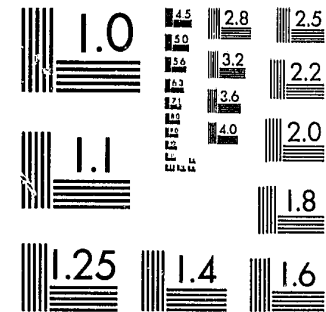


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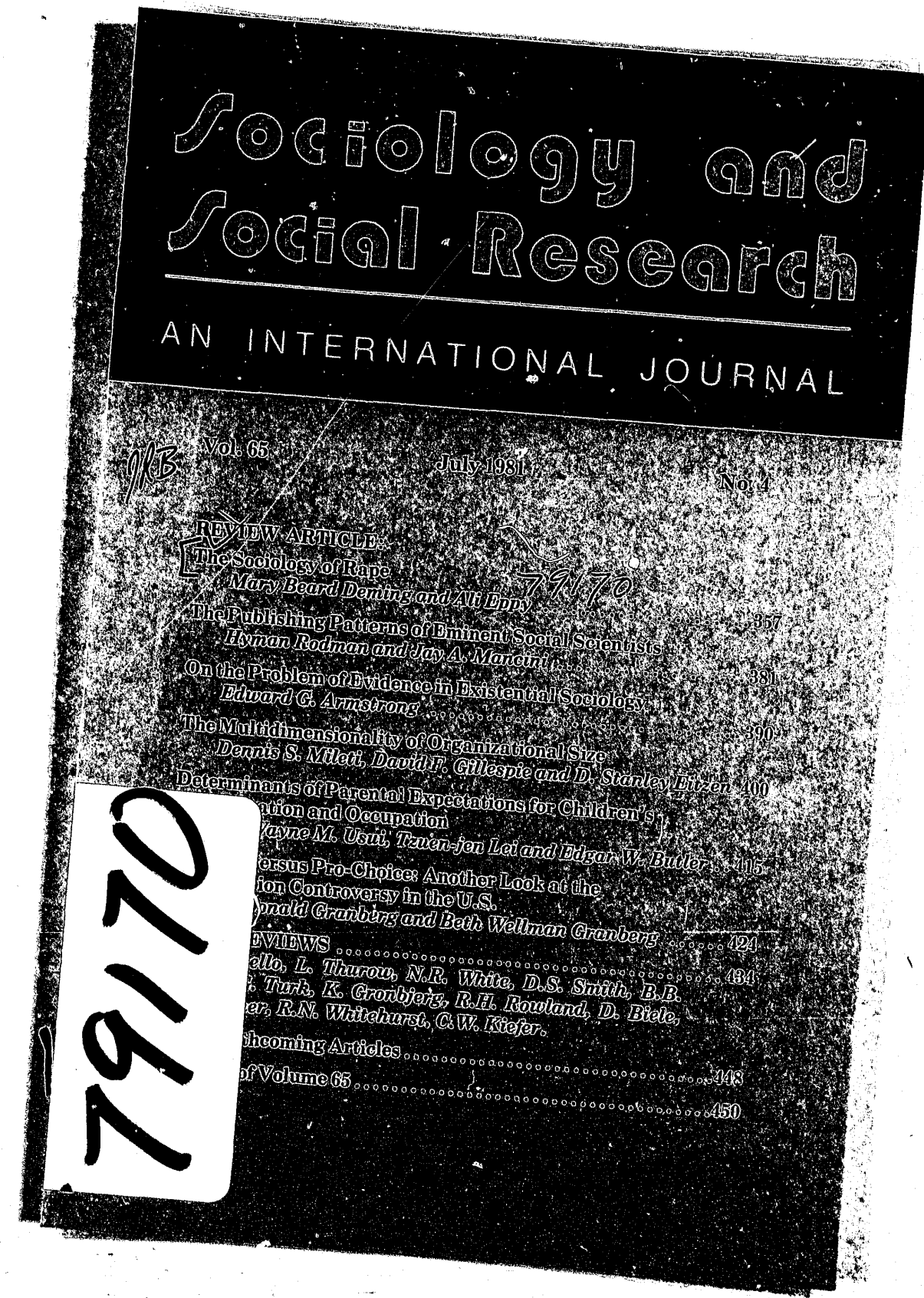
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THE SOCIOLOGY OF RAPE

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25 1981

ABSTRACT

Rape research is organized to illustrate the contributions and the potential of sociological theory and methods. The first half of the review deals with social structural determinants of rape. Support is found for feminist, conflict, ecological and subcultural theories, but not for theories of sexual access. The second half of the review focuses on social reactions to rape, as indicated in studies of attribution and criminal justice processing. The disparate studies reviewed in the article are integrated with a common focus on theoretical perspectives, on those aspects of rape that distinguish it from other crimes of violence, and on methodological issues.

