

**EXPLORING FACTORS LEADING TO THE JUSTIFICATION OF MARITAL
RAPE AMONG GHANAIAN-CANADIAN MARRIED WOMEN**

by

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ABSTRACT

Canada implemented Bill C-127 to eliminate sexual assault against wives in 1983, while Ghana criminalized marital rape in 2007. Although Ghana was late in establishing the Domestic Violence Act, which eliminated the idea that husbands can rape wives, there has been little to no legal report of marital rape in Ghana. This study explored the experiences and perceptions on the factors that lead to the justification of marital rape among Ghanaian-Canadian women. The study adopted a qualitative research approach and a descriptive case study design. The general research question was: What factors influence the justification of marital rape as perceived and experienced by Ghanaian-Canadian married women?

A purposeful sampling procedure targeted Ghanaian-Canadian women living in Canada. A total of twenty (20) highly educated women participants within the ages of 28-63 were identified. A case study was pursued using semi-structured interviews. Telephone interviews were conducted with all the participants. The methods of data analysis of the interview data involved transcription, categorization, and coding for major themes. Major themes identified as factors that influence the justification of marital rape include the following: lack of confidence in the Ghanaian judicial system, exaggerated ideas of the effectiveness and ruthlessness of the Canadian judicial system in dealing with marital rape, economic instability, and women's immigration status. Hence, one major factor that helped achieve these findings was the comparative approach the participants identified by relating the Ghanaian society to their host country, which helped to examine differing influences of the identified themes.

Ethical consideration to confidentiality and anonymity are demonstrated in this thesis with pseudonyms used for the participants in the discussion of the findings. The thesis concludes with vital recommendations such as the need for further research to uncover the factors leading to the justification of rape from diverse religious and non-religious groups and tribes of diverse nationalities living in Canada, and further research to investigate the support

services available within Canada's provinces and their response to domestic violence, especially with women of colour.

Keywords: Marital Rape, Ghana Marital Rape, Domestic Violence Act, Canada's Bill C-127, Reproductive Rights, Sub-Saharan Africa, Case Study, Qualitative Research.

DEDICATION

I dedicate this work to all the strong mothers out there who strive for the best for themselves and their families. AYEKOOO!!!

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My sincere gratitude goes to my Almighty Creator for his numerous blessings, protection, and guidance for making the project a success.

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CHAPTER ONE

Introduction

In Ghana, as in many African countries, traditional and cultural norms strongly influence the status of women. Cultural practices have become an impediment for women to attain political and social independence. A recent study stated, “In Ghana, there are specific practices which negatively affect only women. These practices are enforced and sustained by custom, even though most of the distasteful laws promoting gender inequality and the suppression of women have been changed” (Dowuona-Hammond, Atugugba & Tuokuu, 2020, p. 7). According to this author, legislation is sometimes inefficient in eliminating the harsh reality of the discrimination women face in Ghana.

For the most part, the Ghanaian setting is characterized by marital relationships that involve violence against women, leading most married women to accept abuse in their marriage as normal (Tenkorang, Yeboah, Owusu & Bannerman, 2013). Upholding the sexual reproductive rights of women in Ghana is considered a challenge within the marriage system. For example, the apparent low incidence of domestic violence from 1999 to 2001 was attributed to the unwillingness of affected persons to complain of domestic violence to the Women and Juvenile Unit (WAJU) (Dowuona-Hammond et al., 2020). The objective of this study is to investigate the significant perceived reasons leading to the justification and toleration of marital rape, which inhibits the sexual freedom of married women in Ghana and may also affect women living in Canada.

Background of Study

In 1997 violence against women was identified as an urgent area for research in Ghana; even though there have been many tragic stories of Ghanaian women being violated in numerous forms, there was a lack of evidence to confirm these allegations (Ardayfio-Schandorf, 2005). According to the writer, empirical data were needed to serve as convincing proof for lawmakers to enforce laws to curb violence against women. Indeed, a 1998 national survey found that “violence is a reality for a substantial number of women” (Archampong, 2010, p.6). In addition, the same survey found that seventy-eight percent (78%) of its respondents reported that wife-beating was a common practice in their society, while other violent acts against women were identified in the survey, including defilement, rape, widowhood rites, forced marriages, and Female Genital Mutilation (FGM) (2010, p.6).

Surveys regarding rape have rendered variable data. In the 1998 national survey, when respondents were asked if they had experienced forced sex, only eight percent (8%) of the female respondents agreed that they had been coerced into sex, a relatively low number compared to global reports. At the same time, 5% of the men who were surveyed admitted to having raped their wives or girlfriends (Archampong, 2010). On the other hand, another survey conducted in 1999 (the following year) found that 20% of female respondents claimed that their first sexual experience was forced, while 33% of the women indicated that they had been sexually touched against their will (Archampong, 2010, p.7). Another nationwide study reported in a news broadcast confirmed that 28% of women confirmed that they had been raped in their marriages (Adodo-Samini, 2017). In all the reported studies, rape cases were never reported to the authorities (Archampong, 2010). Based on the above statistics, the number of women reporting forced sex increased after 1999.

Through the assistance of international organizations such as the Convention on the Elimination of Discrimination against Women (CEDAW), the International Convention on

Economic Social and Cultural Rights (ICESCR) sought to promote women's reproductive rights and development (Gentholtz, 2011). These efforts led to the urgent shift among most African Union member states to disenable conditions that prevented women from achieving their reproductive rights (Kaburi, 2018). Ghana made good progress towards confronting violence against women by implementing the Domestic Violence Act-737 in 2007 (The Parliament of Republic of Ghana, 2007). The marital rape law was one of the many laws enacted to promote women's sexual freedom in marriage. However, a decade after the law was passed, there was no evidence from the Domestic Violence and Victims Support Unit and the police on marital rape charges (Adodo-Samini, 2017). There is no reasonable doubt that certain factors are inhibiting Ghanaian women from speaking out their concerns publicly.

In view of this, the participants in this study pointed out various problems relating to the Domestic Violence Act and why these laws may pose a threat if marital rape cases were reported. Participants shared their concerns that although the existence of the law is a good way of pushing women's rights into the forefront of public discourse, it can also be detrimental to the social and cultural wellbeing of women irrespective of their social background. Hence, these legal frameworks can be a blessing but, at the same time, might not serve the intended purpose to promote and empower women's intersectional rights.

Statement of Problem

The researcher cannot categorize marital rape as inexistent within Ghana, because previous global research has uncovered the ubiquity of marital rape, women's opinions and records on marital rape abuse, and its adverse effects, all of which helped to throw light on sexual abuse in marriage (Russell, 1990). In Ghana, the survey conducted in 1998 and 1999 by

Archampong (2010) revealed a substantial number of statistics from both men and women who are perpetrators and victims of sexual violence.

Despite these statistics, action on domestic violence and marital rape have been slow, and not addressed as expected and required. For example, in 1997, eight NGOs, the Trades Union Congress (TUC), and the Gender Studies and Human Rights Documentation Centre (GSHRDC), entered partnership “to initiate social science research on violence against women and children in Ghana” (Dawuona-Hammond et al., 2020, p.5). The objective was to provide evidence of domestic violence as a serious societal problem. As a result, the GSHRDC extended its research through education, consciousness raising, and support service activities, which led to the establishment of a Bill to combat domestic violence. However, the Bill’s effectiveness was set back by the government, in part because “[t]he memorandum and the proposed bill itself were quite androcentric and failed to recognize the reality that the majority of domestic violence victims are women” (2020, p.5). In addition, “another problem was that the range of solutions to curb the high domestic violence rate in the draft Bill was limited and biased toward nonpunitive remedies” (2020, p.6). This means that even where some consequences are invoked the punishment does not fit the crime. The authors indicated that the laws of Ghana have failed in seeking equality for women in their marriages or considered matters of spousal rape against women as superficial even after the Domestic Violence Act was passed in 2007. Therefore, the researcher anticipated that the low number of statistics reflected the failure of the government to respond effectively to spousal rape issues and the lack of seriousness attributed to spousal rape within the country generally. Thus, aside from the inefficiency of the law in seeking justice for women, the researcher wished to investigate the dominant factors that discourage married women from reporting rape against their husbands as perceived and possibly experienced by the participants of the study and as reported in the literature.

Research Question, Purpose of the Study and Significance

The primary research question is: *What factors influence the justification of marital rape among Ghanaian-Canadian married women as perceived/experienced by the study participants?* The primary objective of this research was to explore an understanding of the factors contributing or leading to the justification of marital rape among married Ghanaian women. An additional purpose is to “get findings by analyzing a number of individual instances in order to arrive at a more general knowledge” (Brinkhman, 2013, p. 117). The secondary purpose of the study aimed at contributing to the gap in literature in domestic violence as marital rape amongst African women in general and Ghanaian women in particular. The aim is to examine and analyze the dominant factors that play a role in the justification of forced sex in marriage among Ghanaian-Canadian women.

In the initial stages of this research, the researcher established through the literature three plausible causes inhibiting women from reporting spousal rape to authorities. These three factors consisted of religion, economic dependence, and cultural practices. However, the study’s finding led the researcher to uncover data that contrast with other scholars’ research findings. First, the present study did not find that religion was a major factor leading to the justification of marital rape as reported by previous researchers. The study found that participants who were mainly Christian did not subscribe to the notion that religion was to blame for the conservativeness of wives to report rape in their marriages. Instead, most participants cite the benefit of religion towards the success of a marriage. The researcher believes that participants’ high intellectual capabilities and exposure to 21st-century western lifestyles influenced this finding. Thus, theological conservatism does not influence all Ghanaian women and may be particularly weak among highly educated women in the diaspora.

The study’s novel approach of interviewing Ghanaian women immigrants in Canada overcame the focus on tribal affiliation since Ghanaian women in Canada have many tribal

origins. This alleviated highlighting tribal stereotyping and elicited new perspectives because of women's greater willingness to participate in the research. Studying Ghanaian-Canadian married women helped uncover new ideas that may be peculiar to migrants, such as exaggerating the effectiveness of Canadian laws and the extreme fear of and/or respect for the Canadian justice system. Thus, the study does not only add to the growing body of knowledge on marital rape, but also will serve as a resource for further research, raise awareness, and positively impact social policy change and further advocate for women, particularly Ghanaian women in general and those resident in Canada in particular.

Organization of study

This study was structured into five chapters. The first chapter provides an overview of the background of the study, the statement of the problem, the general research question, the purpose and significance of the study. The second chapter provides a review of literature related to the topic and of primary and secondary resources such as the Ghanaian and international legal framework on domestic violence against women and girls, the theoretical explanations of marital rape, marital rape in global context and in Sub-Saharan Africa respectively, and marital rape in Ghana and explanations of the lack of reports. The third chapter explains the research methodology, capturing the methods of data collection, analysis, and ethical considerations of the study. The fourth chapter presents the findings and discussions of the study, while the fifth chapter presented the thesis summary, recommendations, and conclusion.

CHAPTER TWO

LITERATURE REVIEW

Introduction

This chapter reviews the literature on marital rape globally, in Sub-Saharan Africa, and specifically in Ghana. Historically, marital rape gained recognition through feminist campaigns that drew attention to the damaging effects of rape in marriages on women (Russell, 1990). Previously, marital rape was not acknowledged in many states. For example, the “Hale theory” of the 17th century by Sir Matthew Hale transmitted the idea that a man cannot rape his wife (Ibrahim, 2016; Pracher, 1981). The theory implied that when a woman and a man consent to marriage, both parties have consented to sex, consent which could not be revoked. Therefore, the passage conveyed marital rape immunity, which influenced many countries to pay less attention to sexual violence within marriages. Marital rape exemption laws were supported by religious teachings that encouraged states to hold onto the belief that husbands could not rape their wives (Chi, 2016).

Rape is forced nonconsensual vaginal, oral, or anal penetration (Yllo & Torres, 2016). Since marital rape comprises diverse meanings, this paper will be limited to forced vaginal, oral, or anal penetration within heterosexual marriages. In other words, marital rape is defined as forced vaginal, anal, or oral penetration committed against a spouse by the partner within the marriage sphere (Russell, 1990). Furthermore, marriage within a heterosexual context will be defined as a union between two individuals, where all the necessary ceremony has been performed and recognized as the legitimate ritual within a particular society. Therefore, this literature review concentrates on marital rape within heterosexual marriages.

Theoretical Explanations of Marital Rape

Conjugal Rights and Women's Reproductive Role

As detailed in Chapter One, marriage conveys an unequal division of labour, child custody, domestic duties, and, importantly, sex. According to Moser (1993), there are three primary roles and responsibilities of women. These are the productive, community, and reproductive roles. The reproductive function is the most emphasized and dominant role in every woman's lifetime. Women's role emphasizes the biological ability to reproduce and nurture children. The above assumption of womanhood is grounded in the gender ideologies that define men and women as contributors to society. This ideology is an important way of emphasizing roles in marriage, as expressed in the household codes.

Household codes are entrenched and emphasized through major social institutions by supporting the meaning and comprehension of how men and women function in any given society (Basile, 1999). The moment a woman gets married, she has given herself to the rules that dictate the family and community's maintenance at large. Therefore, consent in marriage is a permanent or irrevocable part of the marriage construct (Mwambene & Kruuse, 2018). Consequently, it is unacceptable when a woman does not want to pay her due portion of the bargain when she refuses to have sex with her husband (Bergen & Bukovec, 2006). According to Randall, Koshan and Nyaudi (2017), a man's conjugal rights traditionally include the right to have sexual intercourse with his wife regardless of whether she consents. This right has been recognized in constitutional laws, intimate partner relationship codes, culture, and religion. In light of this, when the entitlement is challenged, a significant percentage of men use violence to ensure the wife submits to the marriage standards (Bergen & Bukovec, 2006). The writers found that 53% of men in their study sample—men who enrolled in a program for abusive partners—used force or pressure to have sex with their partners.

Gender Ideology and Women's Inequality

Gender ideology, according to Davis and Greenstein (2009), refers to attitudes, beliefs, or representations of the underlying concepts, which are social and psychological perceptions about women and men regarding their domestic and employment responsibilities. Thompson and Bennet (2015) define gender ideology as a body of customary and prescriptive social norms that stipulates the idealized masculine and feminine performance in any social relation. Therefore, gender ideology is the socialized sanction of rules that determine roles specific to a particular gender (Thompson & Bennet, 2015).

In addition, Butler (1990) defines gender ideology as having a performative quality. The author explained that gender is socially constructed through commonplace acts that comprise both verbal and nonverbal communication and emphasize identities and actions. Thus, it is the responsibility of both males and females to perform and take up roles perceived as the rightful scripts for their assigned biological sexes, respectively (Butler, 1990). Hence, group concepts and identities are social constructs and social fictions that regulate some behaviours and exclude others (Mann, 2012).

Gayle and Bailey (2013) defined ideology as a form of conceptual structure through which we identify or comprehend daily social processes. Gender ideology has the cognitive function of justifying power and control by shaping how people think and act in a social milieu. The authors identify ideologies with specific features consisting of ideological features relating to scientific knowledge, religion, and opinions. These ideologies are conveyed through interaction, conversations, observation, and surveillance.

According to Aghtaie (2017), cultural policies are rooted in established cultural traditions, which place men and women in specific discrete categories that connote assumptions. For example, many cultures assume that women are the source of impurity, which

is inherent in females. Therefore, women are characterized as unclean agents, and their actions can lead society to dishonourable measures. The author further explained that compared to men, women are perceived as sexually appealing, and their presence is believed to undermine men's sanity and rationality. The writer stipulates that women's reproductive functions are essential for the maintenance of culture. For example, patriarchal scripts limit female sexual autonomy by maintaining virginity and family honour before marriage, showing how cultural ideology creates an unfavourable environment where women cannot control their reproductive rights (Aghataie, 2017). Therefore, cultural scripts mandate strict and unequal gender codes to control women's sexual autonomy. As a result, this form of cultural perception impacts people's willingness to use direct violence to force women to conform to cultural rules (Flood & Pease, 2009).

Many cultural groups demarcate family roles by which women are made to settle in the home. There is a mindset that a woman's place is the home and the kitchen. As a result, women become economically dependent on their male counterparts, making it difficult to make life choices in their marriage by limiting their access to proper education and health. Hence, women in many cultural groups cannot obtain fundamental liberties that protect them from discriminatory cultural practices (Shachar, 2000).

There is a relationship between women's economic dependence on their male spouses and domestic violence against women in intra-family relations (Basu & Famouye, 2010). Hence, the more economically dependent women are on their husbands, the higher the likelihood of abuse. According to these authors, financial dependence reinforces a violent relationship against women in intra-family relations, and women must endure such violence within the family as a cultural norm. In view of this, the cultural structure creates the distributive function of their roles, solidifying power inequalities between a man and a woman (Shachar, 2000).

Ideologies of Masculinity

Masculine ideologies are inflexible social norms, sanctioning men into a male performance (Thompson & Bennet, 2015). Adams and Govender (2008) define traditional masculinity as “an ideology [that] proposes that men portray and maintain a specific social persona which reflects toughness, emotional invulnerability, heterosexual dominance and success, as well as an avoidance of anything deemed ‘feminine’” (2008, p. 552). Masculine gender presentation within society has created gender binaries that legitimize violence against women and enforce dominance and control on the part of men. The essential qualification of being a "man" demands taking up attitudes that limit and subjugate the weak. Masculine domination is a form of symbolic violence categorized as being universal, which is implemented through cognition and an unwitting consent of the dominated (Bourdieu, 2001). His analysis of masculine domination revealed that sexual relationships are constructed through the essential division between males and females. Thus, masculine power creates a desire for control, eroticized supremacy, and male dominance. Thus, submission and dominance trace back to the division of social status assigned to men and women.

Obierefu and Ojedokun (2019) state that conformity to masculine norms on interpersonal and intergroup levels predicts endorsement of the perpetration of sexual violence or rape myth attitudes. Thus, dominance and aggression are crucial within the social construction of masculinity. According to their Auburn Differential Masculinity Inventory, the subcomponents that accompany male sex roles include dominance, aggression, conservativeness, devaluation of emotions, sexual identity, and hyper-masculinity. The correlation of these subcomponents adds up to indifferent attitudes and lack of compassion toward rape. The Auburn Differential Masculinity Inventory devaluation of emotion subscale reveals disapproval of men's display of emotions, making men uncompassionate towards women and rape victims. Disapproval of emotional display maintains rape culture because men

feel no remorse for taking advantage of women or their wives (Obierufu & Ojedokun, 2019). Traditional gender ideological factors teach men to be autonomous and domineering; thus, men become unsympathetic towards their spouses (Lutz-Zois, Moler & Brown, 2015). A study conducted on masculinity and violence revealed that masculinity ideology was found to have a more substantial effect on the perception of rape than generational differences (Luddy & Thompson, 1997). They reported that tolerance for rape was exhibited by individuals in both younger and older generations.

The social structure shapes and reinforces the gender ideologies that control and maintain the unequal relationship between men and women. The compelling nature of this evidence is that rape-supportive attitudes are composed through the influence of an individual's experiences or witnessing through social learning theory coupled with societal, organizational, and community influence (Flood & Pease, 2009). These instances can imply the tendency for some research participants to exhibit rape myth acceptance. This may be because of their exposure to witnessing unequal gender relations in their community or family. Hence, participants may be influenced to live in denial in case of sexual violence in their respective marriage. Therefore, the instances mentioned above can serve as a justification for some women not to report rape. However, the researcher is of the belief that some women may not have experienced rape or domestic violence in their marriage, yet they exhibit rape myth acceptance.

Based on the above scenarios, it has been proven that men will use force on their wives since force relates to power and possession within masculine gender ideologies. Furthermore, such practices may be transmitted within family settings. Markowicz (2001), cited by Flood & Peace, (2009), asserts that children who experience or witness their parents being abused or children who are subjected to violence come to engage in violence in their later marital relationships because they acquire certain attitudes which facilitate violence (2009, p. 131).

This decreases any chance of reporting abuse to the authorities due to the normalization of domestic violence..

Foucault's concept of the “panopticon” relates to the idea that human beings are surveillance subjects. Members of society conform to societal expectations since our actions are observed and questioned (Mann, 2012). People will submit and limit their activities to fit societal expectations by policing themselves. This is because unequal gender ideologies, culture, and laws are intertwined in the social milieu to condone and accept forced sexual acts against women. The mindset behind socially constructed norms emphasizes gender differences. Notman and Nadelson (1991) identify cultural patterns and socialization as the significant determinants that create differences between men and women. Thompson and Bennet (2015) classify masculine ideologies as an inflexible social norm sanctioning men into masculinity's performance. The expectation of a male performance is characterized by supremacy and control over women. According to Russell (1990), one essential cultural universality is the unequal division of labour, which has resulted in an unequal class position between men and women. She further explains that within this ideological context, women are coerced based on their vulnerability in living with abusive husbands.

