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## Male Perception on Sexual Consent and Coercion in Heterosexual Marriages: The Case of Benue State, Nigeria

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### **Abstract**

*The issue of sexual consent in marriage which is deeply problematic due to the persistence of socio-cultural constraints on women's sexual agency and sexual decision-making has received less attention. Emerging evidence suggests that coerced, pressured and unwanted sexual activities are generally still common experiences of women. Research concerning male's opinions on women's consent to sex in marriage remains scarce. In this article, we explored men's perceptions on sexual consent seeking and receiving within the context of marriage in order to expose the traditional gender imbalances, and interrogate the male-privileging ideals. Deploying a qualitative research approach, 8 Focus Group Discussions (FGD) with men aged 25-55years and in-depth interviews (IDI) with 12 key Informants were conducted to elicit data. Transcripts of each FGD and IDI were analyzed and major themes were developed. The study adopted the scripting and radical feminism as theoretical underpinnings. The findings revealed that the prevailing socio-cultural context in which men live has tremendous impact on their perceptions on women's sexual rights and consent in marriage. Most men in the study understand sex in marriage as just one of the duties of a wife. Results also suggest that token resistance beliefs and alcohol consumption among men encourage forced sex. This study clearly shows that the issue of sexual coercion in marriage is fuelled by patriarchal control over women's sexuality and requires serious attention in the study area. We therefore recommend cultural reorientation and enactment of laws to deal with the issue of non-consensual sex in marriage.*

**Keywords:** Sexual agency, sexual coercion, consent, socialization, males' perception

### **Background**

There is practically no form of marriage that exists without sexual intercourse. Marriage, being the basis on which human reproduction rests (Okafor, 2018),

serves as an avenue for continuous sexual access by the husband and wife. In marriage, an individual gains sexual access in a much greater degree than people in other forms of sexual relationships such as dating or courting. In fact, the desire to satisfy sexual urge stand out among the major reasons people get married - to procreate, attain a certain social status, etcetera. Sex, as a matter of fact, functions to stabilize man's emotional, psychological and social conditions (Dixie, 2017).

Conventionally, sex occurs between two heterosexuals – although there are regular cases of bisexuality and homosexuality (Ajibade, 2013). This requires that one of the parties must make a request through overt or covert, deliberate or non-deliberate, conscious or unconscious actions that require the other to exhibit an attitude of approval or disapproval. Consenting to sex would then mean willingly agreeing to actively partake in a sexual activity with a partner. Thus, receiving and giving consent before or during any sexual encounter with a partner implies a sexual encounter is permissible. According to a 2019 report by Queen's University, sexual consent cannot be obtained through psychological or emotional manipulation, physical violence, or threat.

The world over, demanding for sex in all forms of sexual relationships appear to be consistently and perennially tied to the men, while the women seem to be tasked with permitting or consenting to it. These dichotomous views about who should demand sex and what should serve as consent have led to certain interesting findings. Dixie (2017) citing Randall and Haskell (1995) reported that out of 420 victims of rape, a husband or a boyfriend was the perpetrator in at least thirty percent (30%) of the cases. Also, in every ten cases of sexual assault, the perpetrator was known to the victim (Miller, Cohen & Wiersema, 1996).

In their investigation of violence against prostitutes in San Francisco, United States of America, Farley and Barkan (1998) discovered that eighty percent (82%) experienced physical assault, sixty-eight percent (68%) raped, and sixty-eight percent (68%) were traumatized. Consequently, sexual policies and laws emerged in the United States, Canada and other developed and developing countries to curtail incidences of rape and sexual assaults resulting from incomprehension or misconception of what sexual consent entails.