INTRODUCTION

Sociological literature constitutes an increasing proportion of the writing on rape. Although studies of rape have long been of interest to criminologists, sociological research has expanded more recently with the development of women's issues and sex roles. Research in the sociological tradition has been further stimulated by the establishment of the National Center for the Prevention and Control of Rape by Congressional mandate in 1976. However, the sociological perspective has not been emphasized in recent bibliographies (e.g., Chappell and Fogarty, 1978; Chappell, *et al.*, 1974; Feild and Barnett, 1977; Fogarty, 1977; National Rape Information Clearinghouse, 1979) or literature reviews (e.g., Albin, 1977; Chappell and Fogarty, 1978; Geis, 1977; Katz and Mazur, 1979). The following review organizes rape research to illustrate the contributions and the potential of sociological theory and methods.

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This review is necessarily selective, but it is not limited to studies by sociologists. Studies of forcible rape of adult female victims by adult male offenders are emphasized. Social structural determinants of rape are identified in the first two sections. Theories of rape (feminist and conflict theories, theories of sexual access, criminal justice system variations, and ecological and subcultural theories) and research based on aggregate data are discussed. Typically the rape rate is the unit of analysis in these studies. Additional support for the alternative theories is sought in offender research, in which the individual is the unit of analysis. Social reactions to rape are reviewed in the third section on attribution research and in the fourth section on criminal justice processing.

RAPE AND SOCIAL STRUCTURE

Feminist and Conflict Theories

The women's movement is credited with defining forcible rape as a significant social problem (Geis, 1977; Lagen, 1976; and Rose, 1977). Writings by feminists stimulated wide public and professional discussion of rape as a reflection of aggression and power when social groups are stratified by sex. Rose (1977:78) has summarized the feminist theory of rape as follows.

From the feminist perspective, rape is a direct result of our culture's differential sex role socialization and stratification. Traditional notions about sex roles are viewed as the basis of stereotyped attitudes about rape. For example, the association of dominance with the male sex role and submission with the female sex role is viewed as a significant factor in the persistence of rape as a serious social problem. Some feel that until patterns of socialization into traditional sex roles are altered, societal processes will continue to prepare women to be 'legitimate' victims (viewed as deserving, needing, and/or wanting to be raped) and men to be potential offenders.... The American dating system--primarily because of its exchange features--has been identified as a major contributor to the potential for rape.... Further, the common view of women as possessions is seen as symptomatic of the social creation of potential rape situations, resulting from an inability to see women as human beings...

This theoretical perspective has had limited empirical testing cross-culturally or among subnational groups, in spite of existing or possible indicators of such concepts as sex role attitudes, the sexual division of labor, systems of courtship and marriage, and the status of women as property. Variations in these dimensions of social structure need to be tested for relationships with variations in the incidence of rape.

Some anthropological research provides support for feminist theory. For example, Murphy (1959) notes that rape is an instrument of social control in a society (the Mundurucu Indians of Brazil) characterized by extreme division of labor by sex, while Findlay (1974) finds rape absent in a more cooperative society (the

Arapesh of New Guinea) where there is little division of labor by sex. When courtship and marriage are characterized by conflict, rape may occur very frequently, unless controlled by other social institutions, as among the Gusii of Kenya (LeVine, 1977). We agree with others who call for more research on the influence of power and aggression in relationships among the sexes (Albin, 1977) and for the study of rape in a social structural framework (Lystad, 1980).

Conflict theorists concerned with rape view sex role socialization, the social control of women, and sexual stratification as functions of the economic organization of capitalism in which women are treated as property (Barnett, 1976; Schwendinger and Schwendinger, 1974). Thus, rape law and criminal justice practice are less concerned with those acts which do not violate the property rights of some men over women (spousal rape, rapes of unmarried victims with prior sexual experience) and punish those acts which do (rapes of chaste victims). Further, the submissive behavior said to protect a woman from rape also reinforces her subordinate position in social (marriage) and economic roles. While feminist analysis suggests that educational, institutional, and legal reform are necessary to eliminate the sexism which encourages rape, conflict theory implies that replacing the private ownership of property with a more equitable distribution of goods, services, and power will eliminate the need for male social control over women by means of rape. Cross-cultural tests of the conflict theory of rape suffer from inadequate data and inability to control for other factors likely to intervene between the broad economic structure of society and the incidence of rape. Barnett (1976) provides a preliminary assessment of rape in the Soviet Union, China, and Cuba. More promising would be an analysis of women's status historically and cross-culturally as indicated by rape laws and criminal justice practice.

