

# Marital Rape: The Case of Remedios Baudon

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## Introduction

The search for Remedios Baudon finally ended when I tracked her down to her "hiding place," the Camp Domingo Leonor, which is the seat of Davao City police command. A most unusual refuge, I thought then, for rape victim-survivors like Remedios, to have taken shelter in the police barracks.

My search for her began when the Women's Feature Service (WFS) asked me to write a story about Remedios who had just won a conviction against her husband for marital rape, the first Filipino woman perhaps to have ever come forward and sue her husband for marital rape. Despite its significance though, the story merited scant attention from the media, which at most carried the story in the inside pages and merely detailing gory, graphic facts of the rape.

I was no different actually from the rest. While I knew that marital rape is now penalized under the new Anti-Rape Law, it remained an abstract legal parlance for lawyers like me. Marital rape, while not expressly defined by law, is now tacitly recognized because of the provision that "a husband may be the offender of a rape charge and the wife the offended party." It took an assignment for the WFS that made me see the extent and prevalence of marital rape, how it has been a living, tangible reality for many married women, how it shatters lives, homes and dignity, and how, for one woman, it meant losing a baby.

Until now, four years after it was passed, the innovation brought by the Anti-Rape Law is not known to people outside feminist groups and the legal community. "That woman is crazy," a taxi driver commented when told about the conviction of Remedios's husband, Eleuterio, who was also a driver of the same company. "No wife in her right mind would want her husband arrested, much more accuse him of raping her."

In a culture that regards sex in marriage as "wifely duty," marital rape is a fiction, an aberration, an exception. "Traditionally, marriage is understood in our culture to include the marital obligation of spouses to

give each other the right to each other's body," writes Presbitero J. Velasco, Jr., (1998) a justice of the Philippine Court of Appeals. Thus, it comes as no surprise that the criminalization of marital rape was met with apprehension for its possible "negative impact on the family and the adverse psycho-social and emotional repercussions to children." Marital rape is regarded as a threat by some, fearing that it may be "detrimental and inimical to the preservation of marriage."

Because marriage in the Philippines is an inviolable social institution, the state has a duty to protect it at all costs. Prior to the Anti-Rape Law, a husband cannot be guilty of rape of his own wife because of the "matrimonial consent which she gave when she assumed the marriage relation."

"There is a tension in our society between those who want all women to be protected from sexual assault and those who are concerned about protecting the marital relationship," declares Mittie D. Sutherland in her 1992 article, "Assaultive Sex: The Victim's Perspective." It is this sort of tension that I wanted to explore in this paper. And so one November morning I entered the gate of Camp Domingo Leonor, armed with copies of the court decision, case stenographic notes, and a few notes on marital rape downloaded from the Internet. I asked directions from the sentry and found myself in the office of my "contact," Police Major Lorna Molina. She introduced me to Remy whom I had expected to be someone younger. Enough of the myths that I myself had fallen prey to, portraying rape victims to be young, virginal-looking women. Remedios is 38 years old, but just as defenseless and vulnerable, I would later learn, and this is her story:

I come from a small barrio called Lica, in Mlang, Cotabato, the tenth of 15 children of a farmer. When my father died, I left to work as a househelp in Davao City. Years later, I was hired as canteen helper in a hospital. In the city, I had no relatives, only a few friends in the boarding house where I stayed. One Sunday, my friends invited me to go to the park. I refused but they were insistent, so finally I relented. What I didn't know then was that they were setting me up for a 'blind date' with a man named Eleuterio.

I met him in the park. Soon after, my friends left me with him. When I insisted on going home, he offered to accompany me. We rode a taxi but I started to notice something unusual when the places became unfamiliar to me. "This is not the way to my boarding house," I said. "Don't worry," I remembered him saying, "I'm taking you to my house because it is late. It is not safe for women to be alone at night." It was then that I got scared, but I didn't know how to go home. Finally, we arrived in a house where there were children and adults. His relatives, he said. Seeing the children somehow assured me that

maybe he meant no harm. He brought me to a room and left me very soon. I fought off sleep but I was very tired that I dozed off. Sometime in the middle of the night, when all was silent, I woke to find him all over on top of my body. I pleaded for him not to touch me. But he raped me, threatening to harm me if I shouted for help.

