and believe their abuser will kill them, out of desperation, they will kill their abusers (2008:33).
- In South Africa, one out of every six South African women is regularly assaulted by her partner (2008:37).
- Research quoted from the National Statistics supplied by the SAPS National Crime Information Centre, indicates that approximately 1% of rapes reported during 1996 and 1997, were perpetrated by husbands upon wives (2008:38).

2.5. Summary

This chapter has examined rape, acquaintance rape and spousal rape. This general phenomenon has relevance also to the Christian faith community. However, within the church there are some specific aspects and challenges concerning spousal rape that need attention. These will be worked out in Chapter 5. In the following chapter the psychological effects of rape will be examined from the perspective of posttraumatic stress.