



## MORAL ISSUES INHERENT IN RAPE CASES IN NIGERIA A PAPER WRITTEN BY

## Education

**Asha Joseph  
Olufemi**

Baptist College Of Theology, Lagos

## ABSTRACT

This paper titled Moral issues inherent in cases of rape in Nigeria argued that rape is a vice with inherent moral issues with varied implications for the people of Nigeria and the nation as an entity. The paper explained what rape is; it enumerated the causes and effects of rape on individual, family and the society at large. In addition, the paper discussed some identified social and religious implications of rape on the victims of rape, their family members, their friends and the nation itself. The paper was written from an historical-literary point of view; it is theoretical in nature. The method used allowed for thorough examination of relevant literatures on the theme addressed in the paper. The examination was done thoroughly and objectively. Observations and interaction with some individuals who claimed to have fallen victim of rape directly or indirectly through their loved ones were carried out. The paper was concluded with suggestions on how to care for rape victims and also ameliorate it in our nation.

## KEYWORDS

## INTRODUCTION

Rape is one of the social ills plaguing Nigeria as a nation. It has become a perennial issue that hardly a day goes without hearing news of rape on the electronic media or reading of one or two or even more of rape issues on the print media. It is even common to hear rumour or authentic information of rape cases in the neighbourhood. Institutions of higher learning are not left out of the problem of rape. There are several gangs of hoodlums that go by different names engaged in raping innocent and unprotected persons in several cities of Nigeria as well as in several campuses of higher institutions in Nigeria. The law enforcement agency succeeded in rounding up a notorious group named "Awawa boys" in the city of Lagos. This group derives joy in raping women and girls almost on daily basis in places like Agege, Dopemu, Ipaja, etc; they also robbed their victims of their valuables at gun point. Rape is alarmingly common in Nigeria. It probably has been in existence in the traditional society and only became public knowledge with the advent of electronic and print media in Nigeria. It was reported that the percentage of rape has risen to eighty percent (80%) from 12.5% in Nigeria

There is no age limit to rape, as children, babies, adolescents, matured adults, mothers, grandmothers, and women of over seventy years are raped or defiled recklessly. One hundred and eighty one (181) rape cases were reported alone in Lagos between the months of January to June of 2016. If Lagos alone has the figure reported it means the remaining thirty five states and the Federal capital territory, Abuja put together will have higher number of rape cases. The increasing menace of rape occurrences in present day Nigeria is worrisome to the generality of Nigerian citizens comprising of the religious and the non-religious, the educated and the uneducated, the rich and the non-rich, the aged and the yet to be aged. Rape, like a fire seems to be consuming slowly and steadily the Nigerian society.

Thus, this paper is written to explore rape as a social vice in Nigeria as well as its implications on Nigerians living and working in the country; most especially Nigerian rape victims. Effort will be made to explain what rape is, factors given rise to it, the effects it has on victims and their family members. The thesis of this paper is that rape is a vice with inherent moral issues that has implications for the people of Nigeria and the nation as an independent entity.

## Meaning and Explanation of Rape

Rape is a subset of sexual assault which is gaining ground due to docile and sentimental nature which down plays the inhumanity of some individuals against the vulnerable in the society. The vulnerable include mostly babies, children, aged women and women generally. Rape is an act of sexual violence that involves intercourse. It is forcefully having sex with someone against his/her wish or will especially using violence. This above definition agrees with the one given by Egbonmali and Brigneti (2002) as well as Achunike and Kitause (2013) in their respective work on rape in Nigeria. In a broader sense rape could simply be defined as having an unlawful sexual intercourse with someone with or without the use of force in

order to achieve sexual gratification. It involves any unlawful behaviour or actions such as: making a child to touch, caress private parts, or genital organs to derive sexual pleasure.