Social Suffering and Femininity

Kwiatkowski (2019) defines social suffering as a field of enquiry that examines how cultures and societies respond to pain and if their responses resolve or intensify people's suffering. Cultural ideologies of femininity and hierarchical subordination of women have led to the assumption that a wife's duties are bounded by pain. Valdovinos and Mechanic (2017) interpret suffering as part of a mandatory life expectation for Latina women. This form of ideology may explain how women can condone their husbands' violence as a legitimate extension of their control. According to the authors, society assumes that women are psychologically and physiologically able to endure pain. Their study found that Mexican-

American women explained their experience of marital sexual aggression by “situating their experiences within the context of patriarchal family structures [and] beliefs about a woman’s obligations to her husband and family” (Valdovinos et.al, 2017, p. 337). Their study results indicated that participants “strongly condemned sexual violence in marriage, yet often felt obliged to tolerate it, perhaps in part because of cultural scripts endorsing female deference to male authority and preservation of the family at the cost of personal autonomy and, ultimately, safety” (Valdovinus, et.al., 2017, p.13-14). Consequently, the cultural assumptions associated with women as having the ability and obligation to endure pain have influenced most women to tolerate maltreatments. Some of the Mexican women accept such cultural scripts as legal duties. Furthermore, the sexual and emotional abuse committed against women by their husbands, families, and friends makes women endure afflictions of marital violence (Kwiatkowski, 2019), limiting the tendency to identify and report cases of abuse in their matrimonial homes.

Although the study mentioned above was conducted among Mexican women, the researcher assumes that the authors were focused on religion, specifically Catholicism; therefore, the cultural ideology of tolerating pain by women as a form of virtue may differ from the cultural environment in Ghana because not all Ghanaian Christian faith women are Catholics and may not share the same concept of being as righteous as the Holy Virgin Mary. According to Valdovinos and Mechanic (2017), the juxtaposition of righteousness in connection to the Virgin Mary as living the life of pain is the motivation to endure painful afflictions, limiting the tendency for women to report domestic abuse. In contrast, Ghanaian women may be highly religious in their relative denominations, but may not succumb to pain as a way of emulating the righteous life of a religious figure (example, the Virgin Mary).

Instead, religious Ghanaian women may not report rape due to biblical teachings that emphasize submission to connote respect to God.

Religious Ideology and Gender Ideology

Religious conformists adhere to women's fundamental roles as passive objects and men's as active beings as a form of religious expectation. According to Barnett, Sligar & Wang (2018), Christian beliefs influence the idea of patriarchy, which is a social system in which men hold power over women. The researchers' study, which was conducted in a large university in the Southern USA, indicated that both Catholic and Protestant participants exhibit a higher tolerance for rape and greater rape myth endorsement, particularly in marriage, than their Atheist counterparts. These results indicated that religiosity was positively associated with rape myth acceptance. Hence, religious texts endorse rape myths and patriarchal views, and as a result, the distorted interpretations of these religious texts. People subscribe to the ideologies of patriarchy and masculinity as a sacralized and mandatory behaviour that approves physical violence against women (Obierefu & Ojedokun, 2019). Fortune (2016) ascertains that the word "mutuality" or "consent" does not appear in many religious texts, which contributes to the belief that there is no such act as marital rape; He believed that individuals with high spiritual affiliation are more likely to endorse rape myths and downplay gender-based violence.

Dworkin (1987) argues that women's sexual subordination is strictly based on political and religious laws. The author asserts that the social system has laid down rules as a means of justification for women's control. For example, she argues that in Christianity and Judaism, "the man's authority means that he has a right supported by law—divine law—to fuck his wife; her legal duty is to submit; and intercourse itself is a legally defined hierarchy in which one who fucks has the sovereignty over one who submits" (Dworkin, 1987, p. 206). She stated that the laws are created to protect the power of men by creating different social conditions for the

powerful and powerless. Thus, “the purpose of law on intercourse in a world of male dominance is to promote the power of men over women and keep women sexually subjugated (accessible) to men” (Dworkin, 1987, p.189). These social conditions maintain the hierarchical authority of men over women (Boakye, 2009). Hence, any breach of the laws is a threat to the superiority of men's civil and sexual rights; therefore, control over women's sexuality is considered natural and normal because of religious convention (Dworkin, 1987).

Jeffords (1984) states that the Judeo-Christian religion supports the patriarchal system and ideology leading to discrimination against women. He noted that this notion re-emphasizes the original justification for rape in marriages because husbands have to use their property (the wife); hence, a husband's duty in religiosity is to attain unlimited entitlement to the wife without restraint. The author considers religion as the leading cause of viewing wives as sexual objects of ownership. The roles of women as passive objects are employed in the meanings of creation. Thus, people attached to such specific religious principles or who are closely associated with the above-mentioned religious beliefs or doctrines demonstrate high rape acceptance due to their frequent religious attendance (Banette, Sligar & Wang, 2018).

Evidence suggests that patriarchy and gender-based violence are not propagated by religious authorities only. This means that many spiritual laypeople have taken up the mantle to preach and spread the word of domination as a justifiable means of control in any heterosexual relationship. Emily Colgan's (2018) critique on the book *Captivating: Unveiling the Mystery of a Woman's Soul* by authors John and Stasi Eldredge shows the pervasive effect of religion. Colgan viewed popular religious books as restating the same ideologies within communities where the text is being received. The hierarchical dualism underlying the logic of domination in books and other forms of media platforms works to oppress women and contribute to gender inequality. She explains that women's depiction in popular religious literature reinforces abusive and psychologically and sexually manipulative relationships.

Religious books such as *Captivating* encourage female readers to take up passive roles, which adds to the growing trend of idealizing "passive helplessness". Passive helplessness is defined by Colgan (2018) as a situation whereby individuals begin to accept their powerlessness and inability to achieve goals. In view of this, widespread obedience to religious scripts inhibits women from identifying violence in any relationship. This encourages women in abusive relationships to remain in denial as a way of showing their allegiance to their own religious beliefs. The evidence supporting this notion is significant among the Basotho women of Lesotho, where research suggests that women in abusive marriages avoid divorce because of their fear of losing their jobs in Catholic schools where they work. This is because divorced women are forbidden to work even when divorced men are permitted (Motalingoane-Khau, 2007).

Immigration and Marital Rape

Some studies have shown that domestic violence can have physical and psychological effects on immigrant women as they reestablish their lives in their host country. According to Abraham (1999), studies on how gender, ethnicity and class influence marital rape among immigrant women have remained limited due to ethical and practical barriers compared to other types of Intimate Partner Violence (IPV) research. Research indicates that immigrant women transfer some of their cultural values and patterns from their home country to avoid assimilation and rebuild an authentic community ethnic identity in the United States (Mazumda, 1998).

Abraham's (1999) study of first-generation South Asian women from diverse religious backgrounds residing in the United States found that South Asian women in the US suffer higher risk of sexual abuse than their American counterparts due to their socialization in the belief that they have fewer sexual rights than their husbands. Hence, instead of provoking their husband and risk abandonment and neglect, they (immigrant women) will live in denial rather than risk the repercussions (Abraham, 1999).

Also, marital rape makes its way into the United States when South Asian immigrant women travel (Tauhid, 2018). According to the author, southern Asians consider marital rape as “ethically permissible” and the culture confers the idea that a woman must keep their innocence and maintain the family’s honour at all costs. Within the same study, a woman is less likely to report marital rape because of fear and experiences with race, class, and gender discrimination in the United States.

Similarly, studies involving immigrant women from West African countries who are living in the United States also indicated that their status as immigrants and the fear of deportation also keep them away from reporting cases of marital rape (Akinsulure-Smith, Chu, Keatley & Rasmussen, 2013). The authors noted that those immigrants who spoke to the police about their abusers paid a high price: isolation and loss of extended family networks and community. Their findings also indicated that some of these immigrant women distrusted both informal and formal support systems, nor did they possess knowledge of services available to individuals who experience IPV. The barriers of reporting marital rape case in their host country also included their culture of gender inequality and concern for children. For some of the female participants in their study, their status as illegal immigrants or not having a legitimate immigration document kept them trapped in their abusive marriages. These instances mentioned in the above studies can be applicable to participants due to their immigration status. Their experiences can provide further information as to whether they identify with similar barriers in their host country.

Definitions

This study explored marital rape within heterosexual marriages. A definition of marital rape as the forced vaginal, anal, or oral penetration committed against a spouse by the marriage

partner (Russell, 1990) was adopted for the study. Since there is no universal definition for marriage, “marriage” in this study connotes a heterosexual union between two individuals, where all the necessary ceremony has been performed and legally recognized within a particular culture or society. Throughout this thesis, the researcher used the terms “marital rape,” “IPSV” (Intimate Partner Sexual Violence) and “spousal rape” interchangeably but excluded any forms of sexual violence in courtship. Thus, the study investigated spousal rape exclusively.

Marital Rape: Historical and Global Content

Globally, feminist movements and valuations have created an awareness of marital rape as a negative social phenomenon. For instance, within the United States, husbands’ legal rights spawned an in-depth debate in the latter half of the 19th century, which essentially established the first-wave feminist movement (Hasday, 2000). The 19th-century women’s rights movements advocated for the passage of the Married Women’s Property Acts in several state legislatures in the 1840s. However, the 19th-century feminists also vehemently argued “that the economic and political equality, including even the vote, would prove hollow, if women did not win the right to set the terms of marital intercourse” (Hasday, 2000, p.1379). The first-wave feminists in the United States analyzed how marital rape inflicted harm to women through mainstream prescriptive writings. This prescriptive literature did not question a husband’s legal rights to marital intercourse; instead, it made a range of moral and psychological claims intended to persuade husbands to relinquish responsibility for sex to their wives (Hasday, 2000).

The second-wave feminist movements argued that a woman’s lack of power over her sexual rights serves as a critical factor of her subordination. For example, marital rape has been

theorized by radical feminists as a custom that forms part of the everyday heterosexual abuse of women (Gavey, 2005; Jackson, 2015). Hence, sexual violence in marriage equally deserves close attention, like any other violence against women. The social reform on marital rape was supported by the opinions of women and records that helped to throw light on how sexual abuse in marriage affects women's lives (Russell, 1990). For example, Russell's research cited various tortures endured by women in their respective marriages and detailed such effects of marital rape as isolation, induced debility (mental and physical inability to resist), and low self-esteem. Amado's (2003) summary of a conference report revealed that women's lack of control of their bodies and sexuality is rooted in a range of traditional practices, religious constructs, and taboos around women's sexuality that serve to maintain social structures by shaping the concept of sexuality.

Similarly, feminist historians in Australia from the 1970s pioneered and opposed dominant socio-legal discussions on rape (Featherstone & Winn, 2019). According to these authors, a married man's right to forced conjugal rights was not challenged within Britain and Australia until the 1970s. Through these emancipation periods occurring in the United States, Australian feminists were informed of international influences by sending books on feminist theory from the United Kingdom and the United States to Australia. The partisan debate that engulfed South Australia led to the establishment of Section 12 of the Criminal Law Consolidation Act Amendment Act 1976, which led to eliminating marital rape immunity (Featherstone & Winn, 2019; Lake, 1999). In Ireland, common law jurisdiction on marital rape was not challenged until 1970 by the feminist movements (Coulter, 2002). Furthermore, the author stated that feminists opposed patriarchal notions by challenging the view that wives are their husbands' chattels. Feminists, the Rape Crisis Center, and the Law Reform Commission campaigned for enacting the Criminal Law Rape (Amendment) Act, 1990, in Ireland.

Patriarchal ideologies on marital rape shifted after 1980 when countries started giving prominence to women's emancipation. Canadian MP Margaret Mitchell and women's groups created awareness on spousal rape. Canada enacted C-127, which came into effect in 1983, making sexual assault of one's wife an offence (Alphonso & Farahbasksh, 2018). The writers stated that with implementation of Bill C-127, the term "rape" was eliminated from the Criminal Code and replaced with sexual assault to avoid the moral stigma attached to "rape". In the USA, marital rape exemption laws were reformed first in Michigan in 1975, but only in the context of divorce (Featherstone & Winn, 2019). Thereafter, many states in the USA eliminated marital rape exemption laws in the late 1970s and 1980s (Chi, 2016). This helped to pave the way for women's liberation and control over their reproductive rights. Marital rape reformation also improved women's position in a gender stratified system (Jackson, 2015).

Many other countries have subsequently made marital rape illegal. Argentina implemented Law 26.485, Comprehensive Protection Law, in 2009 to eradicate violence against women within interpersonal relationships (Immigration and Refugee Board of Canada, 2016). The Comprehensive Protection Law eliminates all forms of violence such as physical abuse, psychological, economic, and sexual violence, including marital rape according to Immigration and Refugee Board of Canada (2016). Although many countries have made efforts to curb spousal rape, other nations still hold conservative views on spousal responsibilities. Based on the trend mentioned above, one reason contributing to marital rape exemption is the negligence of rape in marriages by the legislature and judiciary systems. This is because marital rape has not been at the forefront of legislative decisions despite feminist advocacies (Russell 1990).

Even where marital rape is illegal, it is not always prosecuted. The US Bureau of Justices of Statistics showed that rape is one of the most unreported crimes in the United States (Basile, 2002). This is likely because women who claim to have been raped are not taken

seriously, especially when the perpetrators are their husbands. This has resulted in legal negligence of marital rape.

The prosecution of rape in marriage is also limited by state censorship in cultural or honour countries (Aghtaie, 2017). This is due to the social stigma attached to rape. The author cited that laws in Iran use specific terms instead of “rape” to minimize the seriousness of such actions. Also, “the term *tamkin khaas*, which means full sexual submission, legally endows men with the right to have sex with their wives on demand” (2017, p. 13). The author added that “It is a one-way system in which men are perceived as the active agents who must have access to sex any time they desire, and women are passive agents who have to be available at all times, if needed” (2017, p.13). Thus, “the lack of official data in this respect reflects the fact that violence against women is not understood as an issue of gender inequality by the Iranian Government and the protection of women from violence is not a government priority” (2017, p. 1). This is a clear example of how gender ideology, language, and law manipulate the social structure into normalizing the direct violence of rape.

Despite the efforts made by most member states across Europe to recognize women's rights and emancipation through laws, religious conservatives in some countries have set back the implementation of laws relating to women's liberation against violence (Bosak & Vajda, 2019). A clear example is the non-ratification by the Croatian Government of the Istanbul Convention, whose aim is to combat violence against women and domestic violence. They emphasized that reason behind this setback is the assertion that the Istanbul convention will introduce same-sex marriage, recognize the rights of transgender people, and change the roles of women within the family institution.

Another problem is withholding legal assistance that should be rendered to women facing rape within their marriages. According to Kwiatkowski (2019), there is an institutional and legal disregard for women who experience sexual violence from their husbands in

Vietnam. Based on her research, from 2009 to 2010, 58% of women who were interviewed had experienced some form of domestic violence. However, the government has been inactive and bureaucratic rules limit the process of embarking on solutions. In extreme cases, some women have to bribe state judges and attorneys to gain freedom from their abusive relationships. Thus, the abuse of women results from the social and cultural environment and a constellation of cultural, legal, and religious manipulation (Kwiatkowski, 2019).

Marital Rape in Sub-Saharan Africa

Rape in Africa is a recognized offence, which has been barred in most Sub-Saharan African countries (Kilonzo, Ndung'u, Nthamburi, Ajema, Taegtmeyer, Theobald, & Tolhurst, 2009). "Common definitions of rape consider it to include penetration of bodily orifices, without consent, utilizing a penis or other object" (2009, p. 12); hence, the explanation of rape is similar across some African countries. In most cases, however, the definition of "consent" allows a subjective interpretation to the act.

Within Sub-Saharan African countries, reports on violence against women have shown acts of sexual violence within the marriage context. Nonetheless, rape in marriages has often been disregarded and considered an impossible occurrence (Germano, Domingo, & Sabune, 2014). A clear example is the South African legislative law draft, which attempted to adjust marital rape exemption laws to include the liberation of women's reproductive rights; however, such legislation could not take shape because it failed to win parliamentary support. The inability to reverse marital rape exemption is associated with the limited available resources on Intimate Partner Violence (IPV) (Kaplan, Khawaja, & Natalia, 2012).

Many African governments continue to neglect the seriousness of marital rape. In Senegal and Botswana, there is no regulation dealing with spousal or marital rape (Chakamba,

2016). Chakamba's study revealed that, in Nigeria, Ethiopia and Kenya, the law protects conjugal rights, stating that rape can only occur outside of wedlock, and until recently, Malawi was another African state where the law was silent on marital rape. Activists have long been working to have the act recognized as a crime, providing evidence that most women are vulnerable to abuse because laws in their countries fail to protect victims (Chakamba, 2016). In 2001, rights groups such as Women and Law in Southern Africa-Malawi (WILSA-Malawi) proposed a bill on marital rape, which resulted in various disputes within the country (Ligomeka, 2003). In due course, a judge shut down the debate by stating that such a law would go against the necessary foundations of marriage. The Supreme Court Judge Duncan Tambala said, when spouses enter marriage, each spouse has agreed to sexual relations with the other partner during their marriage (Chakamba, 2016). Chakamba's study also showed similar results in Botswana, where the attitude toward sex in marriage postulates that women should give up their rights once they enter marriage. Thus, police services in Botswana do not deal or intervene with marital rape cases, because they cannot police in the "bedroom" since sexual relations are considered a private matter.

Thus, while marital rape is gaining recognition across Africa, countries like Kenya, Nigeria, and the Democratic Republic of Congo allow the practice of rape in marriage (Kilonzo et al., 2009). According to Look (2013), efforts to criminalize marital rape remain debated, and there have been different results. The UN states that in many nations in Africa and Asia, a husband has the right to beat or physically coerce his wife. This notion is a deeply held conviction and even women condone some violence against women (Kimani, 2007).

For example, "Section 361 of the Penal Code in Cameroon criminalizes adultery, but the provisions differ depending upon whether the adulterer is the wife or the husband" (Okereke, 2006, p.7). The author notes that law stipulates that both married women and men who have sexual intercourse outside their matrimonial home shall be punished; however,

adultery is only a crime for men depending on the adultery venue. He further explains that the laws in Cameroon state that, irrespective of where and when women commit adultery, such women shall be brought to justice. “While all adultery is a criminal offense for women, it is a crime for men depending on the venue or if the adultery is habitual” (2006, p.8). This is an example of how policy intervention has been futile in reducing the prevalence of violence against women in Africa. Therefore, the researcher is convinced that above statement indicates that policymakers have failed in the principle of gender equality within their legal codes. Perhaps law-making bodies are not convinced to make equal laws that will help reduce or eliminate violence against women. Therefore, gender-discriminating policies are practiced within the criminal codes of countries, which propagates institutional sexism (Aghtae, 2017).

Marital rape against women was provided more global attention with the emergence of the Millennium Development Goals (MDGs), revised in the current Sustainable Millennium Development Goals (SMDGs) by the United Nations (UN). In collaboration with other international Charters such as the Convention on the Elimination of Discrimination against Women (CEDAW) and the International Convention on Economic Social and Cultural Rights, the SMDGs promote women’s reproductive rights and development (Gentholtz, 2011). These and other charters led to the development of similar charters under the African Union parliament of fifty-six (56) to criminalize all conditions which disabled women from achieving their reproductive rights (Kaburi, 2018). In view of this, marital rape became an issue of concern since women could not control their sexuality, meaning that women’s constitutional and fundamental human rights are still withheld (Gentholtz, 2011). Therefore, marital rape was criminalized in most Sub-Saharan countries after 2000, as detailed in the table below.

Table 2.1*African Countries with Criminal Laws against Marital Rape*

African Country	Type of Law	Year of Criminalization	The State of the Law
Angola	Codigo Penal	2019	Whoever commits sexual penetration with another person, even if it is the spouse of the offender, by the same means to constrain to suffer sexual penetration by a third party shall be punished by imprisonment from 2 to 10 years.
Benin	Law Portant Prévention et Répression des Violences Faites aux Femmes	2011	The laws explicitly illegalized rape with a maximum imprisonment of 5 years.
Burkina Faso	Penal Code, Article 417	2015	Conviction of rape is punishable by law including spousal rape. When convicted perpetrators are punished with a fine.
Burundi	Portant Prévention, Protection des Victimes et Répression des Violences Basées sur le Genre	2016	Spousal rape is punishable by law, with a maximum of 30 years in imprisonment.
Cape Verde	Gender Based Violence Act No 4	2001	Marital rape is implicitly covered by the law with up to five years imprisonment when convicted.
Chad	Penal Code	2018	Customary Law does not identify marital rape until the year 2018 when the law recognized and eliminated rape exemption laws.
Djibouti	Penal Code	2018	The law did not address marital rape until 2018. Marital rape is defined by Article 343 of the Penal Code Law No. 59 of 1995 as an act of sexual penetration committed on another person with the use of violence, constraint, or threat.
Gabon	According to Committee on the Elimination of Discrimination against Women Report	2013	Conviction for marital rape include a fine or a maximum of 10 years imprisonment.
Ghana	Domestic Violence Act	2007	Sexual rights violation in marriage is illegal and punishable by law.
Guinea Bissau	According to Women, Business and the Law (2018)	2014	Spousal rape is crime. Penalties for conviction is 12 years imprisonment.
Kenya	Protection against Domestic Violence Act	2015	Spousal rape is excluded from the Sexual offense Act (2006); however, the Protection against Violence Act address spousal rape as a crime.