Theories of Sexual Access

While feminist and conflict theories emphasize power and aggression as motives for rape, other structural approaches focus on the sexual nature of the crime. Studies of the sex composition of populations and of the sexual permissiveness of societies reflect an interest in the relationship between sexual outlets and the incidence of rape. Svalastoga (1962) posited a higher rape rate when the sex ratio showed a surplus of men, since an excess of males would lead to social tensions in the search for consensual sexual partners. The regions in Denmark with the highest sex ratios (rural communities) did have the highest relative rape rates. In the United States, Lester (1974) finds no such relationship between the sex ratio of states and the rape rate, even when both measures are calculated for the black population only. Apparently, the relative size of the two sex groups in such large geographic areas fails to reflect the nature of their social interactions.

Some anthropological work suggests that rape rates are high in cultures that restrict nonmarital sexual relationships and encourage late marriage (e.g., LeVine, 1977). With data for the United States and Sweden, Chappell, *et al.*, (1977) and Geis and Geis (1979) have explored the reverse hypothesis: that rape rates are higher in more permissive than in less permissive societies. They argue that "a rejected male in a nonpermissive setting is more able to sustain his self-image by

allegating (sic) that it is the setting itself that is responsible for any sexual setback he suffers. . . . In the permissive setting the rejected male becomes more hard-pressed to interpret his rejection . . . forcible rape represents a response arising out of the chaos of a beleaguered self-image" (Chappell, *et al.*, 1977:231). Differences in rape rates between Boston and Los Angeles (less and more permissive, respectively) were consistent with the hypothesis (Chappell, *et al.*, 1977). However, rape rates in Stockholm, which was considered more permissive, were comparable to rates in similar metropolitan areas in the United States (Geis and Geis, 1979). To explain the similarity, the authors speculate that there are more social encounters with the potential for rape in Stockholm, but evidently a lower proportion of these encounters result in rape than in the United States. Rape research would benefit from further identification of the structural manifestations of "sexual permissiveness" in a cross-cultural perspective.

Criminal Justice System Variations

Societies vary in the strength of the normative restrictions regarding sexual conduct that are internalized by their members through sex role socialization under particular economic and class structures. However, they also vary in the pattern of formal social control over criminal behavior such as rape, and these variations in police surveillance, prosecution strategy, plea bargaining, jury leniency, and penalties should produce variations in rape rates among communities. For example, Chappell, *et al.*, (1977) note that differences in police classification of rapes between Boston and Los Angeles account for some of the differences in their rape rates. In addition there have been many legal changes with respect to rape in recent years, but there has been little study of their deterrent effect. Schwartz's (1968) analysis of increased penalties for rape in Pennsylvania is one of the few attempts to measure the impact of legal change on the frequency of rape. Increased penalties had no deterrent effect in Pennsylvania. By contrast, the effects of *reducing* penalties to secure more convictions, as suggested by many feminists, is still in need of empirical investigation.

Ecological and Subcultural Theories

Additional social structural variables related to the comparative incidence of rape can be examined from studies of the distribution of crime within urban areas. Factors such as age and race composition, level of unemployment, median income, aspects of family composition, and rates of other violent crimes have all been related to rape rates in small areas. Although Boggs (1965) and Schmidt (1960) find little relationship between rape and neighborhood type, other researchers (Amir, 1971; Bidna, *et al.*, 1976; Chaiklin and Lewis, 1964; Rabkin, 1979; Selkin, 1975) note high rape rates in poor neighborhoods characterized by unemployment, high proportion of black population, and high rates of violent personal crime. Variations by city size, state, and region have also been noted (Hindelang and Davis, 1977; Rabkin, 1979), but the reasons for these differences are still being debated.

