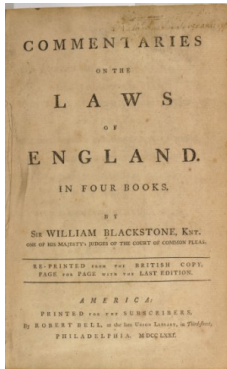


Sexual Violence in Marriage and Intimate relationships

Sexual violence is rooted in gender hierarchies, dominance, and power arrangements of colonization. Gender inequality exists at the macro level (bureaucracies, government, law, market, religion), as well as the micro level (interactions, families, organizations, patterned behavior between intimates).¹ Laws may change and improve, but the beliefs held from centuries of colonialism remain.



In the modern history of the Western world, women were not viewed as persons in the eyes of the law and were viewed as the property of men and a commodity for economic trade.² Rape by a marriage partner, as recorded in 18th century common law and unchallenged for over 200 years, stated: “the husband cannot be guilty of rape committed by himself upon his lawful wife, for by their mutual matrimonial consent and contract the wife hath given up herself in this kind unto her husband, which she cannot retract.”³ Rape by a non-intimate partner was viewed as a crime against another man’s property rather than a crime against a woman’s body and integrity.

In Canada, in 1983, sexual assault against one's spouse became an offence. Rape was no longer considered an offence only outside of marriage, however, the belief unwanted sexual activity between intimates remains widely regarded as a personal matter. Women living with disabilities who experience intimate partner violence are more than twice as likely as other abused women to experience sexual violence in their relationships.⁴ It is still a commonly held belief that sexual violence in a relationship, particularly a marriage, is not a crime. The Canadian Panel on Violence Against Women found that 38% of sexually assaulted women were assaulted by their husbands, common-law partners or boyfriends.

Few of these assaults are reported to police. In 1999, the GSS survey on Victimization asked about instances of violence not reported to the police. High proportions of sexual assault victims did not report to the police because they felt the assault was a personal matter.⁵

Many of the deeply held misapprehensions and stereotypical assumptions about sexual assault [...] continue to thrive, perhaps most sharply observed in relation to sexual assaults in intimate relationships. Sexual assaults in the context of intimate relationships, then, especially spousal relationships, are therefore the least likely to come to the attention of the criminal justice system.⁶

While the majority of perpetrators are known to the victims, (80%)⁷ sexual violence is not a personal relationship conflict. Spousal/intimate relationships, or any other relationship that implies indebtedness or intimate agreements does not constitute consent to sexual activity. Sexual activity cannot be expected or condoned in advance.⁸ The myth that violence against women, particularly sexual violence, is a personal problem is highly accepted and equally problematic.

¹ Hunnicutt, G. (2009). Varieties of patriarchy and violence against women: Resurrecting “patriarchy” as a theoretical tool. *Violence Against Women*, 15(5), 557

² Edwards, K.M., Turchik, J.A., Dardis, C.M., Reynolds, N. & Gidycz, C.A. (2011). Rape myths: history, individual and institutional-level presence, and implications for change. *Sex Roles*, 65

³ Martin, E.K., Taft, C.T. & Resick, P.A. (2007). A review of marital rape. *Aggression and Violent Behavior*, 12, 331

⁴ Cohen, M., Forte, T., Du Mont, J., Hyman, I., & Romans, S. (2005). Intimate partner violence among Canadian women with activity limitations. *Journal of Epidemiology and Community Health*, 59, 834–839.

⁵ Sexual Offences in Canada (Kong, Johnson, Beattie and Cardillo), table 4, (seems to have disappeared from <http://www.learningtoendabuse.ca/>)

⁶ Randall, M. (2011) The Treatment of Consent in Canadian Sexual Assault Law. The Equality Effect: www.theequalityeffect.org

⁷ Uniform Crime Reporting Survey in Sexual Offences in Canada (Kong, Johnson, Beattie and Cardillo), table 7 (friend 10%, acquaintance 41%, family member 28% and stranger 20%)

⁸ From OCRCC website Common myths