Lesotho	Penal Code Act, 2010, Section 52(2)(b)(ii)	2010	The law criminalizes marital rape with a minimum imprisonment of 10 years.
Liberia	Rape Amendment Act	2006	According to the Rape Amendment Act, rape exemption laws was removed in 2006.
Mali	The Code Penal Act 229	2002	The Act does not specifically forbid rape in marriage, but law enforcers specifies that criminal laws on any rape acts apply to marital rape.
Mauritania	Code Penal	1983	The law addresses both spousal rape and rape outside marriage.
Mauritius	Domestic Violence Act (PDVA)	2007	Rape is illegal in the criminal codes. However, the Act does not mention spousal rape, in section 2.d. The law states that a spouse cannot force or threaten the other partner into any sexual act the spouse or the other person does not want.
Mozambique	Domestic Violence Perpetration Against Women	2009 2014	Marital rape is criminalized and punishment ranges from 8 to 24 years in prison depending on the age of the victim.
Namibia	Section 2(3) of the Combating of Rape Act	2000	The law criminalizes marital rape with court conviction ranging from five to 45 years imprisonment.
Rwanda	Law on Prevention and Punishment of Gender-based Violence.	2009	Marital rape is addressed in the law with punishment ranging from payment of fines or imprisonment.
Sierra Leone	Sexual Offense Act	2012	It prohibits forced sex in marital relationships, with a minimum sentence between five to fifteen years.
South Africa	Prevention of Family Violence Act	1993	Marital rape is illegal. According to the Act “When an accused person is charged with an offence it is not a valid defense for that accused person to assert that a marital relationship is existing or existed between him or her and the victim.”
Togo	<i>Portant Nouveau Code Penal</i>	2004	Marital rape is explicitly criminalized by Law and it is punishable by up to 30 days in community labor and a fine.
Zambia	Anti-Gender Based Act	2010	The Act covers sexual abuse that includes engaging another person in sexual contact whether married or not, which includes sexual conduct that abuses, humiliates or degrades the other person or otherwise violates another person’s sexual integrity
Zimbabwe	Section Criminal Law codification and Reform Act	2004	The law criminalizes marital rape, however the Article 68 (a) states that "no prosecution shall be instituted against any husband for raping or indecently assaulting his wife unless the Attorney-General has approved on a prosecution.

Sources: Bureau of Democracy, Human Rights and Labor (2017). Angola, Section 6. Women, Benin 2017 Country Reports on Human Rights Practices, Women, Business and the Law - Data. World Bank. 2018, Burundi 2017 Country Reports on Human Rights Practices, Bureau of Democracy, Human Rights and Labor (2017). Cabo

Verde, Section 6. Women. Country Reports on Human Rights Practices for 2017, Women, Business and the Law Data. World Bank, Women, Business and the Law - Data. World Bank, Domestic Violence Act. (2007), Guinea-Bissau 2017 Country Reports on Human Rights Practices. U.S. Department of State. Bureau Of Democracy, Human Rights, And Labor, Kenya 2017 Country Reports on Human Rights Practices, Lesotho 2017 Country Reports on Human Rights Practices". U.S. Department of State. Bureau Of Democracy, Human Rights, The costs of marital rape in Southern Africa, Bureau of Democracy, Human Rights and Labor (2017). Mali, Section 6. Women, Bureau of Democracy, Human Rights and Labor (2017). Mauritania, Section 6. Women, Bureau of Democracy, Human Rights and Labor (2017). Mauritius, Section 6. Women, Mozambique 2017 Country Reports on Human Rights Practices, Namibia 2017 Country Reports on Human Rights Practices, Rwanda 2017 Country Reports on Human Rights Practice, Sierra Leone 2017 Country Reports on Human Rights Practices, Togo 2017 Country Reports on Human Rights Practices, South Africa 2017 Country Reports on Human Rights Practices, Anti-Gender Based Violence Act (2011), Zimbabwe 2017 Country Reports on Human Rights Practices.

However, other African states have explicitly excluded marital rape within their criminal codes. Some of the African states are influenced by customary laws that impact the non-criminalization of marital rape. Customary practices remain an integral source of most African jurisdictions. According to Rashidi and Adeniyi (2017), cultural preservation is an essential part of Africa; thus, “Customary and native law are, therefore, essential for the growth and development of family law, which must be a necessary factor in the development of criminal law in Africa” (p. 34-35).

Furthermore, some societies focus on maintaining the family and state reputation, which leads to institutionalized sexism and the judicial indifference to rape to protect the entire society's reputation (Aghtaie, 2017). This means that culturally, the collective group of the society and the respective families of women are emphasized over women's wellbeing (Valdovinos & Mechanic, 2017). In turn, women tend to protect their reputation and their families at the expense of seeking justice in case of sexual abuse. As a result, women in honour cultures are compelled to live in denial in circumstances of sexual assaults (McLean, Crowder & Kemmelmeier, 2018). Correspondingly, women living in honour cultures who are sexually molested go through extreme measures to conceal abuse, which inhibits the identification and persecution of assailants (McLean et al., 2018).

Freeman (2015) highlighted the lack of literature about honour-shame countries in Sub-Saharan Africa. She discovered that compared to Asian and Arab cultures, Africa is categorized as a “fear-power” culture as a result of African traditional religions, and it is excluded from the number of honour cultures. She further argued that the “fear” classification of Sub-Saharan Africa hinders people from observing the existing interrelationship of honour/shame dynamics. The fear element in Sub-Saharan Africa relates to the spirits of the ancestors or gods and the consequences for not observing the tribal and cultural norms of the ancestors and gods. Therefore, this ideology translated into fear of bringing shame into the family and incurring the wrath of the gods, and therefore the avoidance of dishonourable behaviours by the community, village, or tribe (Freeman, 2015).

In Sub-Saharan Africa, “the issue of marital rape may therefore remain unacceptable in the African context and must stand the so-called imported and imposed western cultures (in the name of the law) must be rejected” (Rashidi & Adeniyi, 2017, p. 35). This attitude results in discriminatory acts against women. For example, in South Africa, the payment of *lobolo* (bridewealth) to the family of a prospective wife projects the idea that a husband has purchased his property, making the woman susceptible to domestic violence (Swarts, Itumeleng, Danga, Tshwene, & Mothabatau, 2015). Irrespective of the colonial influence, some African states have plural legal structures that integrate native African customs with Western-style laws; these systems often disregard gender analysis that traps women’s human rights between formal law and traditional culture (Wester, 2009). For example, “Botswana has a dual legal system under which customary law is applied alongside common law” (Swarts et al., 2015, p.14). The authors stated that, although there have been several legal reforms against inequitable provisions under the common law, customary laws are prejudicial to women’s rights by maintaining unequal power relations between men and women and bolstering stereotypes on the duties of women in society. Below are African countries that do not recognize spousal rape as an offence due to

their customary law practices that disallow the reformation of marital rape laws within their country.

Note: At the time of the researcher's study the mentioned African states did not have laws criminalizing marital rape or marital rape laws were still pending. Therefore, these laws may be subject to change.

Table 2.2

African Countries with no Criminal Laws against Marital Rape

Country	Type of Laws	The State of the Law
Algeria	Penal Codes	The Law does not criminalize marital rape.
Botswana	Penal Code	Rape committed outside marriage is a crime, but the law does not recognize marital rape as illegal.
Cameroon	Customary Laws	Spousal rape is not a crime.
Central African Republic	Customary Law	The law criminalizes rape but not precisely marital rape. Customary laws hold that sex in marriage is consensual.
Democratic Republic of Congo	Customary Law	Sex is consensual under customary rights.
Egypt	Sharia Law	Under Sharia law, marital rape is not a crime.
Ethiopia	Criminal Code	Marital rape is not addressed in the Code.
Eritrea	Penal Code	Marital rape is excluded from the law, except when spouses are separated.
Equatorial Guinea	Penal Code	Marital is inexistent in the Law.
Gambia	Sexual Offense Act	The fails to address marital rape.
Guinea	Code Penal	Marital Rape is not addressed in the law.
Ivory Coast	Code Penal	The Code does not explicitly address marital rape.
Libya	Criminal Law	Marital rape is not a crime, rather a private matter.
Madagascar	Customary Law	Sex in marriage is consensual.
Malawi	Marriage Divorce and Family Relation Act (2015)	The law addresses spousal rape, but the law only applies to couples who are separated, or when a couple refuses on a "reasonable ground" such as sickness or recovering from

		childbirth. Also, the law does not specify penalties.
Morocco	Hakkaoui Law	Spousal rape is not a crime.
Niger	Code Penal	The law does not recognize rape. Marital rape matters involve family resolutions.
Nigeria	Nigeria Criminal Code Sharia Law Penal Code	Marital rape is excluded from the law in all states except the Federal Capital Territory–Abuja, where marital rape is criminalized under Violence Against Persons Prohibition (VAPP) Act ⁸⁴ .
Senegal	Criminal Code	The law does not address spousal rape.
Somalia	Penal Code	Marital rape is not included in Code
South Sudan	Article 149 of the Criminal Code	According to the Penal Code marital rape is not an offence.
Uganda	Customary Law	Marital rape is excluded in the Criminal Code;however, the Sexual Offences Bill addressing marital rape is pending.

Sources: Women's Rights in the Middle East and North Africa 2010, Botswana 2017 Country Reports on Human Rights Practices, Women, Business and the Law - Data. World Bank. 2018, Bureau of Democracy, Human Rights and Labor (2017). Congo, Republic of the Section 6. Women. Country Reports on Human Rights Practices for 2017, Egypt 2017 Country Reports on Human Rights Practices. U.S. Department of State. Bureau Of Democracy, Human Rights, And Labor. 20 April 2018, Claire Provost. UN Women justice report: get the data. The Guardian, Warrick, C. (2009). Law in the service of legitimacy: Gender and politics in Jordan. Farnham, Surrey, England; Burlington, National Sexual Rights Law and Policy Database, The State's Response to Sexual Violence Egyptian Initiative for Personal Rights. Egyptian Initiative of Personal Rights, Gambia 2017 Country Reports on Human Rights Practices, Libya 2017 Country Reports on Human Rights Practices. U.S. Department of State. Bureau Of Democracy, Human Rights, And Labor, Malawi 2017 Country Reports on Human Rights Practices, Morocco 2017 Country Reports on Human Rights Practices, Ibrahim, F. M. (2016). Spousal sexual assault in Canada and Nigeria: A substantive equality approach. The University of Manitoba, Somalia 2017 Country Reports on Human Rights Practices, South Sudan 2017 Country Reports on Human Rights Practices

The criminalization of marital rape was controversial in many countries. Nigeria impeded the recognition of spousal rape as a crime in the Violence Against Persons Prohibition (VAPP) Act in May 2015; to date, prosecution of spousal assault has remained low due to evidentiary procedures adopted for marital sexual assault cases (Ibrahim, 2016). “In May 2015, the president assented to the Violence Against Persons Prohibition (VAPP) Act 84 passed by the Nigerian National Assembly. The VAPP Act amends the provision on rape and removes the marital rape exemption under the Criminal and Penal Code. This changes only applies applicable however only in the country’s capital territory– Abuja” (Ibrahim, 2016, p. 28). In

summary, marital rape is only illegal in Federal Capital Territory- Abuja. Based on diverse literature, the author of the above study reported that some Nigerian marriage traditional and cultural practices implicate women as inferior in practices as widowhood rites, provocation, honour killing, deprivation of inheritance, sex-selective abortions, polygamy and bride dowry. Although “several countries have formulated laws and legislation for preventing domestic violence and punishing perpetrators” (Kaburi, 2018, p.3), law enforcement is still feeble.

Reports based in Africa indicate that half of all ever-married women experience violence from their partners (Takyi & Mann, 2006). The research shows varying results on women who report having experienced some form of violence from their intimate partners; Uganda, Tanzania and Kenya reported domestic violence rates of 46 %, 60%, and 42%, respectively, while Nigeria has the highest rate of abuse at 81% (2006, p. 62). The World Bank reported that rape accounts for 5% of the healthy years among African women in their procreative years (2006, p.6). A study in Uganda also revealed that in a pool of 235 couples in seven rural communities, “80% of women experienced verbal or psychological abuse, 71% experienced physical abuse, 52% suffered isolation, and 23% suffered sexual abuse” (Hinton, 2018, p. 8).

In Sub-Saharan Africa, marital rape is considered a regular occurrence in marriages; hence, wife rape is usually regarded as impossible, leading to the under-reporting of abuse (Germano, Domingo & Sabune, 2014). According to their data, 50% and 59% of Ethiopian women had experienced physical and sexual violence, respectively, from their husbands. However, 39% of these women preferred to remain silent over their abuse. “More than a third of those who had remained silent said they considered the violence to be “normal” (2014, p.1590). Rape in marriage was not a crime in South Africa before the enactment of the Family Violence Act 133 of 1993 (Mwambene & Kruuse, 2018). Historically, sexual violence in

marriage was not considered a crime in most customary marriages if it served a societal goal through procreation, according to the authors.

A multi-country compiled dataset revealed that women “do not necessarily view acts of violence within an intimate relationship as abnormal. Rape within marriage is often considered “impossible” (certainly improbable), and physical abuse is often seen as an acceptable discipline; this results in massive under-reporting of actual abuse” (Germano et al., 2014, p. 1590). The same data showed that in Ethiopia, “50% of women had experienced physical violence, and 59% had experienced sexual violence by a partner. Furthermore, 39% of these women had never spoken to anyone about the violence and more than a third of those who had remained silent said they considered the violence to be “normal” (2014, p. 1590). Similarly, in Namibia:

31% of women had suffered physical violence and 17% had experienced sexual violence by a partner; 21% of these women had never spoken to anyone about the violence they endured. In Tanzania, 47% of women had experienced physical violence and 31% had suffered sexual violence by a partner; 30% of these women had never spoken to anyone about the violence and about half of those who had stayed silent said they considered the violence to be “normal” (2014, p. 1590).

The same study also revealed that in Kenya, 15.7% of women experienced sexual violence from their partners, and in Zimbabwe, 25% of married women have lived through sexual abuse from partners (2014, p. 1590).

Therefore, through the sample testing by Germano et al. (2014), the reports of marital rape victims among countries in Africa indicate that Africa has a higher frequency of marital rape than the western world. However, “families prefer to deal with cases of violence through the customary justice systems, particularly in the rural communities” (2014, p. 1591). Sexual violence in Sub-Saharan Africa has resulted in long-term and short-term health consequences such as HIV, unwanted pregnancy, and vaginal fistula due to genital trauma (Kilonzo et al., 2009). For example, a case study in Kenya indicates that sexual offences were reported among

324 HIV-positive women; 19% of them experienced forced sex by their partners and were presumably infected by their spouses (2009, p.13). In other words, the study shows that women's vulnerability and continuous exposure to marital rape increase their chances of being exposed to HIV and other general diseases from their partners.

In summary, there is a constellation of customary laws, institutional sexism, and lack of economic resources serving as an impediment towards the implementation of women's reproductive rights in Africa (Chakamba, 2016; Gentholtz, 2011; Kaplan et al., 2012). Despite the involvement of international organizations such as the United Nations, CEDAW, and the International Convention on Economic, Social and Cultural rights, most African states neglect the necessity of implementing the rights of women in marriage (Kaburi, 2018). Thus, despite the high records of domestic abuse inflicted on women, criminal laws available within the country, and customary laws tend to manipulate the enforcement of existing reproductive laws that are meant to liberate women from the negative effect of cultural practices (Germano, et al., 2014; Kilonzo et al., 2009; Mwambene & Kruuse, 2018; Swatz et al., 2015 & Wester, 2009). Hence, marital rape laws may exist, but the government does not effectively enforce the law (Dawuona-Hammond et al., 2020).

Marital Rape in Ghana

Background

Archampong (2010) asserts that the Republic of Ghana, which became a colony of Britain in 1844, was influenced by colonial laws that manifested in the Ghanaian customary law systems. Colonial laws were reflective of an era when women were regarded as insignificant members of society when married (Abass, 2017).

After the independence of Ghana, the common rules on marital laws did not change. Ghana's criminal codes did not recognize marital rape as an offence (Archampong, 2010, p. 11). The penal code, Section 42 of the postcolonial Ghana constitution, stated: *“A person may revoke any consent which has given to the use of force against him, and his consent when so revoked, shall not affect justifying him, and his consent when so withdrawn shall have no impact for justifying force; save that the consent given by husband or wife at marriage, cannot be revoked until the parties are divorced or separated by a judgement or decree of a competent court.* (Criminal Code Section 42(g) of the Ghana Constitution). In summary, marital rape was never a crime.

The Convention on the Elimination of Discrimination against Women (CEDAW), National Coalition of Domestic Violence spearheaded by the United Nations (UN), and the International Convention on Economic and Social and Cultural Rights led to the reformation of the criminal codes of Ghana to criminalize marital rape (Adinkra, 2011; Ampofo, 2008). Women's movements and activists in Ghana played a substantial role in this reform (Achampong, 2010). Indeed, Ghana's Domestic Violence Act was drafted through the help of the coalition and NGOs, including the Lawyers for Women's Rights (LAWOR), an organization of women's lawyers (Hodzic, 2009).

Domestic violence in Ghana is rampant despite efforts to curb its occurrence. Adu-Gyamfi (2014) stated:

Gender Studies and Human Rights Documentation Centre (GSHRDC) in 1998 exposed that, one in three Ghanaian women experience physical violence in the hands of a past or current partner, three in ten Ghanaian women admitted to having been forced to have sex by their male partners, and 27% of Ghanaian women had experienced psychological abuse, including threats, insults, and destruction of property. (p. 76)

Reports from the 2008 Ghana Demographic and Health Survey revealed that 38.7% of ever-married women had suffered sexual, physical, and/or emotional violence from a husband or partner in their life (Alangea, Addo-Lartey, Chirwa, Coker-Appiah, Jewkes & Adanu, 2018,

p. 2). The Domestic Violence and Victims Supports Units, a legal organization set by the government to deliver legal support in marital issues, documented increasing domestic violence every year. Odoi, Annag, and Ansah (2013) assert that in the Central Region of Ghana, reports of sexual abuse rose from 1,908 in 2007 to 2,038 in 2009. Their study revealed that these accusations were treated as wife beatings with sexual abuse and not as marital rapes, making it challenging to hold perpetrators accountable for rape charges.

There seems to be some form of discrimination emanating from the judiciary system against women who face marital rape issues. A clear example is an investigation conducted by the INDEPTH secretariat of Ghana in 2007 after the passing of the Domestic Violence Act that illegalized marital rape (Ndakala, Crichton, Theobald, Lithur & Ibisomi, 2011). Based on the report of their findings, it was estimated that the police did not assist women who experience sexual abuse in their marital relationships. The majority of the report was based on the fact that government institutes were reluctant to implement comprehensive laws against sexual violence in marriages due to their lack of political leadership. This contributes to the fact that, despite the legal measures to address marital issues, marital rape is not considered severe. Thus, the misconception of marital rape dwells with the respective members of the authorized bodies of Ghana. As a result, “even with all of the strides that have been made over the past few years, women who report abuse are still sometimes retraumatized by the system. They may be made to pay for their medical examinations, told they must travel to several different locations at their expense, or forced to meet with a perpetrator” (Morris, 2012, p. 33).

According to Dawuona-Hammond et al., “the trend has been for governments to legislate rights and entitlements with no intention or commitment to serious enforcement the trend of legislating rights and entitlements [and passing legislation] to meet certain international standards as a prerequisite for accessing loans and grants from the international community” (2020, p.2). In other words, “countries make laws to silence in-country rights and

social justice activists and to help ensure election victories when citizens mistakenly perceive enacted laws as concrete promises that will be kept. Central to this sophisticated ploy is a government's justifications of inaction due to a lack of resources to adequately provide the rights and entitlements that have been legislated" (Okin, 2000 cited by Dawuona-Hammond et al., 2020, p.2). Therefore, "despite its assent to international treaties and the existence of the MOWAC, the government often uses the lack of resources as an excuse for the lack of enforcement of laws or entitlement fulfilment" (2020, p.3).

Acts that outline legal frameworks for protecting and preventing domestic violence and marital rape have not prevented women's abuse in their marriages (Kaburi, 2018). The author discovered that the earlier anti-discriminatory laws such as the 1992 Constitution that outlawed discrimination based on sex, the 1998 Criminal Codes Amendment Act, and other criminal legal instruments could not prevent violence against women. The reason for the inadequacy was that these laws did not specify guidelines to assist the police in responding to domestic violence because "the range of formal services available to women was not specified" (2018, p. 14). Furthermore, Adodo-Samani (2017) reported that since the removal of marital rape exemption laws in February 2007, there have been no formal charges laid. Her study discovered that the Domestic Violence Unit of Ghana does not have records of any spousal rape accusations. Thus, victims of sexual violence will remain in their abusive homes due to the fear of the social stigma of divorce, reprisal from the assailant, fear of being accused of the assault by others, and lack of confidence in the justice system (Adjei, 2017; Boateng, 2015; Sedziafa, Tenkorang & Owusu, 2018).