Amir (1971) drew out the theoretical implications of the differential distribution of the crime. He noted that the highest rates of rape are among relatively homogeneous and residentially clustered groups which condone aggressive behavior, including sexual violence against women. It is within the neighborhood and the peer group that favorable attitudes toward violence are learned. Such areas are also characterized by permissiveness in sexual socialization and the use of sex to prove masculinity and achieve status. Amir (1971:330) concludes that

(w)hat is contended in the theory of subculture is that aggressive modes of behavior are a frequent response which is expected in certain kinds of situations, and that the normative system of the subculture makes it likely that members will interpret a situation as being of a kind calling for violence including forceful sexual exploitation of a female.

Curtis (1976b) expands on the theory of subculture to attribute rape among blacks to participation simultaneously in the dominant culture, the black poverty subculture, and the violent contraculture.

These ecological studies suggest that rape has areal correlates similar to those of other violent crimes. Rape is also similar with respect to the age, race, marital status, and socioeconomic status of the victim, temporal and seasonal patterns of the crime, proportion of intraracial events, level of reporting to police, and proportion of false reports (Katz and Mazur, 1979).

What, then, is unique about rape? Are theories specific to rape required, or will theories explaining other violent crime be adequate? In contrast to victims of other crimes, rape victims are often thought to be responsible for the crime. Although victim precipitation is less frequent than for other violent personal crimes (Katz and Mazur, 1979), the rape victim's credibility is more often doubted by prosecutors than the credibility of victims of other violent crimes (Williams, 1978). In addition, the character of the defendant seems to influence rape case processing. Barnett and Feild (1978) speculate that it is because defendants did not fit the stereotype of a rapist that lesser prison terms were assigned by respondents to economically and socially attractive rapists as compared with unattractive rapists. No such differential appeared for defendants in burglary cases. These differences in perception of victims and offenders by offense may account for case processing differences that have been identified by others. For example, rape and assault cases are more likely to be dismissed by the police or prosecutors than burglary cases (Hindelang and Davis, 1977). A smaller proportion of arrests for rape and aggravated assault result in conviction on any charge than arrests for murder, robbery, or burglary; rape cases are more likely than aggravated assault or robbery to be rejected for insufficient evidence; and rape cases are the least likely of these crimes to result in a guilty plea or trial (Williams, 1978).

Methodological Issues and Suggested Research

Comparative studies share a number of methodological problems that have not been adequately resolved. First, definitions of forcible rape in such studies should

be comparable among units. Formal legal definitions differ from those operationalized by criminal justice agencies and from those commonly held by the general public (Bart and Scheppele, 1980; Chappell, 1976; Katz and Mazur, 1979; Klemmack and Klemmack, 1976; Schultz and DeSavage, 1975). The judgments by victims that they have been raped and the decisions by law enforcement officials to classify offenses as rape may contribute to differing numbers of reported rapes in victimization surveys and official statistics—data sources commonly used in comparative research. Comparisons between countries are more likely to involve differences in definitions than comparisons among jurisdictions within a country. Comparisons between primitive or less developed societies and industrialized nations are even more subject to misinterpretations.

Second, different sources of data and variations in data collection procedures may explain some of the reported differences in rape rates. There is selectivity in the rapes recorded by police, hospitals, social agencies, courts, and in the rapes reported by the general or college populations in victimization surveys (Curtis, 1976a; Hindelang and Davis, 1977; Katz and Mazur, 1979). Care should be taken to identify data sources and to control for differences in procedures when comparing jurisdictions.

Third, measures of the incidence and prevalence of rape need refinement. For example, although usually based on the total population, reported rape could be related to the population at risk (the female population), and further specified by age and race. Rape could also be related to the male population by age and race (Amir, 1971). Other numerators, such as arrests for rape or rape convictions, could be used. Rates specific for stranger and acquaintance rape could be calculated if appropriate data were available, and acquaintance rapes could be related to the number of social encounters which hold the potential for rape (Geis and Geis, 1979). Although such specialized measures are rarely calculated for any type of crime, they would be particularly useful for research on the theoretical and practical issues surrounding rape. Procedures for collecting the necessary data should also be implemented.

Comparative studies have been neglected by rape researchers. We do not know whether the determinants of rape are the same in all communities, or whether they differ over time, space, or stage of development (Chappell, 1976). Theories specific to stranger rape and acquaintance rape have yet to be developed. Accounting for changes in rape rates over time is difficult methodologically, but important to basic research and service delivery. The comparative framework is particularly useful in evaluating prevention strategies, social programs, and criminal justice activities.