In Africa, some old traditions relating to sexuality persist even as there are some levels of sexual liberalization (Oloruntoba-Oju, 2010). In some societies, it is abominable for women to demand, let alone initiate sex as they won't want to be branded adulterous and sexually-addictive. The cultural configuration in these societies socialize women into believing that their role is to anticipate sexual advances from men, while they (women) covertly or overtly consent to these demands. Moreover, the patriarchal nature of these societies which allow men dominance over the economic, political and social institutions including the family clearly hands them the baton for deciding when sex occurs and how it should be practiced. It is without gain saying that in most marriages within traditional African societies, men call the shots in sexual matters – deciding when to have sex, the number of (female) partners/spouses to keep, the number

of children to have, and at what point to quit childbearing. In other words, men more or less control all of women's sexuality. This affirms to the submission of Oloruntoba-Oju's (2010) that many aspects of human sexuality in Africa are influenced by the traditional culture. However, the ever-increasing changes in cultural norms and values in many African societies has also carried with it waves of attitudinal changes, particularly in perception to sexual relations.

Generally, the role of sexual consent in transforming an unacceptable act into an acceptable one cannot be overemphasized. In marriage or any sexual relationship for instance, seeking and obtaining consent changes the nature of the sexual encounter from a sexual abuse or assault to a voluntary one (McGregor, 2013). In their study involving couples, Greene and Faulkner (2005) found that higher levels of sexual negotiations were reported by men compared to women. Also, couples who reported high levels of communication about sex were more likely to engage in discourse over sexual likes and dislikes. A great deal of other researches and discussions on sexual consent – most of which have been focused on the United States, Canada, Europe, and the United Kingdom have focused on perception of sexual consent in social contexts such as schools, bars, parties, inside the bedroom, text messages (Beres, 2007; Jozkowski & Hunt, 2013) and the social media (Jozkowski & Wiersema, 2015). However, not only have these investigations avoided the context of marriage, they have clearly overlooked the varying perceptions of males and females in the contexts that they chose. It is on that note that the researchers are set to examine males' perceptions of sexual consent within the context of marriage. The main objective of this current work is ascertain the perceptions of men towards marital rape in Benue State. Specifically, we set to identify some of the factors underlying the phenomenon.

Forcible sex in heterosexual marriage can take several forms, including battering rape, force-only rape and obsessive rape. Battering rape occurs where a wife experiences both physical and sexual assault in the marriage. Here the wife is battered during sexual intercourse or the rape follows some physical assault where the wife is forced to have sex without her consent. In these instances, the perpetrator uses physical force to cause injury such as cuts and bruise in and around the genitals. This category of forced sex in marriage appears to be very common. A study conducted by Adomako-Ampofo and Prah (2009) found that women are mostly beaten and raped when they say no to their husbands' sexual requests. This means that spousal rape does not occur in isolation.

In force-only rape, the assault comes only after the wife has refused to engage in sexual intercourse with the husband. Here, the amount of force used is just enough to coerce the victim. The perpetrator uses force to prevent the victim from escaping. The use of non-physical force such as intimidation, starvation, and denying of social and economic benefits to compel a woman to have sex falls under this category Westwell, C. A. (1998). Another form of marital rape is called obsessive or sadistic rape. This type of sexual assault involves torture and the perpetrators are more physically violent. Marital rape

in whatever form constitutes a betrayal of trust and the fundamental basis of the relationship between husband and wife.

Sexual assault and rape, or any kind of sexual aggression (including marital rape) crimes are issues of growing concern in all human societies in order to ensure sexual health. As such, many countries have enacted laws to check these crimes. For the purpose of the current paper, we will consider the position of the law on non-consensual intercourse between a husband and his wife, also known as spousal rape. In heterosexual marital relationships, this kind of rape occurs when one spouse (usually the husband) forces the other (usually the wife) to take part in any kind of sexual activity without the willing consent of the wife (Obidimma & Obidimma, 2015). According to international human rights standards, the absence of consent in a sexual contact between legally married couple makes it a criminal act punishable by law (Alsaker, Moen, Baste & Morken, 2018).

Under Nigerian law, sexual intercourse between a husband and his wife without her consent does not constitute the offence of rape. It is assumed that women give general consent to sexual intercourse with their husband following their marriage to each other. Therefore, no sexual intercourse between a husband and wife is unlawful. What this means is that, the Nigerian criminal jurisprudence does not recognize spousal rape as an offence. In this case, any sexual intercourse within marriage is considered lawful. This current paper opined that the “marital rape exemption” constitutes sexual abuse, violence against women and a violation of the sexual rights of women (Obidimma & Obidimma, 2015: 176).

