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RAPE: VICTIMS, OFFENDERS AND FACILITATING SITUATIONS
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ABSTRACT

Traditionally, rape was explained by psychiatrists and psychologists whose main concern was the personality characteristics which motivated the rapist to commit his crime. The inability of past research to disclose significant psychological differences between rape offenders and males in the general population prompted the present undertaking. This study tried to draw attention to the importance of situational determinants in the explanation of rape. The investigation sought first, to test research findings accumulated to date in a Canadian context; second, to explore some of the unaddressed questions concerning the rape event; and third, to show how situational factors associated with rape influence certain features of its occurrence.

Winnipeg Police data were used to obtain the information necessary for this study. The available rape reports for the ten year period from 1966 to 1975 provided a sample of three hundred and forty-three reported rape complaints of which two hundred and eighty-one were classified as founded and sixty-two as unfounded. The founded complaints were then examined for characteristic patterns.

After analyzing social characteristics of the rape participants, the types of people who are likely to become involved in rape as reported victims and alleged offenders were identified. Characteristics of the setting of rape were then analyzed. Several patterns emerged indicating the temporal and spatial organization of rape. Finally, some of the more salient situational factors which effect the occurrence of rape were examined and discussed.

This research showed that rape is contingent upon much more than

individual motivation. The victim's behavior, ecological factors, structural features of the situation and characteristics of the interaction between the participants were all found to aid in our understanding of how and why rape occurs. It was suggested that a dual approach which includes both historical attributes of the offender and facilitating conditions posed by the immediate circumstances in which the offender is found would be better able to explain the crime of rape.

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CHAPTER I

INTRODUCTION

Relatively little is known about rape compared with most major crimes. Much of the research which has been done was conducted by psychiatrists and psychologists who were mainly concerned with the personality characteristics which motivated the rapist to commit his crime.¹ These studies usually looked for evidence of abnormality in the psychosexual development of the rape offender in order to account for his present behavior. Most of this research involved case studies on small and unrepresentative samples of imprisoned or hospitalized sex offenders. The results of this type of research, however, failed to disclose the presence of significant psychological differences between rape offenders and males in the general population.²

Efforts to form principles from the observed facts about rape are just beginning. The problem is one that not only affects our understanding of rape, but also the advancement of criminological theory in general. Thus far, work on the causes of crime has been

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1. See Karpman, 1934; Oltman and Freedman, 1938; Henninger, 1939; Ruskin, 1941; Bromberg, 1946; Hirning, 1947; Guttmacher, 1951; Guttmacher and Weihofen, 1952; Arlow, 1954; Hammer, 1957; and Abrahamsen, 1960.
 2. For a general review of the psychological, psychoanalytic and psychiatric approaches to the study of rape see M. Amir's Patterns in Forcible Rape, p. 392-419.

mainly concerned with the background of the criminal and has neglected the situations in which the crime takes place. The former approach, which characterizes much of the past research on rape, focuses on the criminal and those factors which motivate him to engage in crime. However, attributing the cause of crime to the action of a particular individual obscures the fact that the source of human action is the interaction process. On the other hand, the situational approach recognizes that it is not the individual that makes things happen all by himself. This approach assumes that the causes of criminality are related to events which are closely tied in location and time to the criminal act. The circumstances in which the individual finds himself and the opportunities for criminality are seen to be the decisive factors to explain why some individuals engage in crime.

With rape becoming a more salient social problem, many interested groups of people have become involved in a renewed search for the cause of its occurrence. Larger and more representative samples of rape cases have recently been employed in research, and theoretical work is advancing. Research in sociology has recently focused upon various situational factors which effect the occurrence of rape. The results of such studies indicate that rape is socially organized to the extent that there are patterns and regularities in its occurrence. Thus, recent research points to the fact that factors in addition to individual motivation seem to be

required in order to account for the occurrence of rape.

As noted previously, research on rape has looked mainly at the rape offender with little regard for the victim, her relationship to the offender, and the rape event itself. These additional considerations have recently been researched in the United States.³ However, no comparable data is available for other countries.⁴ The present study was designed to add to the current body of knowledge regarding the crime of rape. This investigation sought first to test research findings accumulated to date in a Canadian context; second, to explore some of the unaddressed questions concerning the rape event; and third, to show how situational factors associated with rape influence certain features of its occurrence.

