as the ‘violation’ of the ‘property’ of her husband or father. Rape thus became the ‘theft of sexual property under the ownership of someone other than the rapist’ (Clark and Lewis, 1977: 116). Women – such as those who remained unmarried or those who were economically independent – who were outside the ‘ownership’ or ‘protection’ of such men were believed to put themselves at risk of sexual offences. It was only in 1991 that rape within marriage (of a wife by a husband) was made formally illegal with the abolition of the marital rape exclusion clause – after over twenty years of feminist campaigns on the issue. Until the comprehensive UK review of sexual offences in 2003 (discussed at the end of this chapter) rape was narrowly defined as the penetration of a vagina by a penis without the woman’s consent – a definition which excluded other parts of the body and male rape. Prior to the 2003 review, UK rape legislation also used a notion of consent to a sexual act that placed a very unfair burden of proof on the victim and failed to include a consideration for coerced consent or submission other than under physical duress. Box 11.2 outlines the 2003 Sexual Offences Act’s definitions of rape and assault by penetration – new kinds of offences which rightly broaden the category of sexual crime.

**BOX 11.2 UK Sexual Offences Act, 2003**

**Rape**

(1) A person (A) commits an offence if –
   - (a) he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis,
   - (b) B does not consent to the penetration, and
   - (c) A does not reasonably believe that B consents.

(2) Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.

**Assault by penetration**

(1) A person (A) commits an offence if –
   - (a) he intentionally penetrates the vagina or anus of another person (B) with a part of his body or anything else,
   - (b) the penetration is sexual,
   - (c) B does not consent to the penetration, and
   - (d) A does not reasonably believe that B consents.

(2) Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.

Source: Office of Public Sector Information
http://www.opsi.gov.uk/acts/acts2003/ukpga_20030042_en_2#pt1-pb1-l1g1