Systematic comparative study of rape and other personal crimes would contribute to theoretical development and practical concerns such as prevention strategies, crisis intervention, and legal reform. With respect to determinants and correlates (other than gender differences), rape appears to be another form of violent crime. Researchers concerned with rape should not neglect theoretical developments and research pertaining to other crimes. However, the consequences of rape for the offender and victim and the processing by the criminal justice system appear to be quite different. For some purposes, then, specialized theories of rape which include reference to both sexual and social settings are necessary. Studies which

focus on the rapist or the victim as the unit of analysis may shed additional light on the unique features of rape.

OFFENDER RESEARCH AND RAPE THEORY

Rape theory and research based on studies of offenders have been neglected, especially by sociologists. Psychological and psychiatric perspectives have dominated research on rapists in the past, and the current interest in rape has shifted to victims. Nevertheless, several major studies (Amir, 1971; Cohen, *et al.*, 1975; Groth, 1979) and other more limited analyses are reviewed for their support of the theories noted in the previous section.

Feminist Theory

Little research has focused explicitly on differential sex role socialization to explain rape from a feminist perspective. Available research on attitudes toward sex roles and rape deserve further application to rapists and appropriate control groups. For example, men tend to have more favorable attitudes toward rape than women (Feild, 1978), as do those who approve of more traditional roles for women (Feild, 1978; Klemmack and Klemmack, 1976). The tendency for some rapists to deny wrongdoing, to interpret rape as an extension of the male role, and to deny that rape can occur among friends and acquaintances suggests that definitions of sex role behavior do vary within the male population (Groth, 1979; Katz and Mazur, 1979; Weis and Borges, 1975).

Weis and Borges (1975) suggest that learning the expectations for sex roles is more problematic than for other social roles. Others note that heterosexual success is important for developing a positive self-concept and for social status in some groups (Chappell, *et al.*, 1977; Geis, 1977; Geis and Geis, 1979). Sex role expectations may be more ambiguous in more permissive cultures (Geis and Geis, 1979) or subcultures (Curtis, 1976b). The formation of sexual identity may be particularly problematic for those who experienced sexual trauma as children or as young adults. Cohen, *et al.*, (1975) noted a high frequency of sexual trauma among rapists who were motivated by aggression, and of family violence or abuse among those motivated by both sex and aggression. Groth (1979) also found that one-third of the offenders in his study had experienced sexual trauma. Whatever the cause, the anxiety and insecurity associated with sex role development may lead to over-identification with a model of sexual and aggressive masculinity among rapists. Particularly insightful is Weis and Borges' (1975) analysis of sex role socialization, seduction, and rape from a symbolic interactionist perspective.

Subcultural Theory

Amir's theory of the subculture of violence is supported, not only by aggregate data, but by individual level data as well. He found that "forcible rape was an intraracial event between victims and offenders who were at the same age level and who were ecologically bound, that is, victims and offenders lived in the same area, which tended to be also the area of the offense" (Amir, 1971:339-340). Previous arrest

records for his sample of rapists in Philadelphia show a prevalence of crime against persons. Other researchers have also noted that rape is only one of many violent crimes committed by a substantial proportion of rapists (Groth, 1979; Rabkin, 1979).

Analyses of pair and gang rape also suggest a shared commitment to violence and a shared concept of aggressive masculinity, with implications for both the subculture of violence theory and feminist theory. The victim provides a rationale for men to interact with each other in a form of "male bonding" (Brownmiller, 1975; Groth, 1979). The treatment of females as objects serves to exaggerate the masculine characteristics of the participants. The group shares a set of values and norms regarding illegitimate activities in general and sexual activities in particular. Participants in multiple rape are more likely to have criminal records of offenses against the person, of sex offenses, and of rape than single offenders (Amir, 1971; Groth, 1979). The group also meets the needs of those, particularly adolescents, whose sexual identity is insecure (Amir, 1971).

