

# RAPE AS A SOCIAL VICE: THE TRAUMA AND IMPLICATIONS

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## **Abstract**

*The paper focused on the issue of rape as one of the social vices in our society. It addresses the causes and effects of rape and the position of the law on rape. The paper also examined rape as an instrument of revenge and highlights the efforts made by the Nigerian Government, United Nations and Humanitarian bodies to reduce or better still stamp out the menace from our society. A conclusion was drawn and recommendations made as to how rape issues should be handled by the victims, the government and the society, having known that rape is both physically and emotionally damaging. There is a call for the public to be enlightened and to be made aware of the laws of the land concerning this issue of rape.*

**Key Words:** Rape, Effect, Causes, Social vices, Society.

## **Introduction**

Rape is one of the numerous social vices that contribute to making life unbearable, hard and unstable. It is experienced in our societies for centuries now. Rape cases have been on the increase every passing day.

According to Lyness as cited in Abejide (2007), Rape is defined as unlawful sexual activity, most often involving sexual intercourse, against the will of the victim through force or the threat of force or with an individual who is incapable of giving legal consent because of minor status, mental illness, mental deficiency, intoxication, unconsciousness, or deception. In some quarters, the case of rape has been classified under that of sexual assault.

Over the centuries, the legal definition of rape has changed substantially. The original traditional definition was seen to be too narrow with respect to both gender and age. Then, rape was an act of sexual intercourse by a man with a woman against her will. Presently, a rape victim may be an adult of either gender – male or female, or a child.

Although rape can occur in same-sex intercourse, it is most often committed by a man against a woman. Nowadays, there is an increasing tendency to treat as rape an act of sexual intercourse by a husband with his wife against her intention as well as the issue of forced prostitution and sexual slavery.

The United States of America's Department of Justice in 2012 adopted a new definition of rape to be used in the Federal Bureau of Investigation's Uniform Crime Reporting Program that better reflected the State Criminal Codes and the experiences of rape victims. This new adopted definition states that, "rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim".

Rape, sometimes also called sexual assault, can happen to both men and women. No matter how it happened, rape is upsetting. People who have been raped need care, comfort, protection and healing.

A rape victim might feel humiliated, frightened, angry, degraded, numb, or confused. It is also very normal for someone who has been raped to feel ashamed and embarrassed. Some victims withdraw into isolation, away from friends, family and acquaintances; while others who feel depressed, anxious and nervous do not want to be alone. They need company and assistance mostly caused by emotional fear when remembering the particular incidence (Bliss, 2004).

Mustapha (2011) is of the view that it can be hard to think or talk about a frightening experience, especially something as personal as rape. Most people who have been raped sometimes avoid seeking help because they are afraid that talking about it will bring back the memories or feelings that are too painful. Giwa as cited in Mustapha (2011) sees this to do more harm than good. Edegheudim (2012) says talking about rape in a safe environment with the help and support of a trained professional is the best way to ensure long-term healing. Working through the pains sooner rather than later can help reduce symptoms like nightmares and flashbacks. It can also help people avoid potentially harmful behaviors and emotions like major depression and self-injury.

### Causes of rape in the society

Rape is defined and accepted to be an unlawful sexual activity, most often involving sexual intercourse against the will of the victim through force or the threat of force, or with an individual who is incapable of giving legal consent because of minor status, mental illness, mental deficiency, intoxication, unconsciousness, or deception. Rape has generally been classified under sexual assault (Lyness, 2009). Although rape can occur in same-sex intercourse, Abejide (2007) says it is most often committed by a man against a woman. He went further to say that there is an increasing tendency to treat as rape an act of sexual intercourse by a husband with his wife against her intention as well as the issue of forced prostitution and sexual slavery.

Some people place blames about this dastardly act on the rape victim's actions which include indecent and immodest dressing – exposure of delicate part of the body (Kelly 2010).

Sometimes, a rapist will try to exert even more power by making the person who is being raped feel like it was actually his or her fault (Mustapha 2011). A rapist may use words like, “you asked for it” or “you wanted it”. This is just another way for the rapist to take control. The truth is that what a person wears, what a person says, or how a person acts is never a justification for rape (Jim, 2010).