However, criminal-law involvement in marital rape can be seen in some historical murder cases where refusal of marital intercourse led to assault and wives' death (Morhe, Assan, & Morhe, 2015). For example, in *Kono vs. the State* (1965), an estranged husband visited his wife and endeavoured to have sexual intercourse with her, but she refused. He

mutilated her with a knife leading to her death. In another case, *Klivia vs. the State* (1965), the husband murdered his pregnant wife with a knife because she declined his sexual advances (Morhe et al., 2015). Adinkra (2017) studied 25 media-reported husband-perpetrated homicides ascribed to wifely sexual refusal from 1990 to 2016. The findings from the study indicated that femicide killings were influenced by estrangement, divorce, or threat of relationship dissolution. Also, “some of the women had previously been warned by the assailant that they would be killed if they made good of their threat of separation or divorce” (2017, p.1091). In addition, the study revealed that domestic homicides were not only perpetrated by husbands. It is reported that some vulnerable wives kill their husbands due to transgressive behaviours, such as rape. The result indicates that twelve (12) men were killed between 1990 to 2005, at a rate of 0.75 per year. Therefore, wife-husband homicides are considerably lower than uxoricides in Ghana, but some husband murders may have involved marital rape. According to Adinkra’s report “in another one-quarter of cases, wives killed husbands secondary to an act of self-defense in averting marital rape” (2007, p.530).

Explanations for the lack of marital rape charges in Ghana include the lack of legal knowledge by female Ghanaians, religion, and economic factors. For example, previous studies have revealed that most respondents (both male and female) do not fully support the criminalization of marital rape (Adodo-Samani, 2015; Hodzic, 2009). Respondents perceived sex in marriage as a conjugal obligation, whether coerced or not. Also, women do not recognize sexual violence because marital socialization promotes the privacy of such acts in marriage (Odoi, Annag & Ansah, 2013; Sedziafa, Tenkorang & Owusu 2019; Tenkoang & Owusu, 2013). However, marital rape victims express their interest in reporting sexual incidence to close friends and relatives or settling marital cases at home (Boateng & Lee, 2014; Darko-Gyeke, Addo-Lartey, Alangea, Chirwa, Coker-Appiah, Jewker & Adanu, 2019). Odoi et al. (2013) revealed that respondents cited that forcing sex on someone unmarried to you can be

regarded as a crime and punishable by law; however, respondents believed that one could not be punished for the offence of forcing sex on his wife. Therefore, critics of the marital rape laws admit to the existence of rape in marriage; however, the term “forced sex” is a preferred choice of word to identify sexual coercion in marriage instead of “rape,” which connotes immorality (Odoi et al., 2013). The scholarly review below from previous researchers provides an explanation for the lack of marital rape reports among Ghanaians.

Ghana’s Religious Practices and Marital Rape

Religious ideology does not inherently condone rape myths; instead, religiosity has formed and stressed patriarchal norms. These norms emphasize sexual inequality and unlimited access to women by men. In Ghana, women's status is determined by traditional and religious norms that promote the subordination of women (Chirwa, Sikweyiya, Addo-Lartey, Alangea, Coker- Appiah & Adanu, 2018). In addition, Kaburi (2018) argues that pastors, priests, and imams heading faith institutions serve as peacekeepers and problem solvers in Ghana, and “victims of domestic violence consider faith institutions as their first point of call” (p. 50).

However, “harmful attitudes towards women are reinforced by certain religious and community leaders who encourage women to remain married regardless of the consequences while failing to take a clear stance on marital rape” (Norton, 2009, p. 8). One Ghanaian pastor addressed a Women’s Bible Camp, insisting that women's refusing their husbands sex results in broken homes (Adinkra, 2017). Religious institutions discourage victims from seeking help from legal authorities or even considering divorce as an alternative (Kaburi, 2018). Thus, “in a deeply religious society like Ghana, religious leaders may also have a significant impact on communities by encouraging victims to “endure” abuse without complaint, to preserve the marriage” (Beninger, 2014, p. 81).

The attitudes promoted by religious authorities are also found among everyday Ghanaians. Adinkra (2011) noted that religion formed one of the basic tenets that promote marital violence. He discovered that 9.9% of respondents cited biblical scriptures to support their views on marital rape, claiming that Christian doctrines ordained the sexual right of a husband to his wife's body without contention. One female student noted: "The Bible admonishes Christians that married couples should not refuse one another sex except they have set some days aside to seek God's face in prayer and fasting" (2011, p.1001). As discussed above, research findings indicate that religious participants have a high tolerance for rape myths, particularly those related to marriage (Tenkorang & Owusu, 2013). Furthermore, Odoi et al. (2013) argue that spiritual teachings stress women's sexual responsibilities and the unlimited availability of their bodies to their husbands. Therefore, women who live by such principles do not identify sexual violence in their marriage as a misdemeanour. A wife's consent to sex is interpreted as her allegiance and righteousness as a religious woman in Ghanaian society.

Religion has negatively impacted social issues by employing principles perceived as the only way to understand the world. Many Christian and Islamic denominations and traditional religions use spirituality as a tool to manipulate and control and keep their followers subservient, married women inclusive. The propagation of unequal power relations within religious dogmas makes it difficult to challenge domestic violence (Adu-Gyamfi, 2014). Also, Issahaku (2018) argues that due to Ghanaians' religious conservatism, most of his respondents seek God's intervention to end violence through prayers. For example, a respondent said, "Let pray to God to intervene to stop violence and give us peace" (2018, p. 634). These kinds of responses showcase the conservative tendency of Ghanaians to rely on divine intervention to resolve problems such as marital rape and attempt to resolve family issues at the family and religious unit levels. The results clearly show that most Ghanaians'

religious background shapes their mindset about the criminalization of marital rape in Ghana. In turn, even if they wish to report, Ghanaian women fear the shame of being rendered as societal misfits for prosecuting their husbands on charges of marital rape (Adinkra, 2011).

Ghana as a Communal and Traditional Society and Marital Rape

The cultural structure of Ghana is communal (Adjei, 2017; Morris, 2012). According to Gyekye (1996, cited by Adjei, 2017), communalism comprises “the doctrine or theory that the community (or group) is the focus of the activity of the individual members of the society” (p. 883). Therefore, the people within the social structure of Ghana express their sense of personhood through their community. The writer stated that “the communal orientation of persons in Ghana prime [sic] them to be more concerned about others [sic] approval because of the logic that a person’s identity and self-worth is socially conferred or denied” (Adjei, 2017, p. 883). Research in Ghana suggests that when a victim decides to report cases of marital rape or abuse to authorities, the victim's family members withdraw the case with or without the victim's permission (Adu-Gyamfu, 2014). In addition, Muntari (2018) argues that domestic violence victims shed light on how family and friends convince them that abuse in any relationship is reasonable; therefore, it is better to endure abuse than divorce. As a result, cases tend to be resolved through arbitration (Ampofo, 1993). There is a traditional desire to maintain family integrity and social status by avoiding the shame of revealing violence (Boateng, 2015).

Furthermore, some of the fundamental reasons why sexually abused women are reluctant to divorce their husbands are derived from common traditional practices. For example, most communities' traditional and cultural norms provide men with the power to forfeit their fatherly responsibilities to their children when the woman files for divorce (Adjei, 2017). Moreover, male dominance in a household reflects societal practices that highlight a lower position of women; thus, power relations within the home may create societal beliefs among men involving male power and control (Adjei, 2018; Takyi & Mann, 2006).

The cultural practice of bride price or bridewealth gives the impression that a woman has given up her rights to her husband (Adu-Gyamfi, 2014; Archampong & Baidoo, 2011). The act of paying the bridewealth to a woman's family during marriage results in an ideology of ongoing consent to sex (Archampong & Baidoo, 2011). Therefore, the researcher assumes that individuals who believe that the bride price's payment is the purchase of a wife have high rape acceptance. A research study among the Krobo ethnic tribe of Ghana suggests that a woman must give in to her husband's sexual advances when he "needs" it, even when the woman is not in the mood (Sedziafa, Tenkorang & Owusu, 2019). It is argued that traditional marriage practices can sow the seed of conflict into the marriage relation, mainly because they reinforce the notion of women as the property of men (Norton, 2009).

In addition, because divorce in most patrilineal societies mandates that brides are supposed to return bridewealth to the husband and his family, "this makes it difficult for wives to leave relationships including abusive homes because they cannot afford to repay bridewealth and lose their children" (Takyi & Broughton, 2006, cited by Aseidu, 2016, p. 2353). Although marital violence occurs within every kinship type, it occurs in different severity. Researchers find that patrilineal societies have more severe domestic abuse rates than matrilineal societies (Sediafia, Tenkorang & Owusu, 2019). Their study findings indicated that matrilineal norms institutionalize women's access to lineage resources and the custody of children. Therefore, women have more economic resources to support themselves and their children, even without their husbands' help.

In Ghana, cultural emphasis on male sexual attention is quite rigid; thus, women's encounters with sexual violence are associated with the widespread conviction that husbands are entitled to sex (Apatinga, 2019). He further explains that in most cultures, women are advised to satisfy their husbands' sexual needs without contention; upon refusal, a husband can use force to get what he desires. Among the Akan tribe, the act of warning a woman during her

marriage rites to never refuse her husband's sexual advances is considered as "anticipatory socialization" towards sexual responsibilities (Adinkra, 2017). This advice is mostly given to brides, emphasizing the patriarchal system of communities (Apatinga, 2019). Furthermore, though the traditional mores of Ghana prohibit postpartum intercourse for several weeks, evidence suggests that some men insist on having post-natal sex (Adinkra, 2017). The above state examples verify the Auburn Differential Masculinity Inventory, where some of the essential prerequisite of masculinity involves the lack of display of emotional compassion for taking advantage of women, even when the physical and medical wellbeing of their wives is unstable. Hence, the researcher considers the ideology that the traditional persona of being regarded as a man consists of the lack of respect of women's views or consent in marriage in Ghana.

Another peculiar factor that discourages women from reporting domestic violence cases or marital rape is the patronage of traditional healers, commonly known in the "Asante Twi" dialect, as "odunsini" (Kaburi, 2018). In case of any abuse, women prefer traditional doctors' services because of the "confidentiality and their relatively cheap service" (2018, p. 51). The above study explained that traditional healers console victims by advising them not to provoke their husbands; thus, victims are often trapped in abusive relationships involving marital rape amongst other abuses.

In summary, cultural practices have become a drawback for women to achieve political and social independence in Ghana. Outmoded cultural practices such as female genital mutilation, witchcraft camps, and puberty and widowhood rites that degrade women are still practiced today, and fewer efforts have been made to alleviate these conditions (Abass, 2017). Abuse in intimate relationships is rampant and often ignored:

Violence against women as an issue was exceptionally difficult to deal with publicly in Ghana due to cultural, social and legal practices of burying or ignoring the problem or considering it a private matter. Existing information, mostly anecdotal from case

histories, from legal perspectives and newspaper accounts show a high incidence of women abused in intimate relationships, child abuse in the family and abuse of elder dependants and sexual harassment at the workplace (Ardayfio-Schandorf, 2005, p.3).

The author added, “whilst there is urgency to correct this imbalance, it is equally imperative to conduct nationwide survey on systematic basis to monitor trends and rates in prevalence and its outcome” (Ardayfio-Schandorf, 2005, p.11).

Women’s Socioeconomic Dependence and Marital Rape

Economic dependence is known to be associated with high IPV among women in Ghana (Amu, 2005; Cofie, 2020). According to Devries et al. (2003, cited by Sedziafa, Tenkorang & Owusu, 2013) “feminized poverty, which stems from gendered access to opportunities, could increase the likelihood of IPV against women, and make it difficult to leave abusive relationships” (p. 2215). A typical Ghanaian family consists of a dominant husband who is the home's wage earner and a financially reliant wife (Adinkra, 2011). Research suggests that IPV is higher in economically challenged households. This is because economically disadvantaged women remain servile and under the influence and authority of their male partners; thus, women become financially trapped in poverty, which relegates them to various abusive conditions (Baffoe-Whyte & Sossou, 2019).

According to Amu (2005), women who are economically employed and contribute to the household budget experience less IPV than unemployed women. Additionally, formal education enhances access to equitable living standards for women (Alangea, Addo-Lartey, Sikweyiya, Chirwa, Coker-Appiah, Jewkes & Adanu, 2018). Thus, higher education attainment leads to less IPV risk, since educated women are exposed to knowledge essential for healthier interpersonal relationships (Amu, 2005). In view of this, women who have attained higher education are more likely to disapprove of domestic violence than less educated and jobless women (Alangea et al., 2018).

In contrast, Tenkorang, Owusu, Yeboah, and Bannerman (2013) assert that wealth and occupation are not reliable predictors of physical and sexual violence in marriages; thus, domestic violence may not be peculiar to specific demographic and economic groups. Although economic and academic advancement may empower women, such independence may not directly avoid marriage conflicts (Boateng & Lee, 2014; Sossou, 2006; Tenkorang et al., 2013).

As discussed above, when divorce occurs, women cannot afford to return their dowry to their husbands as customs suggest due to the high amount of wealth involved (Aseidu, 2016). As a result, available conciliatory options are employed to maintain the relationship; this kind of situation prohibits most married women from leaving their abusive home, since; many women rely on male spouses for economic reasons. This prohibits women from filing a complaint with judicial systems (Adinkra, 2017). The impact of poverty, economic dependency and lack of state support is a significant factor that leads to domestic violence perpetration. Also, “in many families, the husband is the main breadwinner; consequently, some women refrain from reporting domestic violence for the fear that the husband will be imprisoned, leaving her and the children without the income necessary for survival.” (Berninger, 2014, p. 82).

Signs of Change? Media Attention to Marital Rape

Social media portrays predominant thought patterns and cultural views, beliefs, goals, oppression and revolution for the future (Hanson, 2020). People have taken to social media platforms to disclose their sexual assault encounters through social media campaigns. The common use of hashtags such as #MeToo, #whyIDidntReportIt, #YesallWomen, #EndRapeCulture, #LetsTalkConsent, #RapeMustFall and #BelieveSurvivors, etc., have been used to generate awareness and facilitate the fight against domestic and sexual violence (Hanson, 2020; Sulleyman, 2019). Ghanaians use social media platforms to create awareness of rape, with many of them uploading and emphasizing in their videos that rape is not about

desire but power (Hanson, 2020). Videos published on Facebook and Instagram podiums serve as public education against rape culture (Sulleyman, 2019). Social media platforms have been used to spread the beliefs of celebrities, public and religious speakers. For example, Pastor Chris Oyakhilome, a well-known and successful Nigerian minister and founder of Christ Embassy, gave a sermon that sparked controversy in Ghana's traditional and social media; (Jones, 2019). According to the high-profile man of God, women were not part of God's original plan but were formed for the sake of men. Furthermore, Oyakhilome asserted that a married woman is supposed to come under the authority of her husband and projects the man as the master in marriage. Pastor Chris's speech came under scrutiny throughout social media platforms in Ghana; people from all walks of life shared their concerns that his sermon conveys the tolerance of domestic abuse. Pastor Chris was "called out" through media platforms for his misogynistic views (Jones, 2019). The researcher believes that the social media criticism of Pastor Chris Oyakhilome's sermons is an indication that the internet is expanding the potential for people to comprehend one another. Through the increased access to information, people can recognize or appreciate different cultures and acknowledge similarities in views, values, and concepts that can be coordinated into promoting social change and transforming society over conservative and traditional views.

In most cases, both victims and activists use an artistic medium such as artworks, digital photography, illustrations, and short films to convey information for educational reasons (Sulleyman, 2019). For example, in 2015, a hashtag campaign started when members of a small book club meeting in Abuja, Nigeria's capital, discussed Chimamanda Ngozi Adichie's 2014 book *We Should All Be Feminists*. After discussing their own experiences with patriarchy and sexism in Nigeria, the members determined to broadcast this event into a bigger podium. The hashtag #BeingFemale was launched, which went viral in Nigeria and other African countries.

Ghanaian women chanced on this hashtag to communicate their everyday sexist encounters (Hanson, 2020).

Although there had been some Ghanaian print media coverage on all forms of rape including marital rape, media framing on IPSV and Violence against Women and Girls in Ghana (VAWG) has been presented with focus on individual cases (episodic) without reference to the broader social contexts (thematic) (Owusu-Addo, Owusu-Addo, Anto, Sarpong, Obeng-Okrah, & Annan, 2018). A study consisting of forty-eight (48) news articles from both state and private-owned newspapers, radio stations, and websites disclosed that media representation on sexual violence is skewed toward episodic framing rather than thematic framing. This bolstered the public's impression that VAWG and IPSV are interpersonal rather than public issues. Within the study, out of the 48 media contents, only four media articles centered on the incident's broader social framework as cases of a social and public health problem; while three of these articles were authored by non-governmental organizations and one by the Ministry on Gender, Children and Social Protection. The remaining forty-four (44) news articles did not examine the health and social repercussions of the sexual abuse of violence for victims, and neither did they deliver information on support systems available for victims. With the study, the 44 news articles were descriptive in nature. Furthermore, in those forty-four (44) articles, IPSV and VAWG cases committed against victims were presented as individual cases without delving into the broader social context in which they occurred, missing an opportunity to shape society's perception of sexual violence as a harmful social problem (Owusu- Addo et al., 2018). They discovered that the use of victim-blaming language was frequent in those articles. The research study by Owusu-Addo et al. (2018) on how news media frame sexual violence in Ghana signifies that much needs to be done by many news outlets to provide thorough and perceptive information and inform or initiate public opinion and political decision.

Conclusion

Undeniably, marital rape remains a debated topic globally. This chapter elaborated on the literature that studies marital rape. First, the chapter started with key theoretical terms and interpretations of the research topic. Second, the ideology of marriage was established, showing how marital norms and obligations result in the unequal and discriminatory treatment of wives within the marriage sphere; thus, married women take up responsibilities that consist of the communal, productive and reproductive roles. Third, gender ideologies deriving from traditional, cultural or religious doctrines were elaborated further within this chapter. This was followed by the historical attention brought towards marital rape through the works of both first and second-wave feminist movements in the late 1960s through the 1990s, which set the stage for most international bodies and countries to reform laws to accommodate women's equality within marriage.

Furthermore, this chapter developed on the pervasiveness of marital rape in Africa by analyzing Africa's legal norms and the elimination of rape exemption laws among some African states. Other Sub-Saharan nations have held on to respective customary laws by refraining from criminalizing marital rape. The prevalence of marital rape among selected African states was reported. Finally, the Ghanaian historical influence from both cultural and colonial backgrounds was emphasized within this chapter. Therefore, the Ghanaian social structure was examined to depict how colonial, traditional practices and the Ghanaian society's religious background blurred the negative impact of marital rape in the marriage sphere. This literature review was accomplished by assessing existing information, including substantive findings and theoretical contributions to marital rape.

The literature from related authors on marital rape originates from Ghanaian women; however, opinions from Ghanaian married women living in the diaspora have not been considered in many types of research, making this study different from other related research.

Thus, this study was centred on Ghanaian married women living in Canada as their adopted home. Therefore, participants' exposure to international laws and lifestyles may positively or negatively impact them to relate differently toward marital rape. Their views, perceptions and answers can be incorporated into Ghanaian legal systems and social policies to improve social change programs.

CHAPTER THREE

Case Research Methodology

Introduction

This chapter presents the procedures and processes used in conducting this research. These comprise the research orientation and design, the study population sample and technique, data collection and analysis techniques, and ethical issues.

Research Design

A research design is an overall approach used to incorporate the different study elements in a consistent and reasonable style (Project, 2012). The study is feminist research; thus, the purpose of the study was to create awareness, provide women with the chance to speak out and promote social change as well as gather the data to support greater understanding and better action. A qualitative research orientation was used for this study. Qualitative research involves gathering data from participants through observation and interviews, whereas quantitative methodology employs the administration of questionnaires to respondents. Qualitative research is the process of collecting lived stories or data from participants' experiences, truth reportages, and quotations of actual conversations (Adu-Gyamfi, 2014). The primary purpose of selecting qualitative research is to collect material that is "rich": deeply descriptive or exploratory. In this study, the lack of detailed accounts of individual respondents' perceptions within a quantitative analysis has hindered a full and rounded understanding of marital rape as it is experienced. Lack of qualitative data has limited intersectional programs that seek out the well-being of diverse women. Qualitative research seeks power sharing and openness and supports participatory interviews; thus, women are more likely to speak for themselves (Rahman, 2017). The study was conducted using a qualitative case study approach.

A case study is a systematic inquiry in which an incidence or a set of associated events elucidates a phenomenon of interest (Zucker, 2009). Freeman (2008) describes a case study as

a research method in which one or more cases of an event are studied in depth. The reason for choosing a case study approach for this study is that it allows the motivation to investigate, seek knowledge, and establish the meanings from the perceptions of those involved (Harrison, Birks, Franklin & Mills, 2017). This is achievable with a case study approach because the attributes of a case study consist of recognizing post-modern sensibility, obtaining an individual's point of view, discovering the constrictions of everyday life, and securing a detailed narrative (Denzin & Lincoln 2011). Therefore, the researcher will be able to analyse situations leading to the justification of marital rape through an extensive analysis of the individual units or the community (Ghanaian community in Canada).