### **Theoretical framework**

One global phenomenon that is affecting every aspect of the life of women is gender-based violence. In Africa and elsewhere, there seems to be an increase in sexual offences which is one of the manifestations of violence against women. Forced sex in marriage or marital rape affects the physical, emotional and psychological wellbeing of women (Acharya, Rajib, 2012). There is need, therefore, to employ some theoretical frameworks which explain forced sex and how people’s beliefs and actions are formed. This current study adapts the scripting theory and radical feminism as theoretical underpinnings to explain the perceptions of men in Benue State on seeking sexual consent and rape in marriage.

The theory of sexual script was developed by Gagnon and Simon in 1973 to explain how individuals learn about sexuality based on the scripts they are exposed to, and make connections between the sexual experiences and the social context (Brickell, 2006). Gagnon and Simon explained that human sexuality is socially constructed. From the Scripting perspective, people’s sexual behaviours in the society are scripted. In this study, scripting is considered as a suitable metaphor to explain and understand the perceptions and attitudes of men regarding sexual consent and spousal rape in marriage.

Another theory used in this study is radical feminism. The basic assumption underlying this theory is that throughout human history, women are violently and continually oppressed by the system of patriarchy which is a structure of male domination and inequality (Ritzer, 2008). The theory points to the social construction of gender as one of the underlying factors of spousal rape. In explaining rape or forced sex in marriage, the radical feminist perspective assumes that the act is about husbands' power and control over the wives. To the radical feminists, rape in marriage occurs due to the patriarchal system that empowers men to oppress and sexually dominate women.

### **Method**

This section gives a brief overview of the study area and explains the methods used in the field work and analysis of the data that was obtained. The current study was carried out in Benue State which is one of the States in North Central Region of Nigeria. The State is inhabited majorly by three ethnic groups, the Tiv, Idoma and Igede with rich cultural heritage. Benue State has 23 Local government Areas and shares common boundaries with Taraba State on the East, Nassarawa State on the north, Cross River State on the south, Enugu State and Ebonyi State on the southwest, and bordered to the West by Kogi State. The State shares an international boundary with the Republic of Cameroun.

This study employed an exploratory research design and inductive method of analysis to derive the findings (Gabriel, 2013). This is because there appear to be high level of ignorance about sexual violence in the study area. With the aim of generating an in-depth account that would present men's perceptions and opinions, qualitative research techniques were used for this study. Methods employed to gather data for the current study include FGD and Key Informant Interview (KII). We chose FGD because it enables participants to develop collective ideas and opinions on an issue. Also, KII was informed by the need to obtain in-depth personal views from people who are considered as opinion leaders within the study area.

In order to select a sample that is more likely to provide the needed information about the subject under investigation (Rubin & Babbie, 2001), purposive sampling technique was used to recruit 59 men aged 25-56 years for FGD and 12 key informants through the word-of-mouth approach. The authors established rapport with potential participants, introduced the study to potential participants and asked them whether they would accept to participate. What informed the selection of the age range was the assumption that most men within this age bracket are married and currently staying with the partners. Eight FGDs of between 6-8 participants were conducted by the two authors in suitable venues chosen and agreed upon by participants. Seven FGDs were conducted in English while one was conducted in Tiv which is the dominant local language in the study area. Each focus group session lasted between 1 and 1:30 hours. Also, all 12 key informants were interviewed in English. All participants' names as they appear anywhere in this work have been changed to

pseudonyms. The focus FGDs centred on participant's perceptions and beliefs regarding consenting and acquiring sexual consent in marriage.

The data for the current study was analysed thematically. The two authors made use of a collaborative method of analysis to make sense of the data. Data generated was translated (where applicable), transcribed verbatim and transcripts checked to avoid misrepresenting the views of participants. We did line by line coding of all the transcripts. Themes were developed as reported in the next section. The duration of the study was four months.