Rape was long considered to be caused by unbridled sexual desire, but it is now understood as a pathological assertion of power over a victim. Kelly (2010) and Mustapha (2011) agreed that no one has the right to have sex with any other person against his or her will. Many are also in agreement that the blame for a rape lies solely with the rapist. Most areas have local rape hotlines that can give immediate help when contacted. The victim, because of the emotional trauma may want to have a friend or family member to go along for support, especially if the victim feels upset and /or unsafe as the case may be. Rape crises centres also provide advocates (Kelly 2010), who can go along with the victim.

Kenton, Bliss and Henry (2009) agree that the psychological motivations of rapists are more complex nowadays than was formerly thought. These include the desire to punish, to gain revenge, to cause pain, to prove sexual prowess, and to control through fear.

Kelly (2012) observed that rape is often explained or excused as a manifestation of racial, ethnic and class hatred or as stemming from a patriarchal system in which women are viewed as the property of men. Whatever its origin, rape is a serious crime and it is treated as felony in most countries with common-law systems; a point that is also shared by Idris (2014). In many rape trials, the guilt or innocence of the accused hinges on whether or not the victim consented to the sexual intercourse.

The rape of women by soldiers during wartime has occurred throughout history. Pollark (2001) and Umaru (2004) shared the same view that for quite a long time rape had been seen as an unfortunate but inevitable accompaniment of war –the product of the prolonged sexual deprivation of troops and insufficient military discipline.

Whatever is the reason attached to committing rape, it is viewed to be a crime against humanity (Kelly, 2012). It is dehumanizing, physically damaging and emotionally traumatic. (Useni, 2016).

### **Effect of rape and its implications**

It is a well known fact that rape is forced and unwanted sexual act. It is about power, and not sex. Neither is it love-making. A rapist uses actual force, or violence or threat to take control over another human being (Goldenberg & Goldenberg, 2003), a point, that is corroborated by Useni (2016). Some rapists use drugs to take away a person's ability to fight back. Rape is a crime whether the person committing it is known or unknown, stranger, a date, an acquaintance or a family member.

Rape is not just about the physical damaging, it can be emotionally traumatic as well. The right emotional attention, care and support can help a victim begin the healing process and prevent lingering problems later on (Useni, 2016). As earlier stated. Nord, Brimhall and Neird (2009) opined that someone who has been raped might feel a lot of things ranging from humiliation, anger, degradation, numbness and nervousness as well as being frightened and confused. Others because of what has befallen them feel ashamed and embarrassed. They may decide to withdraw from family and friends and live a life of isolation, feeling depressed (Bliss, 2004). Sometimes, the feelings surrounding rape may show up in physical ways, such as trouble-sleeping or eating. It may be hard to concentrate in school if the victim is of school age. Other daily activities are also affected. Sometimes the victim may feel like he or she will never get over the trauma of rape (Ekeson, 2009). That is what experts and professionals would refer to as "rape trauma" (Bliss, 2004). The best way to work through them is with professional help and advice.

Mustapha (2011) and Bliss (2004) advise that for proper examination to be conducted and for a better result to be attained, the victim should immediately seek for medical attention without changing the clothes worn during the intercourse, showering, douching, or washing, a fact that has been corroborated by Edeghudim (2012). The authors later noted that it can be hard not to clean up, of course since it is a natural human instinct to wash away all traces of a sexual assault. But he viewed that being examined right away is the best way to ensure the

victim gets proper medical treatment. Government of so many countries with assistance from the United Nations provides trained professionals, counselors and other social workers who will listen while the victim narrates what happened. Edegheudim (2012) is of the view that talking to a trained listener can help the victim begin to release some of the emotions probably felt for the victim to start feeling calm and safe again. The counselor may also talk about medical examination and what it involves. Each State or jurisdiction has different approach and requirements which may include, according to Edegheudim (2012):

- Treatment of a female victim against unwanted pregnancy
- Internal medical examination to check for any injury that might be caused during the rape.
- A medical professional or a trained technician might decide to take samples of the rapist's hair, skin, nails, or bodily fluids from the cloths or body of the victim.
- If the victim was given a rape drug, a doctor or technician can test for this too. It should be known that this toxicology test covers any and all illegal drugs.

It is an established fact that every rape survivors works through his or her feelings differently. Some people feel at home talking one-on-one with a therapist. Others find that joining a support group where they can be with other survivors helps them to feel better, get their power back, and move ahead with their daily activities. According to Uye (2010), in a support group, you can get help and support as well as give it. One's experiences and ideas may go a long way to help others.