Data Collection Process

Qualitative data were collected for this study. Hence, an in-depth semi-structured interview was adopted for the study. A semi-structured interview is a form of discussion where the researcher raises questions intended for participants to talk about (Letherby, 2003). Semi-structured interviews are flexible in creating a participatory model (Campbell, Dams. Wasco, Ahrens & Sefl, 2010). Such a method allowed the researcher to access the perspectives of marginalized people in society, specifically those of women and people of colour (Mizock, Harkins & Morant, 2011). The selected type of interview used for this thesis created the opportunity to ask follow-up questions and enable the researcher to observe body language (Steber, 2017).

Also, some participants occasionally gave their responses in the Ghanaian dialect during the interview, specifically Akan/Ashante (the language most commonly spoken in Ghana). Although the interview questions were conducted in English, the researcher cannot determine why some participants inserted a response in Akan. However, a possible reason for

this outcome may be that some participants felt comfortable explaining themselves better in the local Akan dialect. This outcome did not threaten the research study in terms of the language barrier, mainly because the researcher understood and can translate the Ashante/Akan dialect. Therefore, when a participant responded in Akan, the researcher translated those comments into English.

Sampling Technique and Population

The researcher recruited participants through a non-probability sampling technique, precisely purposive and snowballing sampling technique, mainly because the participants must be Ghanaians by birth and living in Canada, married, previously married, divorced, or separated. The study's nature was sensitive; therefore, the researcher sought the help of a research gatekeeper (as contact person), who has lived in Canada for approximately twenty (20) years. The contact connected prospective participants to the researcher. Additionally, the members of the Ghanaian-Canadian Association of Ontario also assisted in the recruitment process. I contacted GCAO with my recruitment advertisements (Appendix C) and requested that GCAO members forward recruitment materials to individual women through the women's committees (if such exist), or simply post recruitment posters in their buildings. This technique enabled the researcher to reach a broad audience that fit into the research category. Twenty (20) participants were selected for the study, which facilitated the basic numerical criterion for achieving data saturation (Guest et al., 2006). This is because research participants have common experiences that encompass truths, and participants have been married before and share basic knowledge on what marriage constitutes, such as sex. Similar questions were also exposed to all participants. Concerning sample homogeneity, research participants were all born in Ghana. Thus, participants had Ghanaian cultural upbringing and socialization.

All women had control and fluency in the English language. Therefore, communication barriers were eliminated. In order to facilitate communication and comfort among participants, the researcher did not ask participants about their ethnic origin because this could have emphasized the differences between tribes who believe in marital rape myth or domestic violence in general. This sampling approach limited the risk of dissimulation of information. The interested participants contacted the researcher through phone calls, whereupon an appointment date was arranged. The researcher explained the interview process to each participant through the interview guide and consent forms. Also, participants were directed to the research website (which is stated in the advert flyer in Appendix C) which was created for this study for further information. The research website allowed easy access to the interview guide, consent forms, statement on the aims and objective of the study, and the contact information of Domestic Violence centres across Canada, including an information sheet on how women can clear their browser and call history, in case participants do not want to be traced to the study. A time period was granted to each participant to review the questions. Upon their approval, all participants gave their oral consent at the beginning of the interview and a written consent through phone, texting “I consent” to the researcher.

Data Collection

The data collection was undertaken through telephone interviews. It is significant to note that the COVID-19 pandemic made face-to-face interviewing and travel impossible, hence, the option of electronic telephone was used as primary data collection, a data collection strategy widely practiced in qualitative research (Tessier, 2012). Verbal consent was permissible in this study; considering participants’ living conditions with their significant others, their safety was of greater concern to this study than obtaining signed forms.

Participants were more comfortable with telephone communications. The interview was semi-structured. An interview guide helped to control the flow of conversations. The primary goal was to foster conversations and participation between the researcher and participants. The researcher achieved a non-hierarchical and non-manipulative study by using a semi-structured phone interview. The time frame for data collection was approximately six (6) weeks, and each participant's interview took approximately 90 minutes.

Telephone interviews were recorded (with the verbal and written consent of the participants) using an external microphone on the researcher's laptop. The researcher set her phone next to her computer, placed the call on the loudspeaker and recorded the call on her private laptop. In lieu of official consent forms, interview dialogue between the researcher and participants were recorded as agreed by the participants. According to Tessier (2012), the main advantage of working from recordings is that it allows faster, reliable and better data transcription. Also, original recordings can be cross-checked to avoid errors, misquotations and inconsistencies. During the interview session, sixteen (16) participants consented to be recorded, while four (4) participants decline. I substituted their non-recorded interviews with jotted notes based on their consent. The four non-recorded interviews were documented with the use of notes and journals. All interview data were manually transcribed. This process ensured the participants' confidentiality, given the sensitivity of the study and potential concerns for the safety of participants.

Data Analysis

The data collected from the research field were analyzed using thematic analysis. Thematic analysis is applied to a set of texts, such as interview transcriptions (Caulfield, 2019).

The objective of thematic analysis in research is to identify evolving themes and ideas in the interview transcripts.

The oral interview data were converted to textual data through the process of transcription by the researcher. Simultaneous coding relies on individuals' opinions about issues respondents have in common, yet differences and variations occur (Saldana, 2008). The interview data were coded for major and minor themes from each interview transcript using a Microsoft Excel spreadsheet (Saldana, 2008). The textual data were categorized in columns for easier coding and theme generation (Saldana, 2008). First, the Excel sheet contained one column for the interview textual data, with the next column containing generated categories and coding. Themes were then generated by grouping and collapsing the major codes. The researcher's notes or jottings from the participants who refused to be recorded were also added to the same column. The major themes were identified from the researcher's text in another column /row.

The above process enabled the researcher to sort by reducing the data from the raw state into the researcher's "interpretative interjections" (Binkhmann, 2013, p.114). This implies that the researcher provided an explanatory summary relevant to a given category in a second column. The purpose was to reduce by synthesizing the quantity of data into understandable concepts that will later form part of a theme's subcategory, but most importantly addressing the research question of the study (Saldana, 2008). The third column of data consisted of subtopics related to the given category of themes by rewording the researcher's subjective interpretations. The researcher refined each subtopic to fall under a specific theme to make a meaningful concept (See Appendix D). This method enabled the researcher to conceptualize the data into the production of theoretical forms of the studied phenomenon (Binhkman, 2013). The fourth or final column of coding grouped the codes into broad distinct themes, for example, Culture. Therefore, under each theme was a display of various concepts that denotes similar ideas shared

by the same participant. This enabled the researcher to distinguish among common themes, patterns, and associations within answers of the sampled group. The data collected were assessed relative to the current findings of the literature review while examining the discrepancies among the results. The table below illustrates the researcher's concept of transcribing the data.

Table 3.1

Researcher's Transcription Model

(Column1) Raw Data by a research participant	(Column2) Researcher's Interpretative Subjections (Preliminary code)	(Column3) Summaries (Subtopics)	(Column4) Distinct Themes
"In Ghana, it's clearly because of our cultural setup."	Marital rape does not exist in the cultural mindset.	Cultural Ideology	Culture
"They will say that you deny your partner sex; that is why he is raping you."	Women will be held responsible.	Stigmatization	Culture

“And even as Christians, they will be submissive to your husband, so how will you go and report.”	The Christian emphasis on submission.	Religion	Religious influence
“They only report it if they(husband) beaten you.”	Physical assault is a preferable abuse to report, not rape	Nature of abuse/crime	Nature of Assault

Ethical Considerations

According to Houston (2016), ethical consideration is defined as protecting the privacy of research participants and confidentiality of their personal information. The freedom of participants to contribute to a research thesis is vital to this research. Ethics directs the researcher to supervise the data collection in a way that will not harm research participants (Letherby, 2003). The study implemented principles of research ethics as recommended by the Tri-Council of Canada Social Sciences and Humanities Research Council (2020) which are implemented by the UNBC Research and Ethics Board. Ethical research principles are confidentiality, anonymity, freedom of participation and causing no harm, and researcher’s honesty. All were observed throughout the data collection processes and in writing this thesis. The informed consent and confidentiality of each member were achieved by providing each participant who agreed to participate in the research data collection process a UNBC consent form and in addition, a verbal explanation of the purpose, objectives, safety and security of the data to be collected. The topic investigated was sensitive and intimate, with potential to arouse

negative emotions from each participant, which was ameliorated by the suggestion of reflective journal entries for participants at their own free will. Thus, the study sought voluntary contributions by assisting each participant in understanding the information presented.

To ensure the anonymity of my study participants, the researcher used the services of research gatekeepers, including those at a recruitment agency (Ghanaian-Canadian Association of Ontario), who did not disclose the identities of my study's participants. Their role was only to share the researcher's contact information so that participants could contact the researcher directly and discreetly. Additionally, a copy of a confidentiality agreement was emailed to all recruitment agents to emphasize their responsibilities within the study and to prospective participants.

To produce an ethical, reciprocal, and participatory interview, the researcher adopted Schmied, Jackson, Elmir and Wilkes's (2011) method of establishing a non-hierarchical research interview. First, the researcher strived to minimize impending power inequalities by raising trivial topics about participants' social backgrounds, such as weather, work, and children. The approach provided icebreakers and relaxed feelings of anxiety and apprehension with the participants. Second, the researcher used the appropriate use of self-disclosure to build rapport while asking questions relating to social, educational, marital, religious, and political background. For example, during interviews, participants were intrigued as to why and what motivated me to develop this research topic and the aim of accomplishing the study. As a response to their questions, I had to disclose that I may not be married; however, their contributions and experiences will help prepare any young and unmarried individual such as myself about the pros and cons of marital life. This led to building trust and transparency between myself and the participants, allowing them to cooperate more effectively because they saw the relevance of the study. Also, the intention was to set the stage to create a dialogue. Third, the researcher acknowledged the sensitivity of opening responses. Nieswiadomy (1998

cited by Schmied et al., 2011) stated, “when posing interview questions, it is important to allow participants adequate time to respond fully [as well as] respecting periods of silence and their readiness to continue with the interviews” (2011, p.14). As a result of this, the researcher granted ample space and time for participants to gather their thoughts and responses. This objective relieved participants from pressure to give an immediate response to questions.

Moreover, the researcher made certain that research participants were not under pressure to recount their experience of marital rape. This is in connection to the direct question, “Have you experienced that (rape) in your marriage?” As a precautionary measure, the researcher prompted participants that they were not under any obligation to answer the question; therefore, they could skip the question or terminate the interview at any time. This strategy supports the UNBC consent letter option to participants and provides an iterative ongoing process to obtaining consent.

Limitations of the Study

The study experienced several limitations. First, the process of working with married women who may have experienced marital rape can result in the dissimulation of information. This outcome might affect the study by inhibiting the researcher from capturing the needed data. Interviewees often speak of the experiences of marital rape as happening to “my friend” or other women in general. This means the researcher cannot determine if respondents are speaking of their own experience and the impact of shame is still silencing them from speaking of their direct experience. The researcher did not make any assumptions or draw any conclusions in this regard.

Also, the nature of the purposeful sampling technique limited the number of participants. In addition, purposeful sampling may result in a bias since the participants were

women with high academic achievement, some of whom are experienced in the field of study. Moreover, this study's findings do not make reference to any specific ethnic group since the tribal affiliation of participants was not part of this research motive. Also, the research is homogeneous from a religious or spiritual standpoint because all participants were Christians, and their responses were from a Christian standpoint. Thus, other religions, such as traditionalists and Muslims (the most common religious groups in Ghana), might not align with this study's results. Based on the foregoing, the study's findings only represent a minority of Ghanaian women. Therefore, the sample is not reflective of the general population of women living in Ghana. In particular, the results may not apply to women with less education and lower economic background since their experiences will be distinct from those represented in this study.

Conclusion

This chapter discussed the research methodology of the thesis. This comprised the research design, the population of the study, demographics and background of the participants, sampling technique, data collection method, data analysis, limitation of the study, and ethical consideration of the research.

CHAPTER FOUR

DISCUSSION OF FINDINGS

Introduction

This chapter discusses the thesis research findings. The study's research objective was to understand the factors that lead to the justification of marital rape among Ghanaian married women living in Canada. This study addressed the central phenomenon as why women remain in abusive relationships, particularly with the study participants. The major themes identified in this study are religious influence, legal structures, immigration status, level of education, economic causes and cultural influence. These themes are discussed in the proceeding discussions and supported by literature.

Demographic Background of Research Participants

Participants' profile, such as educational background, age, marital status, residence, number of children, religion, employment, and immigration status, may play a significant factor in how women perceive the issue, as described below. The lawful age for marriage in Ghana and Canada is 18 years. The age of respondents is essential to determine the age differences between the participants and how the generational gap between them influences their perception or views on marital rape. Participants were between 28 and 63 years age range (As shown in Table 4.1). The marital status of participants is mandatory for this study because the fundamental research is focused on marital sexual violence or rape. This research concentrated on women who are married, divorced, or separated from their spouses.

Table 4.1*Ages of Participants*

Age Range (years)	Number of Participants
28-31	5
32-35	1
36-39	1
40-43	4
44-47	1
48-51	0
52-55	3
56-59	2
60-63	3

Table 4.2 shows a demographic display of the marital status of participants. Among the interviewed participants, eighteen (18) are married, one (1) participant is separated from her spouse, and one (1) participant is divorced from her spouse. This shows that the majority of participants are still married. Based on the findings, three (3) of the twenty (20) participants had been married in three separate nuptial ceremonies, including traditional (customary), “white wedding,” and court ordinance. One participant only had her traditional marriage, 13 participants had both traditional and “white wedding,” and 3 participants had their traditional (engagement) and court marriage, respectively.

Table 4.2*Marital Status of Participants*

Marital Status	Number of Participants
Married	18
Divorced	1
Separated	1

In the literature section, references were made to motherhood as one of the reasons that shaped the views of married women in their reluctance to report rape incidents to law enforcement authorities. Four out of 20 participants have no child; three participants have one child each, while one participant has four children (see Table 4.3). Three participants have two children each, while the remaining nine participants have three children each.

Table 4.3

Participants' Number of Children

Number of Respondents	Number of Children
4	0
3	1
3	2
9	3
1	4

Religion has a powerful influence on beliefs, including domestic violence (Banette, Sligar & Wang, 2018; Jeffords, 1984). All the participants of the study are affiliated with Christianity. There were no traditionalists (belief in ancestral or small spirits) among the respondents; neither were there any Muslim participants. Despite their Christian religious background, most (17 participants) underwent the customary or traditional form of marriage. This is because culture and tradition form an integral part of the average Ghanaian, which gives an identity to the individual and unifies the community.

The educational background of participants is considered an integral part of comprehending their understanding of the perspectives of married women concerning marital rape. The table indicates that (see Table 4.4) nine participants have a bachelor's degree, and three participants have a diploma, with two of these participants having more than one diploma. Four of the participants have a Master's degree and a Doctorate (Ph.D.), respectively. This indicates that all research participants have post-secondary education; thus, all research subjects are highly educated relative to Ghanaian women and the Ghanaian population in general. For example, according to a recent article published by the University of Sussex

(2021), the current student enrollment at the University of Ghana is 11,637, with 30% of the population consisting of women. In 2000, approximately 11% of women pursued postgraduate studies (University of Sussex, 2021). Therefore, compared to the average academic rate of women in Ghana, the study reflects a participant sample with higher academic achievement, which may be because of their immigration status, since most Ghanaian migrants travel for academic purposes.

Table 4.4

Participants' Level of Education

Level of Education	Number of Participants
No formal education	Nil
High School/Secondary	Nil
Bachelor Degree	9
Diploma	3 (two of them have more than one)
Masters	4
Doctorate (Ph.D.)	4

According to Alangea, Addo-Lartey, Chirwa, Coker-Appiah, Jewkes & Adanu (2018), education is paramount because it helps women make effective or impactful decisions over their reproductive rights. The authors above further explained that women with higher educational attainment are assertive about their reproductive rights and can negotiate sex better than less educated women. The high academic background of participants confirms the findings of previous scholars such as Alangea et al. (2018) within the same research field. This means that due to the high academic background of participants, women with higher academic excellence can control their sexuality in marriage. However, other environmental factors contribute to the lack of sexual sovereignty in marriage by some women. This is based on the responses of two participants who have experienced rape in their marriage (due to their ignorance of the law and the concept of marital rape). The study's findings showed that the 20 participants are employed and contribute financially to their respective households. Despite

their economic stability, two (2) participants admitted to depending on their respective husbands while five (5) participants are co-dependents with their husbands.

All the participants were born in Ghana but arrived in Canada as adults. This indicates that despite their immigration status, the participants maintained their cultural identities and denoted their responses or views on marital life to their respective Ghanaian traditions and beliefs. However, exposure to the westernized lifestyle helped to divulge new insights into how participants justify marital rape or domestic violence as women of colour and a minority group.

Table 4.5

Immigration Status of Participants

Study Permit	Permanent Residence	Canadian Citizen
2	3	15

Knowledge about the Criminalization of Marital Rape

The analysis of this study illustrated that nine (9) out of twenty (20) participants are aware that marital rape is criminalized in Ghana and Canada. Seven (7) respondents knew that marital rape is criminalized in Canada but did not know or were not sure about Ghana. Based on the researcher's knowledge, three (3) participants did not know whether marital rape is criminalized in Ghana and Canada, while one (1) believed that marital rape is criminalized in Ghana and not Canada. According to the latter participant, she admitted that she has been in Canada for barely two years, and she has not dealt with rape or has not looked at the criminal laws of Canada yet.

Some participants' lack of knowledge of the criminal law against marital rape may come from the insufficient dissemination of information by government agencies in Ghana. The Ghanaian Ministry of Information, which is responsible for information broadcasting, has withheld matters of the constitution from the public. The flaws of the government of Ghana have contributed to inhibiting the Ministry of Gender, Children and Social Protection from

combating domestic violence in the country since cases are not reported. Although the Ministry of Information Ghana is mandated to broadcast existing and new laws in the country, the large number of males in political positions in the country can be a hindrance to broadcast the existence of the Domestic Violence Act (2007) because the awareness of the law may pose a threat to the patriarchal and cultural authority of men in the country. Thus, no male politician wants to be held accountable or charged for raping his wife. However, participants who knew about marital rape laws in Ghana might have done so through personal self-discovery or social media.

Perception of Participants on the Definition of Marital Rape

This was a constant theme identified in the data. Some participants in the study agreed that sexual assault in marriage is predominant in marriage and underreported in both Ghana and Canada. Participants averred that coerced sexual violence in marriage is an integral part of marriage. Thus, women are likely vulnerable to sexual victimization in the course of their marriage. While two (2) participants did not believe that rape exists in marriage, all 20 participants understood what marital rape represents. While some of the participants anticipated that both men and women could rape, the majority estimated that sexual violence victimization is usually skewed against women in marriage. During most of the interviews, participants cited their understanding of marital rape through social media platforms and their academic background, while some participants made their assertion on the general meaning behind the term “rape” to imply forced sex occurring in the marital sphere. In this study, participants gave diverse definitions of marital rape. Their perceptions on the meaning of marital rape have been grouped into three themes: reproductive coercion and control, psychological abuse, and physical battery with rape (Hite-Corrie, 2012).

However, despite the assumptions given on marital rape by the participants, they tend to argue on the disparities and the nature surrounding marital rape. First, participants argued that a husband's first-time offence is pardonable. This means that there will not be the need for a wife to report her husband on spousal rape charges, especially when the spouse has no violent behaviour records. Participants who shared this viewpoint believed that a first-time rape occurrence happened when an argument between couples led to violent sexual encounters. In practicality, participants did not agree on pressing charges against their husbands if the sexual assault occurred once. Thus, the only reason to report such a case is when the assault becomes consistent. Mercy, who defined marital rape as reproductive coercion, continued by pointing out the following, "I will say it all depends on the individual; if it is the first attempt, you might not see the need to report it, but if it didn't happen once or something that is going on frequently, you must report it."

In contrast, one participant claimed that when rape occurs in a marriage for the first time, it is equally important to report to the authorities. She asserts that any assault that occurs in a marriage needs to be taken seriously; thus, overlooking such tendencies might lead them to intensify. Therefore, she indicates that when the man is charged for his crimes, he will not take such liberties for granted.

Theme 1: Psychological Abuse

This theme represents the lack of sexual consent in marriage, when a spouse usually the man, takes advantage of his wife's lack of physical and mental health to make meaningful and consensual decision to engage in sexual relationship. According to some participants, taking advantage of a spouse sexually when she is not medically sound can be termed as rape.

Participants stated that sexual abuse in marriage can encompass the lack of desire, taking advantage of one's medical or health condition, or use of domination and power manipulation to control one's sexuality. Lucy stated the following:

The definition will depend on the situation because, as I said, people cannot stand for maybe two or three times without sex in a day or a week; and maybe the person health condition and if one partner wants it and their partner is not ready and the other partner forces the person, it's kind of rape, but it depends on the condition that is what I will say. It depends on the person's condition; for instance, if my man is ready and I am not ready because of my health condition, and the person forces me, it is rape because my health condition does not permit that, and you force me.

Afia added;

I could say yes, because they should both be at the same place. I mean, both of you should be in agreement. I mean, both should have the desire to have sex, but if the woman is sick or not in the mood or have a different reason for not wanting to and the man forces himself on her.