## Results and discussion

**Table 1: Socio-demographic characteristics of participants**

Characteristics	Number (N=71)	Percentage (%)
<b>Age group (in years)</b>		
25-35	11	15.5
35-45	25	35.2
45-55	35	49.3
<b>Educational level</b>		
No formal education	5	7.0
Primary education	6	8.5
Secondary education and above	60	84.5
<b>Marital status</b>		
Married/cohabiting	63	88.7
Divorced/widowed	8	11.3
<b>Occupation</b>		
Student	13	18.3
Salaried employed	41	57.7
Self-employed	3	4.2
Farmer	6	8.5
Others	8	11.3

**Source:** Field work (2020)

We obtained demographic data to describe the sample of men in our study. In total, 35 (49.3%) of participants were between the age group of 45-55. The educational level of most participants (84.5%) was secondary education and above. Most participants 63 representing 88.7% were married or cohabiting. Salaried employment was the dominant occupation (57.7%) among participants in this study.

### ***Being a man***

In Africa and elsewhere, cultural norms and values are defined and used by men to create gender inequalities. Such inequalities persist because of the patriarchal nature of our culture. The perception that being a man is what gives one automatic control over the sexuality of the wife in marriage was given by most respondents in this study. They indicated that, as heads of the family, the African culture gives men the authority over everything including the body and sexuality of the woman especially in marriage.

Being a man here means that you are in charge of everything. Yeah. It is the man that brings in the wife, brings in money to take care of the wife and children. The man is the boss [laughter]. The man therefore has the liberty to demand sex from his wife and she should cooperate. (*Henen, KII*)

This was also corroborated by participants from the Focus Group Discussion:

In every family, the man is the head and the owner of everything. Marriage in our culture puts the man at the top. So, if I want it [sex] badly and she refuses to give I may use little force. (*Barnabas, FGD*)

I think as a man I don't need any other sort of special consent. The woman is mine, I provide that same bed we sleep on. I'm in charge, this is simple and normal and it is not a new arrangement in our society. My wife is not the one to make decisions on when we should have sex. Any man that allows his wife to be the one taking such decisions is not man enough. (*Terkaa, FGD*)

Wives on the other hand occupy less privileged positions in such cultural arrangement. They are expected to allow husbands to control and rule over them. This cultural knowledge is gained through the process of socialization. Individuals first of all learn about sexuality at home and become aware of the cultural notions of femininity and masculinity. This influences their perception of forced sex in marriage as a conventional sexual behaviour (Searles & Berger, 1995). The husband is believed to have the right to sex in marriage.

Most respondents in this study expressed negative attitude towards the idea of waiting to get the consent of their wives before sexual intercourse. They felt seeking consent in the first place is a sign of weakness on the part of the man. We found that the issue of consent was generally regarded by men as a foreign concept that does not have a place in the African culture. Therefore, there is a feeling among men in the study area that women don't have any right to take decisions on sexual intercourse in marriage. This finding gives an idea into the root cause of forceful sex in marriage.

### ***Sex as a marital obligation***

Social expectation is crucial in understanding the position of men regarding seeking and obtaining sexual consent from their wives. During FGD majority of the participants felt that sex is one of the duties of a wife. This idea of sex being a core duty of a wife appears to have affected the perception of men regarding consent and forceful sex in marriage. To most respondents, a husband asking for sex is not actually a request that requires a yes or no answer, but a reminder for the wife to perform her duty. This position is captured in the following quotes:

When a man wants to have sex with his wife it is just like reminding her of her own obligation. A woman should be active on duty always. Sex does not take too much time. Again, I think there is nothing like rape when it comes to sex between husband and wife. I have never seen where taking what belongs to you is called a crime. The truth is, sex is what a wife should consider as a primary duty. No woman should wait for the husband to beg or force them. (*Adakem, FGD*)

Responding in a similar manner another participant had the following to say:

I don't see anything wrong about reminding someone to do what he or she is expected to do. I have a duty to provide for my wife and she also has a duty to allow me have sex when I need it. It is just a straightforward thing. No one should be found sleeping on duty [participants laughing]. There is usually a problem in the house whenever a woman refuses to have sex with her husband. That is why sometimes men end up forcing their wives. (*Chive, FGD*)

The perception of sex in marriage as a woman's obligation appears to be one of the reasons participants perceived it as a normal thing when a husband forces his wife for sex. Voices from the FGD suggest that forceful sex in marriage is trivial and less consequential and should be condoned by the women. One conclusion that can be drawn from the above responses is that men appear to confirm the existence of forced sex in marriage in the study area. Some key informants also acknowledged forced sex in marriage, does not defined it as a violation of the right of women and fail to perceive it as rape.