The psychological reactions of victims, according to Kelly (2010) also vary but usually include feelings of shame, humiliation, confusion, fear and rage. Victims always report a feeling of perpetual defilement, an inability to feel clean, an overwhelming sense of vulnerability, and a paralyzing feeling of lack of control over their lives. Kenton (2009) has it that many are haunted by fear of the place in which the crime occurred, or being followed, or of all sexual relationships. He went further to say that others experienced a long-term disruption of sleep or eating patterns or an ability to function at work.

Meanwhile, it must be ascertained that the duration of the psychological trauma varies from individual to individual; many feel the effects for years, even with considerable supportive therapy (Henry, as cited in Kenoly 2007). Furthermore, in view of the great psychological harm rape causes, many psychologists regard as a form of torture – a permanent mutilation of individual's life. In addition to these psychological effects, Kenoly (2007) stresses that in some societies victims of rape face the danger of ostracism or even death at the hands of relatives who seek to preserve their family's honour.

### **Rape and the law**

It is a well established fact that rape is an unlawful sexual activity. No wonder in 2012 the US Department of Justice adopted a new definition of rape, to be used in the FBI's Uniform Crime Reporting Program, that better reflected the State Criminal Code and the experiences of rape victims. By that definition, rape is "the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim". Idris (2014) says that the determination of consent often can lead to distressing, humiliating and embarrassing cross-examinations of

rape victim in court. He went further to say that, as a result of this, many rape victims chose not to report the crime to the police or refuse to press charges against their assailants. Even when brought to trial, those charged with rape have a higher-than-average rate of acquittal, mainly because it is difficult to prove a crime for which there are usually no third-party witnesses and because the testimony of women often may be given less credence than that of men.

Rape is thus both underreported and underprosecuted. Hallmark (2000) then says to protect women from this distressing, humiliating and embarrassing cross-examination, many jurisdictions have adopted rape shield laws, which limit the ability of the defendant's counsel to introduce the accused sexual history as evidence.

Some countries according to Hallmark (2000) and Nigeria in particular have set certain age limit which an individual may give effective consent to sexual intercourse at between 14 and 18 years of age; while in some countries it is as low as 12 years. Sexual intercourse with a person below the age of consent is called statutory rape, and consent is no longer relevant. The term statutory rape especially refers to the legal proscription against having sexual intercourse with a child or any other person presumed to lack the comprehension of the physical and other consequences of the act. The term statutory rape may also refer to any kind of sexual assault committed against a person above the age of consent by an individual in a position of authority (Pollark 2001) e.g; employers, teachers, clergy, doctors, and even parents. Umaru (2004) while expressing his view, stresses that statutory rape always leaves the victim with long-term psychological and physical damage, including sexually transmitted diseases (STD) and sometimes the inability to bear children.

In the Nigerian judicial system, the crime of rape has been subsumed under that of sexual assault. Rape was long considered to be caused by unbridled sexual desire, but it is now understood as a pathological assertion of power over a victim. Rape is often explained or excused as a manifestation of racial, ethnic, and class hatred or as stemming from a patriarchal system in which women are viewed as the property of men (Idris, 2014). In many rape trials in Nigeria, the guilt or innocence of the accused hinges on whether or not the victim consented to sexual intercourse. The determination of consent often can lead to distressing cross-examinations of rape victims in court. To protect women from this humiliating cross-examination, there is what is known in the Nigerian legal system as 'rape shield laws' which limit the ability of the defendant's counsel to introduce the accuser's sexual history as evidence (Idris, 2014).

### **Rape as an Instrument of Revenge**

The rape of women by soldiers during wartime has occurred throughout history. Pollark (2001) and Umaru (2004) shared the same view that for quite a long time rape had been seen as an unfortunate but inevitable accompaniment of war—the product of the prolonged sexual deprivation of troops and insufficient military discipline.

Its use as an instrument of revenge and weapon of war according to Umaru (2004) was gruesomely demonstrated during World war II, when both the Allied forces and the Axis armies committed rape as a means of terrorizing enemy civilian populations and demoralizing enemy troops. Two of the worst examples were the sexual enslavement of women in territories conquered by the Japanese army and the mass rape committed against

German women by advancing Russian soldiers. Emeka (2009), while reviewing issues of the Nigerian –Biafra Civil war, saw both sides employing rape of innocent but vulnerable civilians as instrument for revenge. Recently, sexual violence is one major instrument used by the dreaded Boko Haram insurgents and the Islamic State in Iraq and the Levant (sometimes called ISIL or ISIS) to terrorise civilians in their captured areas (Umaru, 2004).