According to this argument, “marital rape frequently results from an attempt by a husband to establish or reestablish a position of dominance, power, and control over his wife” (Adinkra, 2011, p.991). The definition of marital rape was associated with the health condition of a partner. Accordingly, the health condition serves as a barrier to consensually engage in sex. Due to the spouse's prolonged sickness the husband may take advantage of the other's physical weakness.

Theme 2: Physical Abuse/Rape

Out of 18 participants who believed that marital rape exists, the majority (10 participants) of their responses defined marital rape as the exertion of force on the spouse to have sexual access. Maame shared her idea on physical rape on the fact that, “If your spouse wants it, and I say no, or you force me, or you beat me up and assault me and have sex with me; it is rape. Although we are married, it is rape.”

Vicky recounted:

Normally, it happens to the women because men are very strong, so you can't rape them, so when the woman refuses to give in sex or something, I think their husband tends to rape them. I have heard a woman speaking about it, how her husband tears her panties, and I was really shocked about it.

This is the most common assumption surrounding rape in marriage. The theme signifies the use of violence to achieve sexual encounter. According to studies, this is usually defined as a force-only rape (Finkelhor & Yllo, 1985; Russell, 1990). This involves the use of physical compulsion which is necessary to complete the act. It is devoid of convincing, conniving, use of threat and coercion but rather relies on exertion of weight and strength on a spouse; this type of abuse may result in physical injuries and trauma to the victim.

Aseye added:

I believe that marital rape is when errmm (pause), I think it is more from the man's side because it takes an erection to have sex, so if the man doesn't have an erection, nobody can force you to have sex.

In other words, the comments shared above also contribute to the concept that, most rape that occurs in marriage are mostly perpetrated by men and highly conceivable to accept male to female rapes. According to Aseye, the act of physical or penile penetration committed by men is not only an issue of power or the exertion of weight or strength on a female spouse but it also validates gender stereotypes about men and women sexuality. A few of the participants asserted that men are the culprits in most sexual offence cases. They believed that women could not rape due to their biological structure and the size of men. According to McKeever (2019), one of the potential justifications for believing that only men can rape relies on the notion that; “it is a more serious offence to forcibly penetrate someone than to force them to penetrate you” (p.599). This accounts for the notion that rape can only be achieved by men and a woman’s forcing herself on a man is less likely or possible. Moreover, Aseye deviates from the fact that marital rape does not only involve the penetration of a husbands’ reproductive organ but may involve the insertion of objects into a woman’s vagina.

Theme 3: Reproductive Coercion and Control

Participants gave the third definition of marital rape as threats or mental and emotional manipulation to have sexual access with a spouse. Although this may seem similar to

psychological abuse, based on what the participants recounted, this form of sexual abuse does not involve taking advantage of a partner's lack of physical and medical wellbeing. Instead, the victim is mentally and medically sound, but there is a lack of interest to indulge in any sexual activity. The basic format is the act of putting fear or guilt into the female spouse, which is not limited to the threat of cheating or withholding access to property.

Mercy recounted the following:

But once your partner tries and then you might not give in, but at the end of the day, you think if you don't do it, you don't make your partner happy, and you wouldn't want your partner to go out to do that. So, at the end of the day, you might give in to it. But it is not like you wanted to, but you just need to satisfy your partner.

The comments above juxtapose the earlier studies by Tenkorang, Yeboah, Owusu & Bannerman (2013) that, the Ghanaian setting is characterized by marital relationships that involve violence against women, leading most married women to accept abuse in their marriage as normal hence inhibiting any chances of identifying forced sexual encounters as abnormal or justifiable.

A few participants insinuated that a good spouse would not take the liberty to victimize their partner. Madam Fati, one of the participants who discredits the existence of rape in marriage, commented, "No, but every man who is a gentleman will never rape the wife by having sex. As soon as you tell him I am not in the mood, he will retire; the next day, he will come in. You get what I mean?" The other factor that causes marital rape disbelief among the two non-believers is their lack of recognition for rape in marriage. Although they accept that forcing a spouse to have sex in marriage is unacceptable, they are not convinced to categorize forced sexual encounters in marriage as rape because marriage confers the right of sexual access no matter how violent. Claudia emphasized this notion by stating, "Some will term it as rape, but my husband hasn't raped me before." This could mean that Claudia might have experienced forced or coerced sex in her marriage, but she is refusing to accept such events as

rape. In view of this, Claudia's comments reinstate Flood and Pease (2009) study on the compelling nature of the evidence that rape-supportive attitudes are composed through the influence of an individual's experiences or witnessing through social learning theory coupled with societal, organizational, and community influence. In Flood and Pease's (2009) study, participants subscribe to rape myth ideology due to their exposure to witnessing unequal gender relations in their community or family, which may influence them to live in denial in case of sexual violence in their respective marriage.

Three (3) of the participants asserted that rape does not occur in a fair and understanding marriage. According to these participants, rape or what Madam Fati described as "aggressive sex" occurs in a marriage only when it existed during courtship. Therefore, any woman who was in such a courtship was indifferent when such sexual encounters were occurring. Thus, a woman who experienced "aggressive sex" during her courtship cannot claim to be raped while married to the same man. According to Madam Fati, when a couple has "aggressive sex" during their courtship (which the woman consented to) and such conduct recurs during their marriage, the woman should not describe the incident as marital rape because it was a sexual practice that was condoned previously before marriage. This means that the three participants view sexual compliance to any form of "forced" sexual practices during courtship as irrevocable in marriage. In other words, if a woman condoned forced sex during courtship, she has no cause for complaint now that she is married to the same man or fiancé. Madam Fati stated,

Because that is what I said, it is not rape; it's aggressive sex [Laughing]. The person has married you, and then you say, he is raping me. You see, people are not reporting because, if, for example, that is what you do every time before marriage [that is, having "aggressive sex" during courtship], why do you want to report him this time [after marriage]? Besides, that is what you used to do when you were dating, so what makes this different?

The participant's choice of words to define rape may also indicate that the moral connotations behind the term "rape" sound serious and impossible within the marriage sphere. Instead of "rape," Madam Fati chooses "aggressive sex," which reflects how critics of the

marital rape laws admit to the existence of rape in marriage; however, the term “forced sex” is a preferred choice of word to identify sexual coercion in marriage instead of “rape,” which connotes immorality (Odoi et al., 2013).

In addition, some participants stated that women should not allow themselves to be raped. Others tend to question the existence of marital rape because they tend to blame wives for being raped in their marriage. Participants place more emphasis on physical abuse than rape in marriage. Based on the comments given by Bridget and Dorcas below, wives are typically blamed for becoming victims of rape, and physical violence gains more credibility when reported, respectively. Bridget shared the following:

I would say if it's getting violent and it is not something that she wants, then I mean, at that point, they should probably question why they are married. You know what I mean? If you don't want to have sex with your husband. There should be a question mark.

Dorcas added:

If it is a physical kind of violence like the person beats you to the point that you can't even walk, you can make a quick decision to report. But, when it's sexual, it is difficult.

The above perspectives of the participants validate Germano et al.'s (2014) study that sexual acts of violence within an intimate relationship are generally not considered as abnormal. Rape within marriage is often regarded as improbable, and physical abuse is often seen as an acceptable discipline, leading to a massive under-reporting of actual abuse. In addition, Bridget's comment highlights a traditional society where cultural emphasis on male sexual attention is quite rigid; thus, women's encounters with sexual violence are related with the common belief that husbands are entitled to sex (Apatinga, 2019).

Based on the above perspectives, a participant claimed that when a woman endures sexual abuse in her marriage for a long time, reporting such abuse to law enforcement becomes difficult because prolonged abuse loses its urgency. This is because victims are doubtful that

their experience will be taken seriously by law enforcers. Therefore, victims of abuse lose faith to report, leading to more severe abuse cases in their marriage.

Furthermore, some participants argued that although sex must be consensual, there is no such thing as “normal” sex. According to Madam Fati and Claudia, forced sex in marriage has been essentialized as rape, which is a false ideology. Claudia recounted that there are ways to express our sexuality because the way people show their intimacy comes in forms; thus, care must be taken when addressing sexual encounters. She adamantly stated:

But, I will also add a clause to that; sometimes it could also depend on the existing relationship between the two partners, so what we may consider as rape may not be rape to them because of a laydown or agreed upon norm (not written), but it is something that it is agreed upon and between the couple.

Indeed, sixteen (16) out of twenty (20) participants responded that they had not experienced rape in their marriage, while two (2) participants had experienced rape in their marriage. Two (2) participants chose not to answer the question. These participants did not give a reason why they preferred not to answer. Thus, the researcher agrees with Adodo-Samani (2015) [that] “the non-response on sex is attributable to explicit and implicit gender role socialization, which to a greater extent shapes male and female sexuality as ‘unspoken of’” (p.58). According to the two participants who admitted to being raped in their marriage, one of them argued that during the period the rape occurred, she did not know the act was a criminal act. Vida shared the following excerpt:

I will say yes; if I say no, then I am lying. But, I am not going to report to the police that this is what has happened. Because it is not that always that maybe you want to do it, you are tired but just to keep the peace and get it over with right.

The subject discussed above somewhat calls into question earlier research finding that higher education attainment leads to less IPSV risk since educated women are exposed to knowledge essential for healthier interpersonal relationships (Alangea et al., 2018; Amu, 2005). This is because Vida, who is well educated, was not able to prevent rape in her marriage despite her high academic excellence.

Theme 4: Religious Influence

The belief in one's religion does play a role in how one lives and abides by specific rules and doctrines. The effects of religion on marriage, specifically sex, were not considered by most participants as a significant reason for the lack of marital rape reports to legal authorities. However, two participants expressed their views on religion as responsible for causing sexual submissiveness in women; thus, women internalize the importance of marital conjugal duties through religious doctrines. The two participants did not vehemently agree that religion prevents women from making a report to authorities. Bridget narrated the following:

I feel like specifically in the "Ghanaian Christian" circle; it is like "if your husband wants it to give it to him" type of thing. So, I would say there is a little bit of fear in the Ghanaian community, and so most likely, women will just say, "Oh no, it's probably part of marriage; this is what life is."

This study will not refute previous research on religion as one factor that results in the justification of rape (Adinkra, 2011), although research participants did not emphasize religious teachings that encouraged the belief that husbands cannot rape their wives (Adinkra, 2011; Adu-Gyamfi, 2014; Barnett, Sligar & Wang, 2018; Chi, 2016; Dworkin, 1987; Jeffords, 1984; Obierufu & Ojedokun, 2019). For example, Tenkorang & Owusu (2013) revealed in their study that religious participants have a high tolerance for rape myths, particularly those related to marriage, and women who live by such principles do not identify sexual violence in their marriage as a misdemeanour. Moreover, the study confirms Kaburi's (2018) earlier findings that religious institutions discourage victims from seeking help from legal authorities since none of the participants made such allegations. This is because respondents internalize the lesser or submissive role as a way of paying attention their spouse's feelings by maintaining peace. Thus, participants assume that the maintenance of peace in marriage is accomplished through religion. Research participants highlighted the positive impact of religion in their marriage. They viewed religion as a solution to marital issues concerning rape. A cross-tabulation by religious denomination reports that couples with no religious affiliation are least

likely to report high sexual satisfaction; however, couples strongly affiliated or devoted to their religion report positive sexual satisfaction or have more “ecstasy” in their sex lives (Waite & Lehrer, 2009). The research participants cited that religion is not the problem but rather a therapeutic measure to marital problems. All 20 participants are affiliated with the Christian faith, but none disclosed the specific denomination they attend. This makes it difficult to evaluate the extent to which their Christian faith influences their perspectives on marital rape: that is, how strongly they accept or discourage rape in marriage. This is because some churches do emphasize patriarchal doctrines, which influence their members in the long run. However, this study did not determine whether participants belong to a more liberalized religious church in Canada and whether the findings therefore reflect less patriarchal religious views of those denominations.

According to research participants, religious teaching helps marriage thrive by discussing couples’ marital problems through education, youth movements, and counselling. Thus, one’s religious affiliation serves as the backbone to a successful marriage. Hence, religion may inhibit reporting marital rape, yet religion does not shape the participants' mindset to justify marital rape. For instance, Esi narrated, “If they [couples] are Christians, they can talk to a pastor, get counsel from there, go for therapy, the two of them, not just the woman, both of them because it is both of them who will make the marriage work.”

According to Waite and Lehrer (2009), the effect of religion on marriage is associated with positive effects in several areas, including physical and mental health, economic outcomes, and raising children. For some of these influences, the effect of religion on marriage is longevity. The authors showed the relationship between religiosity and marriage as positive indicators for marital satisfaction and stability. Respect is one aspect of the marriage that both spouses must have for each other, and this is attainable through the teachings of one's religious doctrines. According to participants, respect is encouraged among numerous churches. Thus,

wives' acting in a submissive manner towards their husbands is not an option if they act by God's will. Instead, it is a command in the Christian doctrines to respect one another in all marriage aspects. Esi continued by sharing the following excerpts;" I think that because of our Christian background and our belief system, there has always been the need for us to value each other's feelings and ensure that we are meeting the person's emotional needs."

Theme 5: Legal Structures

The preceding theme explores participants' responses on the different aspects of the judiciary systems that serve as reasons for the reluctance to report marital rape. As Ghanaian women living in the diaspora (Canada), the participants presented their responses to both Ghana and Canadian legal structures. Below, the researcher presents the range of arguments advanced by the participants.

Research participants revealed that there are questionable attitudes of legislators and law enforcement bodies who administer the laws on perpetrators of sexual violence within the judiciary systems in Ghana. The issue is that most of the criminal justice system is composed of men who are sometimes caught being perpetrators of domestic violence or sexual scandals, and they mostly go unpunished. Victims do not trust that enforcers of the law in Ghana will carry out persecution on violators if the enforcers are guilty of similar offences. Lara expressed the following:

It makes you wonder, who is in the position of making the authority and does their vision match what the Law is? Let's be honest, in Ghana, there are a lot of men in high positions, and a lot of them take advantage of young girls and manipulating them. If somebody in that authority makes that decision or determines what rape is and what is not, I will think they will face up to the law that is there.

Participants confirmed that another reason leading to the lack of reports on marital rape is the lack of awareness of the removal of marital rape exemption laws in Ghana and Canada. Some study participants are not aware that the law against marital rape exists or the act of rape in marriage is a crime. The ignorance of the law disables an individual from being alerted of

the possibility of reporting their spouse on such a crime. Adoma commented, “It could be the fact that the victim doesn't know that they are being raped, secondly that it is a criminal offence because there's been no report of it, the victim hasn't realized that ‘Oh! Well, I am a victim, I can go and report, and the case can be prosecuted’.” On the other hand, Ama suggests that the lack of knowledge on marital rape also has to do with generational differences; accordingly, she claims that youth are more highly equipped in the legal system ideology than older women. Ama made this comment as a response to whether she has been raped in marriage before. She states the following:

Yes, I did, but then you know what? I did not know that it was rape, you understand? I did not know that it was rape because from where I am coming from, my generation doesn't know until I read on it right; because you guys are younger and have more information to what marital rape and stuff, but I can tell you that it happens all the time.

Another possible factor for the lack of marital rape reports is the intimidating nature of the legal structure. Women who are victims of sexual abuse succumb to their ordeals based on the judiciary systems' bureaucratic nature. The level of bureaucracy and corruption in the political institution is intimidating for most victims to report abuse, which is coupled with police interrogations that makes victims feel revictimized and ashamed. Indeed, this is a reaffirmation that the government has been inactive and their bureaucratic rules limit the process of embarking on solutions for women to seek justice through their services and the shame of being judged as misfits for prosecuting their husbands (Adinkra, 2011). According to participants, there are situations in Ghana when the police will keep “tossing” women each time they come to the station, coupled with the demand to make payment. This kind of situation tends to discourage a victim, especially women who have been abused, to seek help through the police. Esi emphasized;

Ok, so I am using my line of work to explain this; when there is violence against women in the home, and it's related to emotional abuse and sex and all that, women do not want to report because of the interrogation by the police and all that they [victims] will

have to go through, sometimes it is just too much for the person. So, they decide not to report it, and they hang in there.

Similar to the finding of Aghtaie (2017) regarding the Iranian government, legal systems of Ghana lack official data and respect which reflects the fact that gender violence is not considered as a government priority. This, in turn, is an example of how gender ideology, and law manipulate the social structure into normalizing the direct violence of rape.

Furthermore, participants were of the view that there are no legal responses or services available to women who can make domestic violence reports in general. The absence of social services in Ghana restricts women who seek legal assistance, such as legal aid, social services, shelters, therapy, and counselling sessions. Therefore, women in abusive relationships endure prolonged effects in their marriage. For example, Adoma postulates the following: “you know you can report, but it's almost like ‘what will come out of it?’ They will drag you through the courtroom, and you will feel embarrassed, so what's the point?”. Aside from this notion, there is the knowledge that perpetrators will not receive punishment for their crimes. Irene stated, “It perhaps because people don’t get consequences for it, right? Because you will feel like the person will get away with it anyway, so why go through the trouble.” These responses confirm the investigation conducted by the INDEPTH secretariat, which found similar results that the police did not assist women who experience sexual abuse in their marital relationships (Ndakala et al., 2011). This situation brings to light the integrity of the judicial system of Ghana by setting up laws that has no future enforcement; thus, the Ghanaian legal system’s negligence and lack of commitment results in institutional sexism (Chakamba, 2016; Dawuona-Hammond et al., 2020; Gentholtz, 2011; Kaplan et al., 2012; Russell, 1990). Hence, there is an institutional and legal disregard for women who experience sexual violence from their husbands.

Also, the thought of reporting a spouse on charges relating to domestic violence, especially when children are involved, seems challenging for most women. Research participants were highly confident that the result for reporting your spouse on a rape case is the

propensity to be jailed for the violent crime, whether it was their first offence. Moreover, within Ghana's cultural setting, imprisonment of a male spouse for rape is absurd; thus, most wives suffer discrimination or are rendered a perpetrator instead of a victim of rape. Thus, women will not report marital rape in the Ghanaian context. For example, Afia, who is in her 50s, stated, "I will not go to law enforcement to report something like that because eventually if they take your husband to prison or charge him for rape, everyone will think there is something wrong. Here, it is a different story, but in Ghana, they will think that there is something wrong with you or you don't love your husband." Thus, abused women are reluctant to harness the criminal systems' potential benefit due to the possibility of imprisonment that will later affect the wellbeing of their husbands, the family and their marriage.

Furthermore, participants indicate that Ghanaian women are still loyal to their vows and prefer to remain married since divorced women mostly lose their status and respect in the Ghanaian community. In addition, the latent effect of reporting your spouse will be divorce; therefore, Ghanaian women will not jeopardize their marriage for that reason. Vicky postulates the following.

I don't think they are going to report their husbands that they've been raped because they are not ready to divorce. They are still in the marriage, so I don't think a woman will report it; because if you do that, it is the end of your marriage. Here in Canada, people can do that and still be married because they know their rights, but in Ghana, it is different. So, my explanation is that, in Ghana, unless you want to divorce your husband, and you want to find grounds to divorce your husband, then you can say that. But if you still want to be married and you're just sorting things out, and rape came in, I don't think any woman will report.

In comparison to Ghana's legal system, participants are highly cognizant of the strict nature of the Canadian judiciary systems. Indeed, participants tend to exaggerate the strict nature of the criminal justice system in Canada. Participants have a preconceived notion that, when marital rape is presented to the Canadian police, there is no chance of being acquitted; thus, punishment is an obvious guarantee for the husband who is the perpetrator irrespective of the nature of the crime and consistency. Therefore, the anticipated punishment will be

unbearable for the family of the perpetrator, which deters women from reporting abuse. Sixteen (16) out of 20 participants who are aware that marital rape is criminalized in Canada trust the stringent nature of the criminal justice system of Canada. Unlike the case for Ghana, a majority of the participants were not surprised that marital rape was criminalized in Canada because of the law's efficient delivery and enforcement. The participants believed that any case report presented to the Canadian police is a potential criminal case. Thus, they trust that the issue will be diligently dealt with according to the legal procedures. Mira stated; "If you report [marital rape], you know this country, it is not like Ghana, where they will just brush things off; here, the law is going to take its full course on the man that you are married to at the end of it all." Based on the knowledge that the criminal justice system of Canada is strict, Ghanaian women feel reluctant to approach the assistance of their host country due to the following factors.

According to participants, women avoid reporting cases of marital rape to Canadian police due to the notion that the Canadian system is not knowledgeable in handling cases specific to a particular cultural setting. There is the fear that the police might interfere wrongly or give a wrongful judgement to the situation. Lara added with the following:

So certain things are not a police matter because the police don't understand the cultural impact. They don't know how we do things. So, bringing a police officer involved, they wouldn't know the proper steps to get involved. Sometimes, it's hard because you need to know the culture and what you are dealing with and how to deal with it.

Also, the values rooted in Ghanaian culture are identified by certain standards that vary from those of "White" Canadians. Abused women do not want to foster racial stereotyping or become statistics testifying to the "country's most violent ethnic group." In other words, the impact of colonization has affected women of colour. Some distrust the dominant culture. Lara continued by stating:

Because it like wow! you call the police, especially how a Whiteman is looked at, not to say "evil," but they stole a lot from us. They have a racist outlook. Like the white man can't solve a black person's problem. We got to solve our problem, especially the

culture right. So, taking it to the police doesn't solve it but brings more anger to the relationship and more hatred.