Soon after the rape, I left my boarding house. But he was able to hunt me down by following me from the hospital where I worked. Not long after, he forced open the lock of my rented room and waited for me. When I arrived, I was surprised to see him and immediately asked for him to leave. But he insisted on staying, saying that he intended to live with me. I had no choice but to allow him because I was afraid and he already 'touched' me.

In my barrio, I had a neighbor who was beaten up (gikulata) by her brothers for having been 'touched' by a man. A woman who has been 'touched' loses her honor if the man does not marry her. I was afraid of getting pregnant because I have seven brothers. If they found out that I had been 'touched,' they might beat me up also.

At first, he was very sweet and kind, trying to woo me. But I never loved him. After a month, the beatings started. He came home drunk all the time, and I suspected, high on drugs. He would kick and punch my breast, my back, thighs and legs. He got a kick out of seeing me covered with blood first before having sex with me. I often refused because it was very painful. He wanted to do it the way animals do it, he said, 'doggie style.' He loved it when I had menstruation because he was happy to see blood.

Still, I pretended to be happy and remained hopeful that maybe someday he would change. I even brought him to my barrio to meet my mother and brothers. No one ever knew the ordeal that I suffered with him, not my mother, my brothers, or even our board mates. They did not know that he treated me like a pig.

After a year and half of 'living-in' with him, he proposed marriage. He said that when I become his wife, I would be his property and he could do anything with me. I remembered answering back, 'Maybe you mean to beat me up.' Still, I consented thinking that maybe he would change when I become his wife and the mother to his child. But I was wrong. He never became husband to me because he was often away for days, for weeks, and came home once in a while only to have sex with me. And the beatings became worse.

I was three months pregnant when he came home on the morning of September 4, 1999. He barged into the door and found me folding clothes on the floor. 'Let's play basketball,' he said. Every time I heard him say that, I crouched in fear for I knew what he meant. I refused, fearful of my baby in my womb. But he dragged me to the floor, ripped my underwear, and forced himself on me. Soon

after, I found blood in my genitals. He left me soon after. That same night, he returned to rape me again despite the pain. And the bleedings did not stop. Two days later, I brought myself to the hospital where I was told that I had a miscarriage.

Ten days later, he returned. Despite my condition, he demanded sex again. When I refused, he held a knife in my neck and forced me to have sex. 'Better kill me now. I can no longer bear the pain. I am not a dog,' I pleaded with him.

I spent days and nights crying over the loss of my baby and the pain in my genitals. I wandered on the streets like a crazed woman not knowing where to go. One time, I found myself entering a house where an old woman took pity on me. I was desperate and wanted to kill myself. But she told me that if I did, I could not give my baby justice and my husband would only be laughing at my dead body. I went to San Pedro Church and asked my baby to help me seek justice against the father who killed her. The Lord is truly kind because right after the church, I found myself entering the Camp Domingo Leonor where I accidentally met Maj. Molina who is my town mate. Not only did she give me food and shelter, she helped me file a case. A few months later, my husband was arrested and was found guilty by the court. Now I am happy because my baby was finally given justice.

### **The Remy Baudon Case: A Profile of Marital Rape Victim-Survivor**

Remy's case is a complex one, composed of multi-faceted layers that had to be plucked bit by bit in order to be comprehended. Taken from a legal standpoint, the crimes committed by her husband were the following: rape (the sexual assault during the first date, but was condoned when Remy entered into marriage with the offender), physical injuries (wife-battering), marital rape aggravated by the fact of pregnancy which makes the crime heinous, and intentional abortion (for the miscarriage because the husband knew that she was pregnant at the time of the sexual assault).