The truth is that some men force their wives to engage in sex but I don't want to say it is rape. They have reasons. This is not a serious matter and I would say the wife should just take it easy. She should not get people involved because it might end up breaking the marriage. (*Tsav, KII*)

I have never forced my wife to have sex when she is not willing but some men here do. But women hardly talk about their experiences which I can say it is good. There are things couples should manage in marriage. She does not have the right to say no, and it is a shame for a woman to report forced sex in marriage. (*Kusa, KII*)

This category of participants implored wives to condone forced sex in marriage in order to avoid marital breakup. Marital rape is very difficult to proof as this fact is likely to prevent women from talking about it talk more of reporting to



authorities to handle the issue. This means that perpetrators would always go unpunished while victims suffer the emotional and psychological pains. This again points to the fact that there is social control and dominance over females generally and wives in particular. Also, men in this study refused to consider forced sex in marriage as rape.

***The dangers of refusal***

Aside forcing their wives to have sex which was reported by some participants in this study, data show that men use different ways to punish their wives for refusing to have sex. One of the ways of punishing women is evident in the following quotes from one of the participants.

I have two [wives] so when you refuse, it takes a long time before you see me in your room. (*Geri, FGD*)

Researcher: Is that some form of punishment?

Respondent: Oh yeah, yes. I do that. Punish any of them so that next time you don't joke when I'm ready for it [sex]. (*Geri, FGD*)

It is interesting to know one of the repercussions of refusing to have sex with a husband. The two quotes above presented a situation where the man has more than one wife and sexual intercourse take place with each wife in turn. The implication is that a husband can skip a wife's turn as punishment. This again shows control and dominance over women. When a husband is denied sex, he pays back by denying the wife sex especially when he has an alternative. Using sex as punishment in marriage is likely to cause marital instability. Another respondent also talked about how he often punishes his wife when she refuses to have sexual intercourse with him.

I don't have the strength to fight over sex. It is my right as a husband but whenever she refuses I simply don't eat her food until we settle it [laughing]. I usually go out to eat and she is usually afraid that I might fall into the hands of another woman and she knows what that means. (*Kuruku, FGD*)

Why would my wife refuse to have sex with me? Maybe she is doing it [having extra marital affair] with another man. Refusing your husband sex is a serious offence [participants laughing]. If you don't give me [sex], I also won't give you money to buy what you need. Let's see how she would use the sex to buy things in the market. (*Jek, FGD*)

In most African societies and the Tiv people of North Central Nigeria in particular, women feel so bad when their husbands refuse to eat food prepared by them. It is an indication that the husband is seriously angry. The study found that some men use the 'food refusal' as a punishment when their wives refuse to have sexual intercourse. Another form of punishment is refusal by the husband to provide money for the wife. In most families, men have control of the family finances and may decide to give or refuse to give to other members of the family. Most participants in this current study endorsed this kind of punishment. This finding shows that women are not entitled to "no" within the marital context when it comes to sexual intercourse.