Any time the law of love is violated in any love making even if it is within marriage it is equally a deviant act tantamount to rape. Rape is always committed by males and may be either heterosexual or homosexual. Rape could happen without the use of force. For example, an adult of any age range who tactfully seduced a child of a tender age for either marriage or sex with an enticing gift and the child after collecting same willingly give in for it with the adult amount to raping the child. This type of rape is described as sex crime carried out by men who are unable to control their sexual desires. As stated, there are reported cases of some adult men using sweet, biscuit and money as small as one naira to lure innocent vulnerable female and even male children to illicit sexual activities in Lagos, Nigeria. Rape is a global problem with women and children being most vulnerable. They are the ones bearing the brunt of this evil in every society of the world. This stated view is made more explicit by Gary Collins when he said that rape is a violent attack on women in which sex is used as a weapon. It is a very humiliating and life threatening experience. He said further that rape victims do not encourage it to happen and neither do they secretly enjoy the experience.

Wilbur O'Donovan approached the issue of rape from religious perspective by describing it as sexual uncleanness. He said an evil spirit or demonic spirit is often responsible for the act. Pat Robson corroborated the submission of Wilbur O'Donovan when he said that demon possession is the seizure of human being by a demonic being to such a degree that the individual is controlled in whole or in part by the demon. He said the person who is demon possessed can manifest demonic qualities among which is raping. He concluded by saying that the goal of demon is to debase, defile, and ultimately destroy human being made in the image of God.

The law enforcement agents such as the state security service, the Federal Bureau of Intelligence defined rape as the carnal knowledge of a female forcibly and against her will. It is the penetration, no matter how slight, of the vagina or anus with any body part or object or oral penetration by a sex organ of another person without the consent of the person. This last definition is all-encompassing. It encompassed all that have been said above. It represents the thought and idea of the writer on rape as a social menace.

## Classification of Rape Cases

Rape is an immoral act that is classified severally. Each case determines its classification. The underlisted are some of the classifications read about and observed. They are:

**Spousal Rape:** Spousal rape has to do with a woman raped by her husband;

**Children Rape:** Children rape has to do with child sexual abuse

committed by another child who is older or stronger, it is called child sexual abuse when it is committed by a parent or other close relatives such as grandparents, aunts and uncles. It is also called incest;

**Gang Rape:** Gang rape usually occurs when a group of rapist participated in raping one person. It is a rape involving at least two or more persons assaulting a victim. It is the rape of one person by a gang of rapist consisting of two or more persons;

**Date Rape:** Date rape has to do with a man who forced his date (female friend) to have sex with him against her will by intoxication or drug; it is unfortunate that some female dates have been forced into marital relationship due to date rape. A good example is the experience of a married couple who though married legally as a result of the pregnancy that occurred as a result of date rape that occurred between the couple before they got married. The lady whose parent insisted that she must get married to the man who preganated her due to their religious persuasion that does not give approval to pregnancy before marriage, child outside wedlock, and abortion grudgingly submitted to their wish in obedience to her parent instruction. However, she was not happy and pleased with the relationship. She did not have true love and affection for the man. She felt the man deceived her and deceptively lured her into the marital relationship. She said any time she remember that she was drug and raped by the man who married her she always feel bad, saddened, and felt foolish. She therefore, requested for divorce because she find it difficult to forgive the man who happened to be the father of the child that resulted from the date rape. In spite of the intervention effort of family members and religious leaders to prevent the divorce; the couple divorced after few years of marriage.

**Acquaintance Rape:** Acquaintance rape has to do with forced sex on a woman, girl child or boy child teenager, etc by close family member or neighbour such as co-workers, schoolmates, family members, friends, teachers and other acquaintances; acquaintance rape is rampant in today's Nigerian society. Every day one hears or read of one uncle raping a female child of his brother or sister. Also rampant is the news of neighbours raping the female child/ren of fellow neighbour.

**Statutory Rape:** Statutory rape has to do with any sexual activity that violates age-of-consent law. The age of consent is the age at which individuals are considered competent to give consent to matters concerning them such as sex, marriage, etc. The age of consent varies from one country to another country. However, the age of consent in Nigeria is eighteen (18);

**Prison Rape/Cell Rape:** Prison rape involves prison inmates who often engaged in sex among themselves. The attacker and the victim are both prison inmates; there are unconfirmed reports of sexual assault in most Nigerian prisons among inmates of both sexes. There are cases of same sex assault as well as hetero sexual assault in some Nigerian prisons and some Nigerian Police cells among inmates, accusers, suspects in custody, as well as among prison officers/security officers with inmates. Example of female prisoners abound who have been medically satisfied pregnant from the sexual assault experienced from security officers as well as prison officers. Another name for this enumerated type of rape is Custodial Rape. It has to do with rape perpetrated by a person employed by the state in a supervisory or custodial position such as Police Officer, Prison Officer, hospital employee employed to keep custody of persons especially vulnerable persons;

