

MARITAL RAPE: ANY UNWANTED CONTACT IN ITSELF AMOUNTS TO VIOLENCE.

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I REFER to the letter by Mr Bin Hee Heng's warning against the alleged negative consequences of criminalising marital rape, 'Beware negative consequences if Govt accepts call to criminalise all forms of marital rape' (Online forum, Oct 16).

In it, he distinguishes between non-consensual sex that is accompanied by additional force, and non-consensual sex that is not accompanied by additional force. But this overlooks the fact that the very act of sexually penetrating someone against their will in itself constitutes violence.

The law of assault covers any unwanted physical contact, but we are assumed to consent to sundry casual touches - being tapped on the shoulder, having someone accidentally brush past us on the street - in ordinary life, because it is understood this is part of living in society.

In an area as private and vulnerable as our sexual organs, no such consent can be assumed. Any unwanted contact amounts in itself to violence and can lead to emotional turbulence and psychological damage for the victim, even if she is passively lying still and does not need to be hit or restrained or otherwise overcome.

The mere fact of marriage cannot itself constitute consent at all times. There may be moments when a wife is simply not in the mood for sex, or is tired, or ill, or has had an argument with her husband, or may for any number of reasons be unwilling to have sex, and this needs to be respected.

Entering into a permanent sexual relationship cannot reasonably mean that both partners must be continually and unfailingly sexually available regardless of how they feel at any one time.

Sex is too personal an act, too deeply connected to bodily integrity and emotional identity, to be made available on demand, even to someone loved and cherished.

It is possible that where the sexual relationship has broken down entirely, so that one partner is not fulfilled, this signals fundamental

problems with the union. But then the frustrated partner's recourse should be to marriage counselling or the divorce courts - not forcible self-help.

It is disturbing that anyone can see the right to penetrate an unwilling woman who feels no desire as a vital part of a sacrosanct relationship.

Finally, Mr Bin refers to sundry social ills that he believes marital rape prevents. Even if he is correct (and I believe he is not), we should not purchase such prevention at a price which involves mandating the sexual availability of unwilling women.

The other term we have for that practice, in most contexts, is 'enforced prostitution'.