Although this view was only reported by one participant, it raises the issue of the Black community's apprehension towards the dominant racial group. The fact that Lara commented by using the term "racist outlook" could mean that previous years of colonial control coupled with modern neo-colonization do cause Black women to doubt the integrity of the Canadian legal assistance available to them. Even though the Canadian criminal justice system has much respect for the well-being of victims, Ghanaian immigrant women fear that when a marital rape case is reported, the verdict will be punitive. Therefore, they tend to withdraw and seek alternative resolution to their marital issues. Some participants share the notion that there is a possibility of imprisonment or deportation of the male spouses, which might affect the wives' and children's financial stability. Lara shared her personal experience with the researcher. She stated:

I am only speaking from experience because once I wanted to take my child's father to Court [on an unrelated charge] and when I did go there; I noticed the things the lady [lawyer] was saying, like what I could say, and how I could word my truth for me to get more support and then: the culture rooted part in me was like, wait a minute! So, if I say all these things, that he is verbally abusive, first of all, that's going to impact his job, and if it affects his job, he can't give me child support. So how am I helping the situation here by taking him to court like that? You know what I mean? So that is the cultural part of me speaking. That doesn't mean I approve of the verbal abuse I was getting. I needed to understand where I was, and then you have to think about the kids; how does that support the kids anyway? You know what I mean? Because, once you take it to court, Canada does their things differently from Ghana.

This comment places emphasis on the fact that, despite the availability of legal assistance and support from the Canadian judiciary systems, legal aid may not necessarily help or be conducive for Ghanaian immigrants due to the perceived harsh nature of prosecution. Therefore, Lara's experience with the legal aid of Canada highlights the concept that women will refrain from reporting domestic violence for the fear that the husband will be imprisoned, leaving her and her children without the income necessary for survival (Berninger, 2014).

Theme 6: Immigration Status

Although this kind of situation does not apply to women living in Ghana, my participants as immigrants are influenced by immigration status (spousal sponsorships), and thus highlighted its significance to women in the diaspora. Participants admitted that, due to women's immigration status, especially in Canada, reporting spousal abuse, especially rape, is virtually impossible. This kind of situation results from the lack of knowledge of the country's laws, language barriers, inadequate familiarity in their host country and the anticipated consequences if they report their abusers (Akinsulure-Smith, Chu, Keatley, Rasmussen, 2013). Akua shares the ordeal of a friend who found herself in a similar situation;

After the marriage, the Canadian spouse thought my friend owed him money for sponsoring the marriage, and as a result, she used to do anything he wanted. He will sometimes bring somebody [a man] to the house to sleep with her. There was nothing like respect for her, and the fact that she was waiting to get her permanent residency, she had no say in whatever the guy will say.

As a follow-up comment, the participant revealed that her friend eventually received her permanent residency, filed for divorce from the husband, and moved to another province. According to recent studies, "due to the hypergamous nature of the marriage, female marriage migrants are relatively disadvantaged compared with their local husbands and the power relationship is typically skewed toward the husband" (Cheung & Chiu, 2019, p. 81-82). Female married migrants fear the withdrawal of their immigration sponsorship by their husbands. Hence, migrant wives may be denied the opportunity to reject sex within marriage.

The contributions gathered from the research field indicate that the immigration status of minority women limits women from enjoying their liberties and reproductive rights in marriage. This study focuses on Ghanaian migrant women, but this research's findings also highlight the problems faced by other women of colour or minority immigrant women.

Theme 7: Level of Education

Three participants believed that irrespective of their level of education (high or low), women can report sexual abuse in marriage in Canada. However, these participants were skeptical about the situation in Ghana. They believed that highly educated women in Ghana are able to understand abuse and report domestic violence, but not marital rape. On the contrary, two of the participants argued that a high-level education does not ensure the possibility of reporting sexual abuse in marriage. According to Akua, abuse is not only experienced by non- or less educated women. She believed that highly educated women also experience sexual abuse in their marriage and do not report it. She recounted this argument when referring to the ordeals of her friend, stating:

I used to advise my friend that life is not all about living abroad because she had a good background back home, and she would have made it if not staying just here. She was educated, and you don't say you want your permanent residency, so you allow somebody to use you and abuse you anyhow. That is very wrong.

This comment tends to indicate that victims are held culpable for their conditions irrespective of their academic status or influence. Although Akua is empathetic about her friend's ordeal, she indirectly blames her friend for her ordeals, meaning that her friend should have known better due to her high academic status. This situation indicates that marital rape victims with high academic influence are faced with the shame of allowing the abuse. This is coupled with the social stigma mostly emanating from society to such victims. Irene adds to this argument that influential community members are embarrassed by the fear of being exposed. Hence, most influential women would conceal their abuse for the sake of their identity. Irene further added:

So, in marriage, when the person is influential or not influential, I think there's an element of shame that the person goes through. And so for the victim to feel empowered enough to go and report means that you are essentially throwing your dirty linens out there and sort of trying to snatch your power, but, at the same time, you're putting yourself at the mercy of society.

First, this comment shows that irrespective of a woman's educational background, all women from different walks of life succumb or are susceptible to abuse or victimization despite their educational achievements. Also, the fact that Akua's friend was comfortable to seek refuge and advice from Akua indicate that marital rape victims express their interest in reporting sexual incidence or seeking support and approval from close friends and relatives or settling marital cases at home. (Boateng & Lee, 2014; Darko-Gyeke, Addo-Lartey, Alangea, Chirwa, Coker-Appiah, Jewker & Adanu, 2019). Second, there is an assertion that wealth and occupation are not reliable predictors of the absence of physical and sexual violence in marriages; thus, domestic violence may not be peculiar to specific demographic and economic groups, as stated in the above comments (Odoi et al., 2013).

Theme 8: Economic Causes

The study was composed of highly educated women, who are all gainfully employed and make financial contributions in their respective households. However, 2 out of the 20 of participants reported being financially dependent on their husbands, 5 admitted to being co-dependent with their husbands, while the remaining 13 participants are not reliant on their husbands. Although all research participants make financial contributions to their respective households. Some of these participants stated that the level of women's economic instability and the dependence on their husbands make them fall victim to rape in their marriages. The research findings indicate that the inability of women to confront marital rape is usually due to their lack of making an economic impact in their household.

Some participants reported that women who tolerate domestic abuse are motivated by their respective families' poor economic conditions. When wives' family of origin are too deprived, they look up to their husbands to get out of their poverty for their families (Adinkra, 2011, 2017). Thus, when a woman is subjected to abuse in her marriage, she will yield to her husband's demands and not seek help. According to Dede, economic instability is not limited

to women in Ghana. She was of the view that married women in Canada face similar challenges. She shared the following:

This is for both Ghana and Canada or the western world. It can be that the woman is probably sorely dependent on the man. With respect to women in Ghana, if this woman is from a poor background and God willing, she's been able to get that man; who is able to provide for her needs, then, of course, there is no way that she is going to report him because, as soon as she does, the man is going to get furious and divorce her.

Also, the additional economic burden of being a mother often puts a toil on the decisions women make in their marriage. Most women condone physical, emotional, and verbal abuse due to their dedication to their children. For example, since the tradition norms normally allows men to forfeit their fatherly responsibilities to their children when the woman files for divorce irrespective of the family lineage (Adjei, 2017; Sediafia, Tenkorang & Owusu, 2016). Thus, the decision to remain in an abusive marriage is mostly dependent on the concerns woman have for their children. This is because women believe the aftermath of divorce will have negative impacts on their children. As a result, many victims justify rape in their marriages for the sake of the children. Dede continued by including the following:

For women who are not very, very strong, they tend to go through the pain of living with this abusive man just for the sake of the children. You grew up in Ghana; there is a saying that our mothers used to say that "for the sake of my children"; to me, it doesn't exist anymore. I don't know if it's because I have been westernized, but when you go to Ghana, it's still there, and they are still doing it. That for the sake of my children, so even if this man is killing them, they will stay; when he's raping them, they will stay. He will beat them up in the daytime; in the night, they will rape them. They will stay for the sake of the children.

Moreover, participants recounted that women in Canada might have the confidence to report cases related to marital rape due to the social support available (child support and alimony). The government may instruct husbands to pay wives in case a divorce occurs. The situation is quite different for Ghana. According to participants, Ghana's economic structure is unregulated to the effect that the legal structure cannot find ways of getting a man to look after the wife and children in case of divorce. Unlike Ghana, the Canadian legal system can partner

with the divorced man's financial providers or employers by deducting the ordered alimony and child support from his accounts to his wife and children. However, in Ghana, most people do not have a paying job or an account to allow such transactions. Therefore, this diminishes the hope of abused wives to gain financial independence after divorcing their husbands.

Theme 9: Cultural Influence

A woman's socialization largely influences her perception of sexuality as a whole. Based on the study, most of the participants placed emphasis on culture. As Ghanaian married or previously married women in the diaspora, having been exposed to the westernized lifestyle coupled with their high academic and financial background, participants acknowledged the impact of culture on women's marital lives. Based on the information gathered, culture does not make room for a woman to exhibit some liberation in her marriage due to the institutionalized patriarchy in the community. Therefore, most married women accept husbands' chauvinistic behaviours as normal. Esi contributed to this finding by stating:

If a young girl is married, like I have a situation right now, when a young girl is married, and the man is abusing the girl. The girl is even afraid to report to any other person in the community because the perception is "Are you the one who is disrespectful, "Maybe you are not treating him well," "Maybe you are not cooking for him," "Maybe you are not taking care of him," but the issues has got nothing to do with the girl. It's the man who has his anger and controlling issues.

The level of “anticipatory socialization” embedded in Ghana's social structure is highly stringent in the cultural setting. Most women within their marriages accept their passive roles as women and monitor themselves for the satisfaction of their community. Hence, Foucault's concept of the “panopticon” is highly significant in most cultures or traditional societies. Thus, women will submit to social expectations since their actions are being judged (Mann, 2012). Therefore, women will limit their activities to fit societal expectations by policing themselves, resulting in passive helplessness, as defined by Colgan (2018). In other words, women within

such cultural settings do not necessarily view acts of violence within an intimate relationship as abnormal.

Theme 9.1: Cultural “Female” Ideology: Blame and Marital Rape

Research participants believed that Ghanaian women live in a subservient social status under men. There is no doubt that the general mindset is that men are the dominant group in society. There are common cultural expectations of women, which include but are not limited to deference, conformity, passivity, and submission toward men, particularly concerning their requests. Discrimination against women in marriages is engineered as social normalcy within the social structure. Therefore, women internalize the concept of submissiveness in all their social dealings, including within marital sex. Esi believed that when a woman tries to become rebellious by defying her filial roles, the social outlash becomes unbearable for her, especially in a cultural environment where men are regarded as dominant in the family. Afia asserts that:

Women in Ghana feels that her role is to be always available for her partner, so if, for some reason, she denies him sex, and he (husband) jumps on her and has sex with her forcibly, she will think it's her fault. She will think she probably allowed it, and she wouldn't go out to report, so as far as I am concerned, that is what most Ghanaian women would think.

Gender ideology has a cognitive function of justifying power and control by shaping how people think and act in a social milieu (Gayle & Bailey, 2013). Although women are increasingly taking productive roles in the community for economic reasons, the fulfillment of their domestic and sexual duties is deemed as their primary obligation. According to Moser (1993), womanhood is grounded in the gender ideologies that define men and women as contributors to society; thus, reproductive function in every woman's lifetime is highly emphasized. According to Esi, there is less chance that a woman who has inculcated her feminine roles will report her husband on rape because her defiant attitude led to her rape. Besides, such women instead take the blame for the act than rather acting as victims. Esi continues by asserting that nothing will change: “Unless society accepts the fact that women

have rights and that women need to be respected, right? Then, that is going to change.” This means that womanhood is grounded in the gender ideologies of societal norms that define men and women as contributors to society.

Theme 9.2: Victimization and Shame and Marital Rape

The fear of shame, stigmatization, inferiority complex, and humiliation from family members and society makes the disclosure of rape by an intimate partner challenging. This is because the victims are victimized in the long run. Therefore, in order not to feel revictimized, victims of marital rape will hide their ordeals for their own sake. Naana stated:

In Ghana, it's clearly because of our cultural setup; imagine going to the police station to tell them that "my husband has raped me. Are you mad, are you ok? Like it doesn't sit up like it's not really clear, No, "Wo maame koraa b3 bo wo" ["your mother will even beat you"]. For them, what they are going to say is, you are denying your partner, "wo de wo ho kami wo kunu," [Akan proverb for "you are not sleeping with your husband"]. That is why your husband is raping you.

The excerpts shared by Naana stress that a woman has given up her liberties after exchanging bridewealth (Adu-Gyamfi, 2014; Archampong & Baidoo, 2011). A bride's mother plays a significant role within the marriage ceremonies because they pass on specific marital advice to their daughters during marriage ceremonies. Thus, women's encounters with sexual violence are associated with the widespread conviction that husbands are entitled to sex (Adinkra, 2017; Apatinga, 2019). Hence women are advised to satisfy their husbands' sexual needs without contention; upon refusal, a husband can use force to get what he desires. Usually, within the Ghanaian setting, a bride's mother is the one who communicates such an idea to their daughter during marriage ceremonies, which is the reason Naana referenced the mother in her comments. This highlights the anticipatory socialization towards sexual responsibilities as an irrevocable consent to the marriage (Adinkra, 2017).

Theme 9.3: Duties of Marriage/ Sexual Entitlement and Marital Rape

Participants cited that when a woman gets married, she has given herself to the rules that dictate the family and community's maintenance at large. There is a preconceived notion that when a woman does not want to “pay her due portion of the bargain” by refusing to have sex with her husband, force is applied. Thus, when the reason for entitlement is challenged, there is a high tendency to use violence to ensure that the wife submits to the marriage standard.

Thus, some participants believed that women will not be raped if they know their conjugal duties in marriage. Vicky, one of the young participants, postulates, “I don’t think in the first place, women should allow themselves to be raped, and rape comes in when something is going on.” Within the cultural context, it is the sole responsibility of women to maintain their marriage; thus, if a woman plays her role well, the relationship is sustained. Afia indicates, “Ghanaian women, even here, we believe that it’s a woman’s role to keep a relationship going. It is important that a woman plays her role well so that the relationship is maintained, so for you to go out there and say, my husband jumped on me to have sex, and so I am coming to report him, for him to be charged, it will look quite absurd.” Shachar (2000) makes similar insights that the cultural structure creates the distributive function of their roles, solidifying power inequalities between a man and a woman. Women's reproductive functions are essential for the maintenance of culture. This is because the primary tenet of every woman’s life within the community is ensuring the continuation of the family structure through procreation and nurturing. In other words, every woman from a Ghanaian cultural background should know her role of maintaining the family structure by accepting her responsibility of sustaining the family. This condition reemphasizes the panopticon ideology of surveillance, where people “police” themselves to leave up to the expectations of the community (Mann, 2012).

Theme 9.4: Attitudes of Ghanaians and Marital Rape

Three participants emphasized the lackadaisical attitude of Ghanaians towards domestic violence, since the system has little value for women. They believe that rape that occurs outside marriages is hardly taken seriously, much less marital rape. Participants emphasized that women who experience sexual assault by strangers do not want to report because of the shame and embarrassment they will encounter. They believed that the cultural environment is indifferent and less interested or sympathetic towards any sexual violence. In addition, there is a preconceived notion that sexual expectation is highly anticipated in marriage. Therefore, society does not regard the wrongdoing of the husband when sex is taken forcefully. Participants regarded physical abuse as a more serious case to report than rape, based on the victims' bodily injury, which may render the victims disabled. Aseye emphatically stated the following; "In Ghana, recently, I saw a video where I think a group of women were protesting against rape. A guy came and took their placard and crossed out the rape, and then they were sort of mocking. So, our society hasn't accepted it yet." The indifferent attitude of men towards rape indicates the different attitudes accompanied with male dominance. There is also an indication that Aseye's comment may not be an issue of fighting for justice for individual cases of marital rape but fighting a system that has so little value for women. This is because the Auburn Differential Masculinity Inventory Devaluation of emotion subscale reveals disapproval of men's display of emotions, making men uncompassionate towards women and rape victims (Obierefu & Ojedokun, 2019).

Theme 9.5: The Type of Marriage/Characteristics and influence on Marital Rape

The traditional or customary marriage, which is the most popular form of marriage, consists of traditional standards, rules, and regulations that incite fear of the unknown in married women. Some participants pointed out that there are devastating implications of reporting rape to authorities under the customary marriage regarding tribe or ethnic group.

They claimed that regardless of the nature of the victim-offender relationship, different ethnic groups have their rules and regulations, especially concerning patrilineal societies. Since patrilineal ethnic groups have much control over their women's sexual rights, most married men will eventually marry another wife, as culture mandates. However, the greatest commonality among all ethnic groups is the intolerance of divorce, especially when the woman initiates it. The repercussions women will endure consist of losing the rights to their children or their husbands' refusing to take responsibility for the children after divorce. Lara noted, "when people are getting married, I think you need to know what you are getting yourself into. You are marrying a Ghanaian man especially, one that is rooted in their culture, depending on where they are coming from; if they are Ewe, if they are Ga, if they are from Kwahu, Ashanti, Akuapem." Therefore, married women who fall under the customary laws have a limited chance of escaping due to the unfair marital rules.

Theme 9.6: Family Arbitration and Marital Rape

Family interference is not uncommon in the cultural environment. Participants assert that one of the primary reasons there is a lack of reports on sexual violence in marriage is family members' communal involvement. Culturally, family elders occupy an essential position in settling disputes in the home. According to participants, family elders restore peace by acting as the alternative solution to conflicts. Their roles as mediators are immediate, less costly, accessible, and more private. Accordingly, participants approved of why most Ghanaians prefer this type of conflict resolution: to ensure quality and long-lasting solutions to their problems.

It's a cultural thing; they are rooted in values, our culture is rich, our culture is identified by certain standards, certain ways of doing things, we don't do things like let's say the Whiteman you know. But you have to understand that, prior to colonization and all that nonsense that took place, if there was a problem between the

family, you go to the elders, you don't go to the police station. There is the reason why we have the customary engagement; the agreement between families. That is why when you are getting married; it is not for you; it is more so for the family.- Lara

Lara indicated that, although women do not support sexual abuse in their marriage, most women aim to rebuild their marriage by assessing amicable solutions to their problems. Thus, the involvement of family elders produces solutions that the law courts cannot offer. She emphasized her claim by stating the following:

If somebody is beating their wife, the elders are sometimes able to trace down. "Ok, wait a minute, you were never like this. We don't know you like that? Maybe there is a root of a problem; maybe the person learnt it from somewhere, so we need a proper intervention in place to help the person heal and actually feel remorseful for hitting the woman. So in our community, we will work towards healing them rather than breaking them apart because once you break them apart, he's going to beat somebody else and beat up another woman eventually, so he doesn't change.

In a society like Ghana, family honour or reputation is valued greatly because having people think badly of your family has damaging effects on the social life and, therefore, future happiness. Participants maintained that a good family reputation instills discipline in the members of the family. This situation reflects back on Adjei's (2017) earlier statement that communal orientation of people in Ghana influences them to be more concerned about the approval of others because of the logic that a person's identity and self-worth are socially conferred or denied. Therefore, in times of marital case settlement a couple cannot decide for themselves, since consent in marriage is a communal responsibility (Mwambene & Kruuse, 2018). Thus, women avoid taking any action that may pose a threat to their family name. Because of this, some participants claim that women do not want to tarnish their families' reputations by divorcing their spouses on marital rape claims because it might tarnish the family's respected name.

Theme 9.7: Acculturation and Marital Rape

Madam Fati and Claudia, who were skeptical about the existence of marital rape, believed that marital rape is a copied concept from western countries. They implied that the

Ghanaian culture had been infiltrated with foreign concepts, damaging the traditional African image of family relations. Thus, they believe that marital rape does not exist within the Ghanaian culture. Women who believe this will not identify such sexual relations as crimes, much less a prospective criminal case. However, participants argue that the cultural structure in Canada is far more supportive of the rights of women. Vicky noted in her previous comment that in some cases in Canada, married couples can prosecute each other at court and yet remain married. However, this idea shared by Vicky is probably a misconception about the level at which “white” Canadian couples tolerate conflict in marriage. This misconception results from the different cultural levels and family structure between Ghanaians and the dominant Canadian culture.

The researcher shares the belief that the typical Ghanaian marriage consists of a dominant husband who will not tolerate any legal accusations from his wife, which would likely end the marriage. This is a mindset that most of the participants are accustomed to in Ghana. For some of the participants, this mindset is nonexistent in a family culture of a typical “white” family. In addition, participants perceive that the Canadian family law’s trustworthiness is much more conducive and tolerant towards prosecuting domestic violence. Hence, participants perceive that Canadian women may not have any fear of chastisement, divorce threats, or financial hardships. Participants acknowledged that Canadians are more emphatic on reporting domestic violence of any kind due to the availability of social and psychological assistance. However, Ghana is not an impartial enforcer of the law towards criminal cases relating to marital rape, contributing to the unlikelihood of women reporting sexual assault in marriage. For example, Lara incited, “Canada does their things differently from how Ghana, we will do things. If I was to take my husband to court [in Canada], it's strictly by the book.” Based on this notion, participants validate the genuineness of the judicial systems in Canada. Indeed, participants tend to exaggerate the ability of Canada’s laws to

combat domestic violence. In contrast, participants consider the Ghanaian legal system ineffective. This is because the Ghanaian legal system is indifferent to such cases and indirectly influenced by customary laws of the country, resulting in discrimination. Therefore, participants view the lack of external influence on the legal system in Canada, increasing the credibility of the Canadian system.