**Payback Rape:** Payback rape is often connected to tribal fighting. Another name for it is "punishment rape" or 'revenge rape'. It consists of the rape of a female, usually by a group of several males, as revenge for acts committed by members of her family;

**War Rape:** War rape is rape committed by soldiers, other combatants or civilians during armed conflict or war, or during military occupation. It also covers the situation where girls and women are forced into prostitution or sexual slavery by an occupying power;

Rape by Deception usually occurs when the perpetrator gains the victim's consent through fraud or deceit;

Corrective rape usually occurs as a punishment or corrective measure against non-heterosexuals for violating gender roles. It is a form of hate crime against lesbians;

Other types of rape are Anger Rape, and Sadistic Rape.

## CAUSES OF RAPE

Several causes have been said to be responsible for rape in Nigeria and in some other places in the world. Among the causes identified are the followings enumerated below:

- Poverty and lack of access to basic education are said to be responsible for the increasing rate of rape in Nigeria. Poverty is leading most Nigerian parents who also are not sufficiently educated to be subjecting their young female children to hawking on the streets in towns, cities, and villages. These female and even male folks are often lured by predators or seized outrightly into a room, sometimes uncompleted buildings and raped. This cause is rampant in Nigeria major cities like Lagos, Kano and Port Harcourt.
- Rape has also been attributed to demonic forces that often take possession of some vulnerable persons causing them to engage in the immoral act. This is the reason why it is often stated that an idle hand is devil's workshop. Anyone who is not fully engaged in a worthwhile venture and is also not fully engaged in the service of God may be possessed by evil spiritual forces to engage in rape for the purpose of disgracing, humiliating and destroying the person.
- It has also been found out that some purposely defiled other fellow human beings for ritual purposes. It was recorded that several men defiled children for ritual purposes with the intention of getting rich after sex with kids under age six.
- Another attributed cause is the inappropriate dressing especially among the female folks that promote nudity and promiscuity in the society. Sex is a powerful force that human beings of matured age are not immuned from irrespective of their gender. The desire to explore sex instinct sometimes result in rape.
- Sex has also been made a central theme in most contemporary society resulting in the large number of erotic magazines, pornographic films, nude shows, nude posters, sensual booklets and seductive dresses that are luring gollible persons to inappropriate sex relationship.
- Peer pressure in the sense that any decent person who keep company with rapists may end up as rapist too.
- Myths about sex such as without premarital sex a boy will have small testicles, suffer from pimples; have difficult erection and not able to perform better sex wise when married. Girl on the otherhand are bound to have small breasts, experience early menopause, painful menstruation and painful nipples when breast feeding their babies. These stated myths have been found out to be false. There is no connection between premarital sex and any of the enumerated myths. The aforementioned has connection to health and the physical structure as well as the body chemistry of individual person.
- Nature of adolescent predisposes every adolescent to have strong desire for sex. The strong desire is motivated by hormonal increase and activity which create an upsurge of sexual interest in adolescent.
- Declining moral values in Nigeria and in some other places is responsible for some fathers raping their female children; some lecturers raping their students; pastor raping female member, law enforcement officer raping female suspect under custody or arrest, boss raping subordinate, etc.
- Parents who over pampered their children by not enforcing strict disciplines on them when they err are more likely going to foster children that are rude, arrogant and wayward, thereby becoming rapist.
- The increasing loss of religious values in the Nigerian society inspite of the increasing number of religious institutions/houses is another major cause of rape today.

## EFFECTS OF RAPE ON INDIVIDUAL, FAMILY, AND SOCIETY AT LARGE

The issue of rape is both a physical as well as spiritual problems. It equally has physiological, psychological, moral and social consequences on the raped. Rape leaves painful memories and a lifelong consequences on the victim; thereby leaving a permanent damage on its victim. Rape degrades, violates and shames its victim personally and collectively. For instance someone was quoted saying that if 'virginity is what makes a woman honourable rape is an easy weapon to permanently damage her and makes her dishonourable'

Victims often have symptoms of depression or traumatic stress, attempt suicide tendency, fear, low self esteem, hatred for opposite sex, and inability to form or maintain trusting relationship again especially

with the opposite sex. It sometime leads to unwanted pregnancy, untimely death, abortion, abandonment of baby, contraction of contagious disease, dropping out of school and backsliding from religious faith. Other effects on the victim are guilt, regret, anger at self and others, frustration and image depression.