### ***Being under the influence of alcohol***

Research has found that alcohol consumption has influence on different aspects of human behaviour. We asked participant about their involvement in any kind of unwanted sexual intercourse and whether they were under the influence of alcohol or any substance. Findings suggest that men who use alcohol are more likely to ignore consent and engage in forced sex with their partners. Data from both key informant interviews and focus group discussions indicate that alcohol consumption by the husband has influence on unwanted sexual activity within marriage. This is evident in the following quotes;

There are several instances in my community where husbands who consume alcohol end up forcing their wives to have sex. Such husbands usually come home very late at night and don't care to know if the woman is tired or had a very bad day [.....] A woman that is overwhelmed with house chores might not be ready for sex. (*Iorhon, KII*)

As a priest, I settle a lot of cases between couples. And you find that sometimes women's refusal for sexual activity is not taken serious by the husbands especially when they [husbands] take alcohol before that time. (*Jehu, KII*)

Forced sex induced by the consumption of alcohol by the perpetrator was also reported by participants during focus group discussion;

It [forced sex] happens when I am very high [intoxicated] and really wants to have sex and she is refusing or delaying [.....]. Again, it [wife's refusal] makes me to start thinking she is seeing another man. (*Zahan, FGD*)

Sometimes they say no but if you try to force they accept to have sex. Women are like that. I mean they may say "stop it" but they don't actually mean No. So, when I'm seriously in need of it [sex] I just go ahead. (*Ngusha, FGD*)

The above data show that drinking alcohol by husbands increases women's risk of being forced to have sex in marriage. This finding suggests that sexual coercion in heterosexual marriage is also caused by external factors including the use of alcohol and drugs. One of the problems with marital rape induced by alcohol consumption is that such scenarios are likely to repeat. A victim of spousal rape is likely to suffer physical injuries because the husband is under the influence of alcohol. From a radical feminist perspective, forced sex in marriage can be seen as the outcome of Sex Role Socialization where men are socialized to be dominant and sexually aggressive. Another issue as seen in one of the quotes above is that sometimes a woman's refusal to have sex with her husband raises suspicion of infidelity on the part of the wife.

Additionally, it was found that men sometimes misinterpret refusal. This communication problem often leads to a man taking a woman's refusal to consent for token resistance. The concept of token resistance refers to the belief that women (and not men) typically refuse to engage in sexual intercourse even when they actually intend to participate in the activity (Shafer, Ortiz, Thompson, & Huemmer, 2018). This understanding is fuelled by traditional sexual scripts. The present study found that token resistance beliefs in the study area is a factor associated with men's negative perceptions and misunderstanding relating to sexual consent communication in marriage.

#### ***Limitations/Implications of the study***

Despite the significant findings, the current study has some limitations. One limitation of this study is that participants from rural areas were not included and as such the findings should not be generalized to the whole of Benue State. In order to counter the limitation, those who reported growing up in rural areas were asked to reflect and say if they had different views on the issue of marital rape while growing up. Also, this study concentrated strictly on married men. Further studies should include unmarried men to see how their perceptions may differ.

This study has potentially important implications for interventions by policy makers aimed at ensuring women's sexual health, sexual right and sexual agency, and changing men's attitudes towards sexual violence.

#### ***Conclusion/Recommendations***

This study has found that some men in the study area totally disregard the agency of women especially as it relates to their bodies and sexualities. Some men in this study reported involvement in unwanted sexual intercourse with their wives. The study's findings also suggest that a wife's refusal to give consent for sex raises a suspicion of infidelity. The phenomenon of marital rape is influenced by the social construction of female sexuality among a people and has implications for sexual and reproductive health of women. Men's attitudes about forced sex in marriage are scripted and shows how men hold power over the sexuality of women. Government and non-governmental organizations should initiate educative programs seeking to improve and

ensure healthy sexual consent communication among couples in Nigeria for better sexual health. Such programs should specifically address token resistance fallacies and male domination.

Specifically, the study makes the following recommendations:

1. The study recommends that government and Non-governmental organizations should engage in aggressive campaigns against all kinds of gender based violence and gender inequality that perpetuate sexual abuse.
2. There should be enlightenment programs organized by religious bodies in conjunction with community leaders to enable men understand the negative effects of forced sex generally and marital rape in particular.
3. Appropriate laws should be made to protect women against marital rape and punish perpetrators. Spouses should be allowed by Nigerian laws to initiate court actions against one another when sexually assaulted.
4. Also, Nigerian women should be encouraged to speak out when forced sex occurs in marriage and report same to appropriate authorities for necessary action.

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