But Remy was not aware that her husband had committed violations against her person and honor. Perhaps it was the societal expectations of her as she had perceived that deterred her from seeking protection. Coming from a barrio where virginity is equated with chastity, her belief is that women should marry the man with whom she had her first sexual contact. A woman who loses her virginity outside of marriage also loses her honor and place in society.

Based on these perceptions and beliefs, it is logical to conclude that it was more out of *fear*, fear of being punished by her family and society

that compelled her to keep her burden in secrecy and shame. (*If they (brothers) found out that I had been 'touched,' they might beat me up also.*) It was also out of this fear of rejection by family and society that made her allow her perpetrator to live with her, that made her enter into a loveless marriage, which is also to a certain extent, a form of salvaging a "damaged honor." Through marriage and pregnancy, she also believed that the ordeal would stop, that the beatings would cease. But these proved to be false hopes.

Through all these, she bore her sufferings in silence. '*I pretended to be happy and remained hopeful,*' again rising to the expectations of society that married couples are supposed to be living in wedded bliss. Besides, she believed that it was her obligation, "a wifely duty," to submit to her husband's sexual needs.

It took the life of the baby in her womb for the ordeal to stop when the interventions came—police, judiciary, religious, and women's support groups.

### **Societal Perceptions on Rape**

"For feminist researchers, rape is ultimately a result of sex role stereotyping in the form of learned gender roles," Sutherland notes. "Society labels behavior as feminine or masculine based on early socialization, which is reinforced by the normative, institutional, and legal structures of the society."

Society perceives rape as a forced intercourse in which the vagina is penetrated by the penis and ejaculation results. There must also be some form of resistance from the victim, who sustains injuries in warding off the attack, who immediately reports the attack to the police. She must not also be a woman of loose morals. The perpetrator is a psychopathic stranger, and there is a witness to the assault. Sutherland says, "Such perceptions shape the ways we as a society respond to rape in legal definitions, criminal justice system responses, and the way we treat the rape victim. The perceptions also influence the victim's response to the rape event, which partly explains why the incidences of rape remain underreported."

Two theories are presented as to the motives for rape: (1) as an act of male dominance and (2) as a simple act of aggression. Sutherland (quoting Gordon and Riger 1989) however says rape is really a form of male dominance and that women have been carefully socialized to this viewpoint.

Feminists see rape as an "extreme form of sexual exploitation and as a violent method to keep women in their place," Sutherland notes. "Male dominance in the form of rape is merely aggressive behavior

towards women, which is an inevitable part of the culture. Males are socialized to be the aggressive seducer and females to be passive prey and sex objects."

Sutherland (quoting Knight, Rosenberg, and Schneider 1985) reviews the various profile types of rapists and classifies them into three groups as follows: "One is aggressive during the offense either to enhance his sense of power or masculinity or to express feelings of mastery and conquest. A second commits rape out of anger toward women and seeks to hurt, humiliate, and degrade his victim. He becomes sexually aroused in response to violence and commits brutal, sometimes bizarre assaults. The final type has an extensive criminal history; sexual offenses are only one component of any impulsive, antisocial lifestyle."

Remedios's husband displayed acts which are deemed to be a combination of the first two—aggressiveness and anger. *I want to marry so I can do anything with you.*

## The Occurrence of Marital Rape

### *An Act of Violence*

Most researchers agree that rape in marriage is an act of violence—an abuse of power by which a husband attempts to establish dominance and control over his wife (Bergen 1999).

A strong indication supporting the theory that marital rape is an act of violence are the research findings that majority of women who are raped by their partners are also battered. Called "battering rapes," the victims experience both physical and sexual violence in the relationship. "Some are battered during the sexual violence, or the rape may follow a physically violent episode where the husband wants to 'make up' and coerces his wife to have sex against her will," Bergen also says.

Other women also experience "sadistic" or "obsessive" rape which involve "torture and/or 'perverse' sexual acts and are often physically violent." Husbands also often rape their wives "when they are asleep, or use coercion, verbal threats, physical violence or weapons to force their wives to have sex."

By Remy's account, Eleuterio would beat her either before or after the rape, and liked to engage in perverse sexual acts.