Theories of Sexual Access

Although the development of sexual identity in a social context does seem to be related to rape, as argued by feminist and subculture of violence theories, the need for sexual outlets is not related to rape. Those theories which focus exclusively on the sexual aspect of the crime generally derive from Merton's concepts of relative deprivation and deviance. Thus, rape represents the taking by force of that which is not available through legitimate means (Chappell, *et al.*, 1977; Geis, 1977). However, studies of convicted rapists show that a majority are involved in consenting sexual relationships at the time of the offense. More extensive analyses show high levels of sexual dysfunction and low levels of sexual pleasure during the rape (Groth, 1979). Excessive force, brutality, and humiliation in rape reflect needs other than sexual release. In fact, "power" rapists, for whom sexual possession is primary, may consider sexuality particularly offensive. As such, it is a useful weapon to degrade the victim (Groth, 1979). Finally, the criminal careers of rapists do not support the theory that rape is a response to sexual needs. Reviewing much of the literature on criminal careers, Rabkin (1979) concludes that, compared with other sex offenders, rapists are less likely to have a previous record of sex offenses, but more likely to have a record of nonsexual crimes.

Classification of Rapists

Typical of offender research are attempts to classify rapists by motive. Although psychologists tend to ignore social influences on criminal behavior, their classifications lend support to the feminist and subculture of violence theories. "Power" rapists (Groth, 1979) and those with "sexual" intent (Cohen, *et al.*, 1975) use rape to reaffirm their masculinity and overcome feelings of inadequacy. "Anger" rapists and those with "aggressive" aims release anger and rage by raping a known victim or an available substitute. The "sadistic" rapist or, more generally, the rapist characterized by "sex-aggression diffusion," is stimulated sexually by violence and resistance.

Classification by those who emphasize social rather than psychological explanations have received less attention. Glaser's (1978) typology of rapists/non-lovers (desire for affection and respect for personal autonomy). The categories account for several social aspects of the crime: problematic sexual identity ("naive graspers"), nonstranger rape ("meaning stretchers"), stranger rape ("sex looters"), and gang rape ("group conformers"). Amir's (1971) distinction between "role-supportive" and "role-expressive" rape is less well developed. Role-supportive rape "is performed for the purpose of maintaining membership in a group or for sheer sexual gratification" (Amir, 1971:318). Role-expressive rape "is performed not so much for the sexual satisfaction as because of participation in the context [in] which it occurred, for example, group rape" (Amir, 1971:319).

Conflict Theory

Conflict theory predicts that access to power in the sexual market determines the incidence of rape and the social reaction to rape. Collins (1975:282) suggests that the "greater the power of dominant individuals to appropriate others as sexual property, the stronger the taboo and the greater the outrage at violations of these property rights." Two dimensions of the stratification system, income and race, have been studied with respect to rape. As expected, victimization surveys show that rape rates are lower among whites than among blacks, and lower in the higher income categories within the white population (Barnett, 1976). That black victims hesitate to report rapes by white assailants (Katz and Mazur, 1979) is also consistent with conflict theory. White females and higher income females are afforded greater legal and enforcement protection.

The criminal justice processing of black offenders also supports conflict theory. Black rapists of white victims receive the most serious sanctions throughout the criminal justice system (LaFree, 1980a) and they have historically been disproportionately sentenced to death in the South (Wolfgang and Riedel, 1977). However, interracial rape more frequently involves strangers (Agopian, *et al.*, 1977; Amir, 1971), and stranger rapes are more successfully prosecuted.

Similar effects of stratification in such institutions as slavery, war, prisons, and traditional dating relationships are documented by Brownmiller (1975). The use of force by those in power is legitimized while the resistance of subordinates is weakened (Weis and Borges, 1975). More careful studies are required to determine whether rape in these settings represents social class antagonism, as in conflict theory, or sexual conflict, as in feminist theory.

Methodological Issues and Suggested Research

Reviews of the psychological and psychiatric research on rapists make frequent reference to theoretical and methodological deficiencies (Abel, *et al.*, 1976; Allin, 1977; Amir, 1971; Parvin, 1980). Sociological approaches have similar problems. Theoretical perspectives are notably lacking in the offender research cited above; descriptions and classifications are more typical. Research samples are often small,

not representative of all rapists, and rarely compared with appropriate control groups. Research access to rapists at any stage of criminal justice processing is limited by the need to ensure human subjects protection (Chappell and Fogarty, 1978). Studies of reported rapists, at the early stages of the criminal justice process, are often dependent on inadequate official records. More typical are studies of convicted offenders in prison or special treatment programs, at the end of the criminal justice process. These focus on a highly select group whose characteristics are dependent on differential reporting by victims of various types of rape, differential processing of offenders, the length of incarceration, and different legal definitions and procedures in operation at the time of conviction (Parvin, 1980). Comparisons of apprehended and undetected rapists are virtually impossible, resulting in poor indicators of the incidence of rape and the characteristics of all rapists (Rabkin, 1979).