In the second half of the 20<sup>th</sup> century, cases of rape were documented in more than 20 military and paramilitary conflicts. In the 1990s, rape was used as an instrument of ethnic cleansing in the former Yugoslavia and as a means of genocide in Rwanda. In the former case, women belonging to subjugated ethnic groups were intentionally impregnated through rape by enemy soldiers; in the latter cases, women belonging to the Tutsi ethnic group were systematically raped by HIV-infected men recruited and organized by the Hutu-led government (Umaru, 2000).

In the late 20th century, in part because of the prevalence of rape in the Balkan and Rwandan conflicts, the international community came to recognize rape as a weapon and strategy of war, and efforts were made to prosecute such acts under existing international law. The primary status, Article 27 of the Geneva Convention relative to the protection of civilian persons in time of war (1949), already included language protecting women “against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault”.

This protection was extended in an additional protocol adopted in 1977. In 1993 the United Nations (UN) Commission on Human Rights (replaced in 2006 by the UN Human Rights Council) declared systematic rape and military sexual slavery to be crimes against humanity as violations of women's human rights. In 1995 the UN's Fourth World conference on women specified that rape by armed groups during wartime is a war crime. The jurisdiction of the international tribunals established to prosecute crimes committed in the conflicts in the former Yugoslavia and Rwanda both include rape, making these tribunals among the first international bodies to prosecute sexual violence as war crime. In a landmark case in 1998, the Rwanda tribunal ruled that 'rape and sexual violence constitute genocide'. The international crime court, established in 1998, subsequently was granted jurisdiction over a range of women's issues, including rape and forced pregnancy. In a resolution adopted in 2008, the UN Security Council affirmed that 'rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide”.

In 2008 the government of Congo (Kinshasa) and various international organizations increased efforts to combat the country's rape crisis - the continuing use of rape on a massive scale by all sides in the brutal civil war that had begun in 1998. Instruction in forensic techniques and construction of courthouses, legal clinics, and prisons subsequently yielded a substantial increase in arrests, prosecutions and convictions in Congo. The crisis and its victims - by then more than a quarter of a million women and girls, by some estimates - were documented in the 2008 film, 'The Greatest Silence' by filmmaker Lisa Jackson.

In 2009 UN Officials and several human rights and aid organizations, including Human right Watch and Oxfam, reported a large number of rapes of males in eastern Congo. The attacks, estimated in the hundreds, were believed to be in retaliation for joint operations between Congo and its former rival Rwanda.

## CONCLUSIONS/RECOMMENDATIONS

The paper examined the issue of rape cases in the society; how it affects the victims in particular and the society in general. It also goes a long way to ascertain the extent of damage done in the lives of the victims, the experience, and the society.

It was discovered that it is an experience no one would want to have a second time; because no matter how it happened, rape is upsetting. It was also discovered through the eyes of the law that rape is a crime, against the individual and the society, whether the person committing it is a stranger, a date, an acquaintance, or a family member.

The paper also portrayed that rape is not just physically damaging, it can be emotionally traumatic. Though the psychological motivations of rapist are more complex, the truth is that no one has the right to have sex with another against his or her consent as such the blame for rape lies with the rapist.

It was further highlighted that the society, Government, Human Rights Organization and the United Nations are alert over Rape - a societal vice that affects the individual, society and the Government. No wonder they are making concerted efforts in numerous ways either to stamp the menace out of the society completely or drastically reduce its activities.

It is therefore recommended that

- The victims should seek immediate medical attention as well as reporting the case to law Enforcement Agents for proper documentation, treatment and a follow-up to bring the culprit to book and normal course of the law taken.
- The Government should make laws and establish proper jurisdiction to protect its citizenry against this dastardly act.
- Our law courts should show professionalism in handling such cases to serve as a warning to a would-be rapist.
- There should be enough enlightenment in the society as well as sensitization workshops for the public to know that rape is a crime against humanity, the society and the government. The citizenry should be made to be aware of the laws of the land concerning this issue.

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