Theme 10: Intergenerational Differences on the Perception of Marital Rape

The data were divided into two age groups or generations to identify the varying perceptions of participants on rape acceptance. The participants were grouped into ages below 39 years and ages 40 years and above. Initially, the researcher anticipated greater rape myth acceptance among the older generation (40 years and above) and less rape tolerance among the younger participants (39 years and below). The findings were the opposite; the researcher assumes that the existence of rape myth among the younger participants may be a result of their fear of divorce (since the Ghanaian traditional community may frown on younger divorcees), or it could be a result of their early years of motherhood (having younger children who may be dependent on them), in contrast to the older generation.

In contrast to the older participants, out of the seven participants below the ages of 39, six (6) participants were indecisive about reporting or disregarded the need to report marital rape to authorities. Most of these participants conceded that reporting marital rape is an individual choice, unless the rape incidence is repetitive or the victim desires to leave the marriage. Vicky, married for 16 years, claims, “Errmm... interesting, you know, I don’t know. This is difficult. If you are still in the marriage, you can’t report that your husband raped you. I know some men do that, but if you are still in the marriage and you want your marriage, I don’t think you should report it.” Some of these younger women were culturally motivated

such that they cited the need to seek an alternative solution from the family or traditional elders. Culture and the family and their importance in resolving marital issues were highly emphasized. Participants' comments were highly centred on seeking welfare for the perpetrator (man) and the woman (victim). The remaining younger participant favoured reporting marital rape to authorities right away, irrespective of consistencies. The result indicates that age does not determine how an individual will tolerate rape in their marriage. Thus, this study confirms Luddy & Thompson's (1997) finding that gender ideology has a more significant effect on the perception of an individual than age.

Conversely, six (6) participants above the ages of 40 advocated the need to immediately report marital rape to legal authorities on the first sexual assault. Irene categorically cited the following:

If the person violates your person, your husband or your wife who has vowed to love you, cherish you, and honour you, will violate your person; they have broken that vow. Because what is next? If the person can rape you, you don't know what they will do next?

However, five (5) of the participants above 40 years were also indecisive on reporting marital rape to authorities. They shared similar ideas to that of the younger generation that reporting marital rape must be an individual decision, and the abuse must be consistent. They did not support reporting first-rape offence. The two older adults (Madam Fati and Claudia) who did not recognize the existence of marital rape perceived marital rape as a westernized ideology non-conforming to Ghanaians' cultural mindset. Thus, marital rape is an indoctrinated concept from western cultures. Also, they consider sexual relations in marriage as relative. This means that the way couples engage in their sexual encounters may involve sexual preferences which are considered rough and may involve a partner playing the "dominant" role, while the other partner takes the "submission" role. For instance, the sexual practice of BDSM (Bondage, Discipline, Sadism and Masochism) may be considered as "barbaric" to many; however, its practice consists of mutual understanding between couples. Thus, when someone describes

their sexuality to others (friends, colleagues or family), third parties must not interpret such situations as marital violence. In other words, sexual aggression in marriage does not need to be essentialized as rape. Madam Fati offered the following comments;

Criminalized? But these days, everything is criminalized (laughing). Eei! Ghana people too they are learning everything from abroad. The men do they care? Ghana, if you go and make your husband like, you're raping me, you're raping me, he will leave you and go and marry somebody.

She further continued;

If maybe I am not in the mood and he comes in, I will just say that “you are raping me,” but I don’t think it’s rape; I am just concocting the story, right? Because he is not an aggressive type.

On the whole, Madam Fati’s comments indicated the lack of social, cultural and legal acceptance of marital rape in Ghana. In her view, she blames the infiltration of western ideologies as corroding the essence of the traditional Ghanaian culture, specifically in marriage. Her shock of realization that marital rape is criminalized in Ghana highlights the extent to which westernized culture has penetrated the marital mores of the country. This indicates that the typical cultural environment and its people have not come to terms with infiltrated or copied concepts despite living in the diaspora for many years. This indicates that participants may be westernized and highly educated to a particular degree, but their loyalty to their respective cultural perceptions is intact. Moreover, her second comment introduces a note of levity which verifies the lack of personalizing nonconsensual sexual encounters as an assault since she has accepted the anticipated role of sexual satisfaction in every marriage. Hence, she is transferring the idea that there may be times when a spouse may not feel for sex, but there must be leniency when drawing the line between sexual assault and an individual lack of excitement to have sex.

Conclusion

Based on the research report of the thesis, the researcher concludes that the significant factors influencing the justification of marital rape among Ghanaian married women are

culture, the lack of trust or confidence in the Ghanaian judicial system, exaggerated ideas of the effectiveness and ruthlessness of the Canadian judicial system in dealing with marital rape, and fear of economic instability, and threats to women's immigration status.

First, the study agrees that the ignorance and lack of integrity of the Ghanaian judicial systems on cases reported as marital rape has led to the lack of reports in Ghana (Adjei, 2017; Aghtaie, 2017; Archampong & Baidoo, 2011; Basile, 2002; Boateng, 2015; Russell, 1990; Tekorang, Owusu & Kudhi, 2018). For example, in the previous chapters, the legal frameworks for protecting and preventing domestic violence and marital rape have not prevented women's abuse in their marriages (Kaburi, 2018). This situation is rampant within the legal system of Ghana. Participants view Canada's legal systems, unlike Ghana's, as recognizing women's rights and emancipation through laws; thus, cases of marital rape are taken seriously. However, exaggerated ideas about the effectiveness of Canadian law also hinder women from reporting marital rape, since they fear that their partners will be harshly punished.

Second, the people within Ghana express their sense of personhood concerning their community (Adjei, 2017). Despite the westernized and highly educational background of participants, women's cultural mindset in Ghana or Canada influences the justification of rape in marriage. One of the basic reasons why sexually abused women are reluctant to divorce or report their husbands on cases of rape are derived from standard traditional practices of patriarchy and male dominance (Adjei, 2017; Adjei, 2018; Aseidu, 2014; Nortin, 2009; Takyi & Mann, 2006). The cultural conviction that women are advised to satisfy their husbands' sexual needs without debate, and that upon refusal, a husband can use force to get what he desires, is not uncommon in the cultural system (Apatinga, 2019). The traditional gender ideological factors do not teach men to become autonomous and dominant, according to Lutz-Zois, Moler and Brown (2015), but teach women to be accommodating and compromise to their subordinate roles. Previous research asserts that marital violence occurs within every

kinship, with much more severity from patrilineal societies than matrilineal. The study could not reveal such tendencies due to the lack of tribal or ethnic affiliation of participants. Thus, there is a traditional cultural impulse to preserve family integrity and social status by avoiding stigmatization (Adjei, 2017; Boateng, 2015).

Third, this study does not disagree with previous research that women who make financial contributions to the household and educated may experience less IPV; financially independent and educated women can enhance their demand for equitable living standard to that of their male spouses (Alangea, Addo-Lartey, Sikweyiya, Chirwa, Coker-Appiah, Jewkes & Adanu, 2018; Amu, 2005). However, the study disagrees with Basu and Famouye (2010) that women with higher economic dependence experience a higher chance of abuse. Most of the research (20) participants had a post-graduate education and were financially independent; however, two (2) participants emphatically did not believe that rape existed in marriage. Therefore, presumably, if rape occurred in their marriage, participants would not categorize it as marital rape. Also, two (2) out of the 20 participants confirmed being raped in their marriage due to ignorance. Therefore, this study coincides with Tenkorang, Owusu, Yeboah, and Bannerman's (2013) finding that wealth and occupation are not reliable predictors of IPV, and domestic violence may not be peculiar to specific demographic and economic groups. Hence, economic and academic development may enlighten women; however, their enlightenment may not directly avoid marriage conflicts (Tenkorang et al., 2013; Sossou, 2006; Boateng & Lee, 2014).

In sum, sexual violence in marriage remains as one of the highest debatable IPSV topics across the globe. Despite the challenges, the process of changing the construction of language and discourse surrounding gender ideology can help identify the internal damage that has been inflicted on married women as part of their marriage contract. This platform can support stakeholders and feminist movements, who would want to bring an end to intimate domestic

violence by embarking on a mission to attack the negative categorization, constructed discourse and language that justifies marital rape.

CHAPTER FIVE

SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

This thesis is a report of findings from a qualitative case study that investigated factors that influence the perception and experiences of Ghanaian married women in Canada on marital rape. This chapter summarizes the context of the thesis, draws conclusions, and recommendations for future studies.

Summary of Study

This research thesis has examined a sample of Ghanaian-Canadian women's perception of the factors that lead to the justification of rape in marriage. The research study has provided insight into attitudes towards marital rape both in Ghana and among diaspora women in the western world (Canada, to be precise). Prior to establishing the findings, the researcher identified negative issues concerning the laws in Ghana that led to the establishment of a research problem and its flaws that lead to the background of study in Chapter One.

In the second chapter of the research, marital rape has been conceptualized as a western concept through its advocacies by both first and second-wave feminist movements. The western idea about marital rape is an indication that sexual violence constitutes the tip of the iceberg of stratified gender-based violence that needs immediate modification. Through these numerous advocacies, the researcher examined literature on how the effect of IPSV evolved into most legal discourse and how it led to legal reform across countries in the western world. These instances set the stage for the researcher to highlight western reformation laws, the different research findings, and the historical, conjugal, and reproductive rights within the global context. Research also narrowed down to the prevalence of marital rape in Sub-Saharan Africa through statistical findings showing significant evidence of domestic violence. Other research findings in Africa led to the discovery of the legislative failure and the type of response

systems that have failed to resolve IPV. Based on the research, most African countries have often neglected the implementation or the enforcement of laws to combat IPV due to the interference of customary laws, unavailable resources, or the negligence of the legislative bodies to enforce the laws.

There were different impediments that restrict women from seeking justice against marital rape. These impediments include communal, religious, and socioeconomic causes. What set this research part from other studies' findings under marital rape in Ghana was that the research considered the opinions of Ghanaian women living in the diaspora. Therefore, this research topic broadened the scope of integrating immigrant Ghanaian women's opinions and knowledge and attitude towards legal frameworks.

The third chapter represented the methods adopted for the research study; therefore, twenty (20) research participants between the ages of 28-63 years were recruited using a non-probability and purposive sampling technique. Raw data from the research field were analyzed using thematic analysis to transcribe research data. The thematic analysis in the research data helped identify evolving themes and ideas in the interview transcripts. These themes were further explicated in the following chapter.

The research provided diverse responses, mainly in a comparative approach, by evaluating the Ghanaian and the Canadian environment. The significant themes that evolved within the study consisted of the following factors: religious influence, legal structures, immigration status, educational background, economic causes, and cultural influence. The researcher explained these themes and how they influence married women to justify rape in their marriages by using excerpts from the research field. The concluding part of the research explores the recommendations of the research topic and composes possible topics for further research.

Conclusion

This study has attempted to answer the research questions surrounding marital rape, that is, the factors influencing the justification of marital rape among Ghanaian-Canadian married women. The researcher acknowledges that conducting this study in Canada paved the way to harness enough participants who were willing to answer this compelling question pertaining to marital rape. Unlike in Ghana, less conservatism and participants' willingness were impactful for the study's accomplishment. Their contributions and straightforwardness made it manageable for the researcher to interpret the results without language barriers. The process of having participants who were unknown to the researcher also made it comfortable for the participants to approach this study without hesitancy. Overall, the research approach and method have helped accomplish the intended goal of discovering relevant themes which consist of the perceptions of participants on the definition of marital rape, religious influence, the systems of the legal structures of both Ghana and Canada, the educational background, economic causes, and the cultural influence. These above stated themes were discovered as the reasons leading to the justification of marital rape per the perception of the participants.

In this study's final analysis, the researcher identified two distinct factors preventing wives from reporting cases of marital rape. First, a wife may not report marital rape to authorities when she has not exhausted and considered all the alternative cultural and religious dispute resolution mechanisms and if she is not aware of both countries' laws. The second reason is that a woman may not want to leave her marriage and find grounds to divorce her husband. However, marital rape undermines women's status and freedom to choose in both countries (Ghana and Canada).

The limitations to this research include the following challenges. First, this research comprised 20 Ghanaian participants residing in Canada. The experiences of research participants are relative to a specific geographical, economic, and academic group of women.

This is based on the background and the geographic background of research participants (highly academic women living in Canada); hence, the study's result is strictly composed of themes that may apply to a certain economic and educational class of women. However, participants' comments do emphasize conditions experienced by women in both Canada and Ghana, irrespective of their economic or educational background. Second, the study did not emphasize the ethnic background of each participant. This was to prevent stereotypical ideologies on violent behaviours about a particular tribe from hindering participation and frankness. Since each participant's tribal background was not highlighted, the study cannot determine whether those participants who do not consider the importance of reporting marital rape are from a patrilineal society. This would be relevant because previous research has shown that patrilineal societies or tribes have dominant domestic abuse cases than matrilineal tribes. However, the researcher acknowledges that the surnames of participants enabled her to identify the respective ethnic background of each research subject. This latent effect is only known to the researcher due to sharing similar geographical and cultural backgrounds. Third, this is a relatively homogeneous group of women. Participants' affiliation to the Christian faith limits the study from encompassing the experiences of women of different religious backgrounds. Although most Ghanaians are Christians, this study cannot apply to all women irrespective of nationality.

Moreover, based on the medium of communication between the researcher and participants (telephone), it was challenging to identify the participants' physical well-being. This is because the lack of face-to-face interviews inhibited the ability to aid participants when needed. In some cases, some participants' busy schedules and environmental conditions made it impossible to capture relevant and detailed responses. For instance, during one such interview, the participant's baby was crying in the middle of the session. Ethically, the researcher offered to postpone the interview to allow the participant to attend to her baby.

However, she refused, claiming she may not have another time to conduct another interview. This resulted in a rather hasty interview, which limited the researcher from gaining detailed accounts and information for the study. However, one advantage of this limitation was the ability to give power to the interviewee in an ethical and feminist approach.

Recommendations For Further Study

Further studies on the various policies of churches that serve as support networks for their members and how such support networks improve the lives of women in their respective marriages are a fertile field for future researchers. Also, further research will be needed to uncover the factors leading to the justification of rape from relatively diverse religious and non-religious groups (such as Muslims, traditionalists, atheists, Buddhists, etc.) and tribes of diverse nationalities living in Canada. Further investigation is needed on the support networks provided by Canada's state and their response to domestic violence, especially regarding women of colour and the cultural barriers that inhibit women from seeking assistance from the state. This is because the research emphasized that the criminalization of marital rape hardly serves as a remedy for women's sexual emancipation. Thus, due to cultural barriers that constrain women from seeking help, several investigations must be sponsored to examine various options that can benefit women without jeopardizing their family, honour, and finances.

Furthermore, there is a strong need for researchers and policy makers to investigate the current system of settling disputes through litigation in both Canada and Ghana and how beneficial the available alternative conflict resolution process can be. This could encourage citizens who do not trust the integrity of the judiciary systems or courts due to fear of stigmatization or prosecution to seek redress. Cultural paradigms are also part of this question as Ghanaians are culturally rigid; people respect their family honour and seek to raise their children with both parents.

Moreover, more research must unveil the challenges faced by women within their matrimonial home due to their immigration status. This study has unveiled women's challenges in their marriage due to being sponsored by their male spouses in a host country. However, the Immigration and Refugee Protection Act (S.C. 2001, c. 27) of Canada promotes international justice and security by promoting respect for human rights. The Act offers safe refuge to individuals who fear persecution based on race, religion, nationality, political belief, or affiliation in a specific social group and those who face the danger of torture and unusual treatment or punishment. However, this statement is only applicable to refugees and not to immigrants entering Canada under spousal sponsorships and awaiting their citizenship. In view of this, a comprehensive study must be conducted on how the Canadian Immigration and Refugee Protection Act responds to those issues and the measures to support victims.

Indeed, the study has provided enough evidence to suggest that the laws and the judiciary system are part of the discrimination that affects abused victims of marital rape from approaching the limited legal assistance that is available. Despite the existence of the marital rape law, the analysis of the study through an intensive study of the individual units (as persons or community) suggests that there is no justice for women in the marital sphere unless there is an emancipatory change in our cultural environments and the way society deliberates over the reproductive rights of women.

APPENDIX A

Interview Guide

The following are presumed questions for the study. However, because the interviews will be semi-structured, these questions are merely a guide to the discussion between the researcher and the participants.

Purpose of the study

1. What are the key factors for a successful marriage?
2. What is a woman's role in decision-making in marriage?
3. How important is sex in marriage?
4. What do you think causes rape?
5. Do you believe that rape exists in marriage?
6. What do you understand by the words "marital rape?" Have you experienced that in your marriage?
7. What factors do you consider as reasons for sexual rape in marriage?
8. Do you know marital rape is criminalized in both Ghana and Canada?
9. It is reported that after the criminalization of marital rape in Ghana in 2007, there has been no incidence report up to now. What do you think is influencing this event?
10. Should a spouse report her husband to law enforcement agencies on rape charges?
11. Do you think the existence of the law will curb men from raping their wives?
12. If not, what is your advice to law enforcement bodies?
13. What advice will you give to anyone who is experiencing rape in their marriage?
14. Do you know anyone who is going through sexual rape in her marriage or who has gone through it?

15. Can you share the experiences of those survivors of domestic abuse?
16. What measures did they embark on to set themselves free?
17. What do you think would be an ideal marital relationship with regard to sexuality?
18. How can we move toward a more ideal relationship? What is the role of the church, men, women, culture, the law, etc.?
19. Is there anything else you would like to say about marriage or sexuality in marriage?
20. Are there any questions you wish I had asked you? Is there anything you want to say about the interview itself?

Demographic Background of Participants

1. Age of Participant
2. How long have you been married?
3. What type of nuptial ceremony did you have? (Customary/traditional, Christian/Muslim ordinance or Court marriage)
4. Do you have children? How many?
5. What is your religious affiliation?
6. What is your level of education?
- 7a. Are you gainfully employed?
- 7b If yes, what is your occupation or profession?
- 7c. What is the nature of your work?
- 7d. Do you make any financial contribution to the household?
- 7e. Are you financially dependent on your husband?

8. When did you move to Canada?

9. What is your immigration status?

Thank you for your participation.

RESEARCH ETHICS BOARD

MEMORANDUM

To: Sandra Boateng
CC: Jacqueline Holler

From: Chelsea Pelletier, Vice Chair
Research Ethics Board

Date: July 23, 2020

Re: E2020.0513.026.00
Factors that Lead to The Justification of Marital Rape among Ghanaian Married
Women: Perspectives of Ghanaian-Canadian Women.

Thank you for submitting revisions to the Research Ethics Board (REB) regarding the above- noted proposal. Your revisions have been approved.

We are pleased to issue approval for the above named study for a period of 12 months from the date of this letter. Continuation beyond that date will require further review and renewal of REB approval.

During the COVID-19 pandemic, no in-person interactions with participants are permitted. Any changes or amendments to the protocol or consent form must be approved by the REB. Please refer to the Chair Bulletins found on the webpage at: <https://www.unbc.ca/research/research-ethics-safety-human-participants> for further details. If questions remain, please do not hesitate to contact Isobel Hartley, Research Ethics Officer at Isobel.hartley@unbc.ca or reb@unbc.ca.

Good luck with your research.

Sincerely,



Dr. Chelsea Pelletier
Vice Chair, Research Ethics Board



An academic research study on the justification of marital rape
among Ghanaian married women:
Perspectives of Ghanaian - Canadian women.
This is a UNBC Master's degree study.

Eligible participants must be born in Ghana but may have come to Canada at any age.
Participants may be either married or previously married, separated, with a child or childless.
The nationality of participants' spouses is not limited to Ghanaians but other nationalities.
Please note: Respective participants will not be selected based on tribal affiliations.

Interested participants should contact sboateng@unbc.com

Sandra Asantewaa Boateng - Principal Investigator
Dr. Jacqueline Holler - Research Supervisor-holler@unbc.ca
University of Northern British Columbia -
3333 University Way, Prince George, BC, V2N 4Z9
250-960-6735 or email - reb@unbc.ca

The Project has been reviewed by Research Ethics Board.

<https://cphaphali.wixsite.com/mysite>

Microsoft Word ribbon interface showing the 'Attitudes of Ghanaians' document. The ribbon includes tabs for Paste, Font, Paragraph, Layout, References, Mailings, and Review. The document text discusses various aspects of Ghanaian culture, including traditional values, modernization, and the role of the state. The document is titled 'Attitudes of Ghanaians' and is located in the 'Themes' section of the ribbon.

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