### MORAL ISSUES IN RAPE CASES

The issue of trust is very strong in rape issue. It often results in erosion of trust in the family and the society. Trust is the confidence and strong belief a person may have in another person to do good, be kind, loving, considerate and caring at the family and societal levels. However, when trust is injured through rape, it becomes almost impossible for those concerned to trust one another again. Where trust is missing unity and progress will not be found because such persons concerned will not have the confidence to work together to ensure progress and stability in the family and in the society. Instead there will be suspicion and fear of each other. In order to sustain trust at both the family and societal level, effort should be intensify by governmental agencies and religious organisations in campaigning against rape and rapists; such agencies should also advocate for the right, defence and protection of human rights. Trust can further be sustained through extolling the virtue of gender equality and promotion of sexual abuse prevention programmes in the society.

Another moral issue in rape is the issue of integrity. Any person who is guilty of rape will have his integrity diminished or completely battered no matter his/her status in the family and the larger society. Integrity refers to strength and firmness of character as it relates to the virtues of sincerity and honesty in private and public lives. Integrity is vital ingredient for human approval in life. Therefore, anything that may warrant the loss of integrity must be avoided. No wonder the Bible stated that Christians should avoid all appearances of evil. Self discipline is vital to maintaining ones integrity. Likewise, the fear of God and love for God are essential for maintaining integrity. Self discipline, fear of God, and love for God who is the author of morality will assist individual to resist sexual assault, sexual molestation and sexual enticement that often led some men to rape those who are vulnerable to sexual assault. The more reverential fear and awe a person has for God the more careful and courteous the person will be in his dealings with others. Because the individual will know that he is accountable to God for his actions. Likewise, the person will recognize that other people are as valuable to God as he/she is.

It must be stated that rape is an offence against morality in the criminal code of most African countries Nigeria inclusive. It is a crime because it involves violence attack and in other instances it involves deceit and abuse of privilege. An ideal society that is morally informed does not approve violence, deceit and abuse because they are inimical to peaceful and progressive society. Hence, the issue of criminality cannot be jettisoned in rape cases.

Another germane moral issue in rape cases is shame. Shame is uncomfortable feeling due to recognition or consciousness of impropriety or wrong in the opinion of the person experiencing the feeling. It is caused by an awareness of exposure of circumstances of unworthiness or of indecent conduct. Unfortunately, most culprits of rape from observation and interaction with some of them do not have sense of shame. If they have they would not commit the crime of rape against the vulnerable persons in the society. It appears that everyday, some unfortunate girls and boys, women and men are sexually abused even by persons known to the victims who take advantage of such familiarity. To curb this shameful act the religious and governmental bodies need to invest more on character education or moral education at all levels of learning in the country. These levels are family level, school level, religious level, and societal level. The investment in character education will enable all concern to cultivate a sense of shame and ideal behaviour in the public domain as well as in private life.

Justice is another moral issue inherent in rape cases. Justice has to do with being fair and just especially with regard to the punishment of rapists. The complain from people is that appropriate punishment is not always given to those guilty of rape; Most times the victims of rape are made to share part of the blame regrettably. This alleged disposition has not helped to curb the vice instead it has enhanced it. However, all who are concern can insist on justice in rape cases so that appropriate punishment with legal backing will be melted out to rapists. In addition, the society should exhibit zero tolerance to rapist. Every perpetrator of rape should be exposed to take full responsibility for

his/her actions and should under no circumstance be shielded or protected by parents, religious bodies, government agencies, colleagues and schools. Instead of apportioning blame; victims of rape should be shown love and care to overcome the trauma and pain of being rape.

It is unfortunate that many times justice is traded away on the platform of the alleged rapist is a family member, or teacher to the victim, boss to the victim, member of the same religious cult with the victim, etc. This practice and disposition to rape issues has to stop in order to restore dignity and sanity to our society.