### *The Risk Factor*

There is no composite picture of a husband-rapist but these men are often portrayed as "jealous, domineering individuals who feel a sense

of entitlement to have sex with their property." However, some risk factors are cited, which include the following: "women who are already battered, pregnancy, being ill or recently discharged from the hospital, drug and alcohol use by the abuser." Strikingly, many of these factors are present in the Baudon case, which only highlight the fact that Remy was victimized because she was particularly vulnerable, having no friends, relatives and other support systems.

### *The Effects of Marital Rape*

Marital rape often has severe and long-lasting trauma for victim-survivors. The physical effects of marital rape may include "injuries to the vaginal and anal areas, lacerations, soreness, bruising, torn muscles, fatigue and vomiting." Campbell and Alford (1989) report that one half of the marital rape survivors in their sample were kicked, hit or burned during sex.

Specific gynecological consequences of marital rape include "vaginal stretching, miscarriages, stillbirths, bladder infections, infertility and the potential contraction of sexually-transmitted diseases." The rape caused Remy's miscarriage. According to a medical report of the Davao Medical Center, it was caused by trauma in the cervix during sexual intercourse which may occur when it is done without the women's consent.

Sutherland also says, "sexual assault is a severe, traumatic, and often life-threatening event from which many victims never fully recover."

### *The Prevalence of Marital Rape*

Throughout the history of most societies, it has been acceptable for men to force their wives to have sex against their will. This legal exemption is traced back to Sir Matthew Hale, Chief Justice in 17<sup>th</sup> Century England when he wrote, "The husband cannot be guilty of a rape committed by himself upon his lawful wife, for by their matrimonial consent and contract, the wife hath given herself in kind unto the husband which she cannot retract" (quoted in Russell 1990). Because of this, wives have been treated as the property of their husbands and the marriage contract is deemed an entitlement of sex.

However, the pioneering researches made on marital rape reveal that it is an "extremely prevalent form of sexual violence," accounting for approximately 25 percent of all rapes (Randall & Haskall 1995, cited in Bergen). Researches also estimate that between 10% and 14% of married women experience rape in marriage.

discrimination. It challenges well-entrenched beliefs and myths adhered to by traditional society which sanctions and perpetuates the continued oppression of women, a challenge also addressed to the institutions that bind society.

Remy Baudon is a victim, not by her husband alone, but also by us, the institutions, and society as a whole. Her perceptions on the expectations demanded of her as a woman, perpetuated by our culture itself, are the culprit to her bondage—physical, emotional and mental. To some measure, we stand as her aggressors also, and despite the abundance of socio-legal protective measures, we have failed to protect and defend her.

Were it not for the death of an innocent (the fetus in her womb), the interventions would not have come into play. Instinctively, we sheltered her from life's blows because she was a mother agonizing over the death of a baby. It was not so much because she was a wife—oppressed, beaten and raped by a husband—it was more out of pity and mercy on her as a mother who lost her baby.

But while society failed her at the start, it was the institutions which delivered her from oppression. Society was able to recover from its failure, to deliver its intervention and assistance, to liberate her from her ordeal. While this society is torn schizophrenically between traditional cultural beliefs and the recognition of woman's struggle for gender equality, it can still resolve its conflicts and strive to correct its faults and errors.

## References Cited

- Bergen, Raquel Kennedy, Ph.D. 1999. *A study on marital rape*.
- Sutherland, Mittie D. 1992. *Assaultive sex: The victim's perspective*. Massachusetts: Simon and Schuster.
- Velasco, Presbitero J.Jr. 1998. "The Raison D 'Etre of the Anti-Rape Law of 1997." *IBP Law Journal*.
- Women Involved in Nation-Building. 2<sup>nd</sup> Ed. 2000. *Primer on Women's Rights*.
- Women's Legal Bureau. 1995. "Making Sense of Rape." *Occasional Paper No. 1*.
- Zarate, Charina Sanz. 2000. Women's Feature Service/Business World. *Marital Rape: Finally, A Conviction*.