Nature and Order of Presentation

In the chapters which follow an attempt will be made to show how rape is patterned or organized. Chapter II presents a review of the relevant literature including the various perspectives which have recently been advanced to explain rape. An evaluation will be made of how well these perspectives explain rape. This chapter will also review some of the major empirical studies which have contributed to a sociological perspective on rape. For the most part, the hypotheses tested in the present study will be formulated

3. See M. Amir, 1971; and J. Macdonald, 1975.

4. Research in this area is presently being conducted in Toronto by Lorene Clark and Debra Lewis. However, most of their work was not available during the preparation of this research.

from the findings of this earlier research.

The methodology used in this study will be presented in Chapter III. This chapter will include a discussion of the data source, the procedures used to collect and analyse the data and a description of the data. In the section describing the data there will be a discussion of unfounded rape. This discussion will be included to justify the exclusion of unfounded cases from the analysis. The classifications of rape and attempted rape will then be discussed along with a delineation of the number of victims and offenders presented in the data. Finally, this chapter on methodology will focus on the limitations of the study. In this regard, two issues will be discussed - unreported rape and unapprehended offenders.

Chapter IV will concentrate on a description of the participants in rape. Various social characteristics of rape victims and offenders will be discussed in order to identify the types of people who are likely to become involved in rape. In this section a variety of indicators will be used to locate the victims and offenders in terms of their class position. Finally, the interpersonal relationships which exist between the participants will be discussed.

Temporal and spatial characteristics of rape will be discussed in Chapter V. In the first section of this chapter the monthly, daily and hourly distribution of rape will be analysed to show when rape is most likely to be committed. The initial contact between victims and offenders and the subsequent location of the rape event will then be analysed to show where rape is most likely

to occur.

Chapter VI is an attempt to formulate a situational account of rape. In this chapter a rationale is provided for the importance of viewing rape in situational terms. Factors which predispose individuals to the roles of victims and offenders will be discussed and various characteristics of the rape situation will be analyzed to show how they interact to determine features of the rape event. Finally Chapter VI will look at the notion of vulnerability in relation to certain individuals and certain situations.

Chapter VII presents a general summary of the research and some of the more important conclusions which were reached. The implications of the study and suggestions for further research will then be discussed.

CHAPTER II

REVIEW OF THE LITERATURE

In an effort to understand the crime of rape, numerous works have recently been published which approach the subject on a variety of analytic levels. Psychiatrists, physicians, social scientists, legal reformers, feminists and many others have looked at this crime in order to discover its cause. This search for an explanation of rape has, however, turned up only partial answers to selected aspects of the problem. The development of a coherent theory of rape still remains. In this chapter, various perspectives which have been advanced to explain rape will be presented and their deficiencies will be discussed. As well, some of the more recent research on rape which was used to derive hypotheses for this study will be reviewed.

Psychiatric and Psychoanalytic Views

A common starting point for these inquiries is the assumption that the rapist is somehow abnormal - why else would he have committed the crime? A mixture of infantile traits (Freud, 1949) and traumatic childhood experiences (Johnson, 1956), guided by surplus sexuality (Alexander, 1956) has been offered by the clinically-minded as an explanation for perverted sexual aggression, and is said to account for the rape offender's motivation. Another related hypothesis centers around the interplay between aggressive and sexual instincts (DeRiver, 1956). Fears of sexual inadequacy or latent

homosexuality (Bromberg, 1946) are aroused by feelings of maternal hostility and can be projected onto personifications of the mother (Freund, 1960). In such a case, an aggressive sexual attack becomes the solution to these fears and sexual tension (Jenkins, 1951).

Similar types of psychoanalytic and psychiatric explanation have focused specifically on childhood trauma in the context of socialization (McCord and McCord, 1962; Henry and Gross, 1940; and Pearson, 1944), a defective superego and the inability to control sexual and aggressive impulses (Arlow, 1954; and Hammer and Glueck, Jr., 1957), failure to solve the Oedipus complex (Freud, 1933; Hammer, 1957; and Abrahamsen, 1960) with resulting castration fears (Bromberg, 1946), feelings of sexual inferiority and inadequacy (Reinhardt, 1957; and Macdonald, 1938), and denial of latent homosexual tendencies (Karpman, 1954). In a slightly different vein, organic defects including mental deficiency (Henninger, 1939; and Karpman, 1940) were thought to account for some cases of rape.