The issue of consent is another moral issue involved in rape cases. Consent in general is understood to mean attitudinal or performative. Attitudinal sees consent as a mental state of affirmation or willingness while performative sees it as a certain kind of action or utterance such as saying yes or nodding. Women's sexual consent has in many instances been understood quite expansively as simply the absence of refusal or resistance to assault. Therefore, the wearing of revealing clothes by women; going somewhere alone with a man by a woman; engaging in heavy petting with the opposite sex have often been claimed by perpetrators of rape to constitute evidence that some victims of rape were in a mental state of willingness to have sexual intercourse.

Therefore, they should not be held liable for the act. It is morally inadequate to limit the meaning of consent to the above stated fact because appearance and dating acceptance may not in all cases mean agreement to sexual intercourse. Therefore, no rapist should be exonerated on consent as explained. Instead, the perpetrator should be made to face the wrath of the law. However, the view stated here does not imply approval of provocative dress, and sexual dress in the public domain where male and female interface, work, relax, worship and study together. Public domain include such places as Market, School, Religious houses, Corporate Organisations, etc

Stigmatization is another moral issue that needs consideration in rape cases. More often than not victims of rape are stigmatised as defiled, blemished and disvirgined individuals that a sane and morally conscious person need not relate with nor attempt to engage as partner. Stigma is a Greek word that in its origin referred to a type of marking or tattoo that was cut or burned into the skin of criminals, or slaves in order to visibly identify them as blemished or morally polluted persons. These individuals were to be avoided or shunned in private and public places. Those who have been stigmatised, feel devalued, disgraced, incomplete, shame and bad. Therefore, it beholds all concern to assist rape victim to get over the issue of stigmatization socially, mentally, spiritually, and psychologically.

### CONCLUSION

Rape is a social menace that is injurious to the well-being and progress of the citizens of a nation where the act is pronounced. The act is therefore to be frowned at, condemn, reject, legislate against, and punish severely. Moreover, constant enlightenment should be given by the government agencies, non-governmental agencies, religious bodies and educational institutions on how to guide against the evil act in a civilised society. Moral and healthy living should be promoted among young and old citizens for the reason of curbing social vices such as rape. The constant occurrence of rape demands that sex education is needed in our schools, homes, and religious houses.

The education will enable the learner to cultivate the right attitude to sex in all situations, develop appropriate relational skill with the opposite sex at home, at school, at work, market and religious house. The education will also enable the learner to be aware of the danger signal and the appropriate time to raise alarm in order to prevent and to defend oneself from the menace. All those prone to rape are to be educated further to use their physical might for self defence. Anything morally possible to do to prevent a rapist should be done. The virtue of gender equality as well as promotion of sexual abuse prevention programmes in the society should be vigorously pursued by all who have concern for ideal, peaceful, secure and progressive society. Moral education and citizenship education are to be given priority in public and private schools as was done by the Greeks several decades ago that gave birth to the discipline of ethics as a course of study.

Counseling is another vital thing needed to remedy the problem of rape in the Nigerian society. Both the victims of rape and the rapists need counseling. The victims need counseling to get out of the effects of the

painful experience they have been subjected to physically, socially, morally, and psychologically. Likewise, the perpetrators of rape need counselling especially behaviour centred counseling that will free them from the addiction to sexual malpractices. An addiction is any behaviour that is habitual, repetitious and difficult to control regardless of the consequences.

The Counsellor who will counsel a rape victim as well as known rapist must be a trained counsellor, competent and professionally qualified to counsel. In addition, he/she must be caring, loving, compassionate and empathetic to the cause of those affected by rape. Religious organisations such as Christian body as well as government agencies and non governmental agencies can help in raising needed counsellors to assist in counseling rape victims and rapists at designated places such as Prison, Hospital, Welfare centre, Religious houses, etc.

Women are those mostly affected by rape and are the one that hold families and communities together. Whatever will destroy their physical and emotional stability must be prevented. Therefore, rape must be condemned in its entirety. Stringent laws that will give adequate protection to female as a vulnerable being to rape must be encouraged, supported and enacted at all level of governance in Nigeria.

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