The results of clinical research, although showing traces of psychiatric disturbance, generally "...indicate that sex offenders do not constitute a unique clinical or psychopathological type, nor are they as a group invariably more disturbed than the control groups to which they were compared" (Amir, 1971: 314). This conclusion has particular significance in light of the fact that the groups who were tested came from hospitals, prisons or clinics - those places designated for the examination and treatment of extreme forms of disordered behavior. There is considerable disagreement

over the cause of rape within the psychological approach and the conditions under which we can expect rape have not been specified. However, a common assumption within this approach is that the rape offender is somehow pathological and the fact that he committed rape is tautologically offered as proof of this assumption.

The Victomological Approach

The search for causes continued with the exoneration of the rapist and the implication of the victim. For some, rape was thought to be the result of a conscious or unconscious desire on the part of the victim (Jenkins, 1951; and Gregory, 1968). Psychoanalysis provides a rationale for this view by describing women as "...basically masochistic and passive - as needing a certain degree of male domination in order to feel comfortable and whole" (Halleck, 1974). A broader and more subtle variation of this view that the rape victim is partly responsible for her own victimization can be found in victimology literature. Through the study of victims of crime it has been noted that the victim often fails to protect herself and thus creates a temptation-opportunity situation (Fooner, 1966: 1080). Others suggest that the victim can initiate the action which leads to crime by sending signals to the potential perpetrator (Reckless, 1967: 142) or by actively or passively provoking the attacker (Fattah, 1967: 167). Still others suggest that the victim shares in the responsibility for the crime when reasonable caution in avoiding victimization has not been exercised (Schultz, 1968; Morris and Blom-

Cooper, 1964; and Schafer, 1968).

Applied to certain types of crime, for instance homicide, these speculations gain a measure of credibility.¹ However, in the context of rape, researchers have been unable to come up with satisfactory criteria for determining what constitutes victim-precipitation.² Nevertheless, when the broad definitions which have been developed are applied to the analysis of rape, the frequency of victim precipitation which has been found suggests that this is not a major cause of rape.³

Sociological Views

Within the general framework of sociology there have been a few recent attempts to account for the occurrence of rape. These views have focused upon cultural values, the structure of existing laws and the way in which we are socialized to behave. These positions are not clearly demarcated nor have they advanced to the level of formal theory. They are, however, attempts to explain rape by referring to factors other than the motivation of the individuals involved.

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1. See Wolfgang's Patterns in Criminal Homocide, 1958.
 2. See definitions by Amir in Patterns in Forcible Rape, 1971 and by Curtis in Criminal Violence, 1974.
 3. The definition of victim-precipitation used by Amir (1971) found 19 per cent of the rapes to have been precipitated by the victim. In other studies Mulvihill et al (1969) found only 4 per cent and Curtis (1974) found 2 to 4 per cent of victim-precipitation in the rape cases they analyzed.

One such explanation has been advanced to account for the finding that rape occurs among particular groups of people. The preponderance of lower-class victims and offenders involved in rape is said to be the outgrowth of a subculture of violence. Normative rules of conduct in the subculture run counter to those of the dominant culture, and aggression, including sexual aggression towards women, is said to prevail. Members of such a subculture are socialized in a climate of violence, and a violent response to certain situations is expected and valued. "Under these conditions, aggressive and exploitative behavior towards women becomes part of their normative system, for those members who do not conceive such behavior as wrong or as a deviation from the normal" (Amir, 1971: 327).

Objection to the subcultural notion has been made on the grounds that research implicating the lower class in this crime is based on biased samples from official statistics (Kostash, 1975). Here it is recognized that many rapes are not reported to the authorities and that rape occurs among all social classes. It could be that the lower class are more likely to report an incident of rape and hence, more likely to be included in official statistics.

Another effort to explain rape has focused upon the interplay between the structure of existing rape laws, enforcement and prosecution, and traditional attitudes about social and sexual roles (LeGrand, 1973; and Rioux, 1975).⁴ This approach argues that, al-

4. A similar approach to the study of rape has been taken by Clark (1976). Clark, however, traces the origins of European rape law

though societal attitudes were initially responsible for the construction of law concerning rape, the nature and function of this law influences the relationship between men and women in our society. Unfounded beliefs about the infrequency of this crime, the motivation of its perpetrator and the psychology of its victim have led to a network of restraints on the action of police, prosecutors, juries and judges which restricts acknowledgement and punishment of this crime. This, in turn, supports the myths that men who commit rape are not responsible for their actions, that women generally make false complaints, and that true incidents of rape are a rare occurrence. These myths protect rape offenders from being charged and convicted, and foster the attitude that sexually active females are

to an economic interest of men. She argues that, historically, European rape was an offence against property, not against persons. In early times a woman was regarded as a form of property and was originally controlled by her father. A woman's ownership was then transferred to the husband following marriage. However, in the Middle Ages ownership could also be effected by abduction and rape. A man choosing the latter route had the opportunity to advance in his economic position if the woman he selected was a wealthy heiress. Marriage, in this case, was consummated by sexual intercourse and the abductor then gained access to the family wealth. Therefore, a law (rape) was developed to control the transfer and exchange of this form of property: women. However, it was not only the propertied classes who benefited from this law, as the "value" of a woman was also judged according to the condition in which she was received. Chaste women were considered to be more valuable than those who were tainted by sexual intercourse because, symbolically, the virgin represented an object of exclusive sexual relationship. Thus, it was in the father's and the potential husband's interest to keep their women from falling prey to scoundrels seeking an unearned path to upward mobility and to men who otherwise defiled their women.

legitimate prey. Regardless of the original cause of rape, a double standard of sexuality and the impediments to conviction perpetuate the crime (LeGrand, 1973: 919-941).

Support for the existence of sexist attitudes regarding female sexuality was found in recent research at the University of Calgary. Kasinsky (1975) reports that, whereas one-half of the male students who completed her questionnaire agreed with the statement that "many women are stimulated sexually and want to be raped by a man," almost 100 per cent of the females in her sample disagreed with such a statement (p. 21). It was also found that the majority of males and females agreed that "it is impossible to rape a woman against her will," and that "women rape victims lead men on and are therefore responsible for provoking men sexually" (p. 20). Kasinsky concludes that rape represents "...a fundamental conflict in our competitive, aggressive society,..." and that it is "...justified by the sexist notion that males should control and dominate a woman's sexual being as well as the economic life" (p.21).

In another study, the consistency between legal and social definitions of rape was investigated (Klemmack and Klemmack, 1975). The results of this study indicated that the situation which was most likely to be defined by the respondents (all female) as rape was one in which a woman was accosted in a parking lot at night. Ninety-two per cent of the respondents agreed with the legal definition in this situation. The situation which was least likely to be defined as rape was one in which a woman, after engaging in

light petting with her date at his apartment, was forced to have sexual intercourse. Only 18.8 per cent of the respondents agreed with the legal definition in this situation (p. 139).

After analysing social background characteristics of their respondents, Klemack and Klemack suggest that subtle clues from our male dominated society are given off to women, affecting their conception of the rape victim as responsible rather than innocent. These authors conclude that the myths regarding the sexuality of both males and females create ambiguities surrounding the way rape is viewed (p. 146).

Coming full circle to those who, in real life, decide upon the validity of a complaint of rape, research suggests that sexist attitudes also exist among the judiciary. Bohmer (1974) classifies judicial attitudes toward rape into three types. First, there were those cases which involved "genuine victims" who, typically, were brutally attacked by a total stranger. The second type was that involving "consensual intercourse" or the "friendly rape." In this situation the victim was described as having "asked for it." The third type involved "female vindictiveness" where the woman was trying to "get even" with the accused for whatever reason.

The prevailing double standard of sexuality in our society is said to be derived from the stereotypic conceptions of male and female roles that exist in our culture. An inferior role is ascribed to women, which effects the view they have of themselves and the view that men have of them. In our society, women are taught to be

submissive, weak, gentle, patient, quiet and dependent. They should be chaste until marriage and passively receptive (uninterested) in sexual intercourse (Kaplan, 1973: 3). However, there is a dualism in views of female sexuality. Women are also taught to beautify themselves and to dress in a seductive manner for potential male mates (Kasinsky, 1975: 18). This leads to an equally prevalent view of women as seductive flirtatious, coy, and somehow evil (Klemmack and Klemmack, 1975).

On the other hand, males are encouraged to be strong, aggressive, competitive, successful and basically dominant. They are socialized into a position as providers and protectors which reinforces women's dependency upon men (Kasinsky, 1975). Related to these stereotypically masculine qualities is the need "to be sexually competent and sexually athletic, and of course, to be desired by women for these qualities" (Kaplan, 1973: 12). Males as well as females, believe that men have stronger sexual urges and needs than do women. To wit, virility is equated with masculinity.

Stereotypically traditional views of male and female sexuality have made rape a "normal" (Kasinsky, 1975) or an "over-conforming" act (Russell, 1973). Rape is said to be an extreme acting-out of qualities that are regarded as super-masculine in this society. The common cultural notions of masculinity have been referred to as the "masculine mystique" and the impact of this mystique on male sexuality is said to result in a more specific "virility mystique." The act of rape is said to be just one of the consequences of these