This attempt to link available offender research with rape theory demonstrates the need for operationalizing the theoretical concepts, more innovative study designs, and multivariate analyses. The subculture of violence theory and some aspects of conflict theory have been explicitly tested with offenders. Evidence for the other theories is drawn from studies designed for other purposes. Feminist theory, in particular, deserves more careful testing with offender populations. Since the same evidence often supports two or more theories, more careful study designs will be necessary for theory testing. For example, the differential rates of rape by race support both the subculture of violence and the conflict theories. Multivariate analyses would clarify the relative importance of the determinants of rape and facilitate the evaluation of competing theoretical perspectives (feminist and conflict, for example). The effects of demographic and family background characteristics, reference group identification, residence, criminal history, degree of acquaintance with the victim, and attitudes toward traditional male and female sex roles on different types of rape should be determined.

ATTRIBUTION OF RESPONSIBILITY

Attribution and the Victim

Attribution of responsibility to the victim distinguishes rape from other violent crimes and adds to the particular trauma of the rape experience for the victim. Socialization theory has been used to explain how women learn the "victim role," while "just world" theory has been used to explain how others hold the victim responsible for the crime. In both perspectives, women become "legitimate" victims who anticipate or deserve their fate, and the offense against them is considered excusable or justifiable. Weis and Borges (1975:99) have described this process.

Confronted with a case of severe injustice or victimization, the response is often denial followed by justification.... The reaction to an alleged rape is usually similar: It was not a real rape but a seduction, and if it was rape, then the woman was already morally inferior. Fairness forbids that nasty things happen to nice people. Being aware of this widely-shared attitude,

the rape victim is unlikely to relate and report her experience, the more she feels incapable of disproving the anticipated allegation that it was not rape and that she should, in fact, take the blame herself.

Accordingly, there is a tendency to attribute responsibility to the rape victim for her victimization, if not on the basis of her character, then on the basis of her behavior. Beginning with Jones and Aronson (1973), it has been generally hypothesized that the more socially respectable the victim, the more she is held responsible for the rape. Since the character of a socially respectable woman is not easily faulted, her behavior is called into question. The weight of the evidence suggests the reverse, however—that the less respectable victims are considered more at fault. With simulations typically involving college students, social psychologists have examined the effects on attribution of such victim characteristics as marital status, occupational role, physical attractiveness, past sexual activity, previous rape history, and acquaintance with the rapist. The results do not consistently indicate just-world rationalization on the part of the respondents.

While Jones and Aronson (1973) found more fault attributed to more respectable rape victims (married women and virgins) than to less respectable victims (divorced women), other researchers could not replicate the finding (Cann, *et al.*, 1979; Feldman-Summers and Lindner, 1976; Kahn, *et al.*, 1977; Smith, *et al.*, 1976). Differences in the victim characteristics presented to the respondents, differences in the sex composition of respondents and identification with the victim and offender, and differences in the measurement of attribution may account for the contradictory findings. Occupational roles distinguished by degree of respectability were not related to the degree of responsibility attributed to victims (Smith, *et al.*, 1976). Seligman, *et al.*, (1977) did support two hypotheses: first, that a physically attractive woman was seen as a more likely rape victim, and therefore was more responsible for her victimization; second, that since a physically unattractive woman was seen as a less likely rape victim she must have encouraged the attack by her behavior, and therefore was more responsible for her victimization. A woman who had been raped on a previous occasion was seen as provoking the recent rape to a greater extent than a woman who had been raped for the first time (Calhoun, *et al.*, 1976). However, male respondents blamed previously raped victims who were attacked in low risk areas, while female respondents blamed previously raped victims who were attacked in areas where many other rapes had taken place. More responsibility was attributed to victims who had been sexually active outside of marriage (Cann, *et al.*, 1979). When the rapist was a stranger, greater responsibility was ascribed to the victim (Calhoun, *et al.*, 1976; Smith *et al.*, 1976). Because stranger rape was considered "random" and could not be explained with situational attributions, responsibility was assigned on the basis of belief in a just world (Calhoun, *et al.*, 1976).

Attribution and Sentence Severity

Attribution research has also related victim characteristics to the severity of punishment recommended for the offender. It is generally hypothesized that offenders who rape more respectable victims will receive more severe sentences. In

spite of the tendency to blame the victim, the offender is ultimately responsible for the crime, and the rape of a more respectable victim is more severely sanctioned. Such an outcome is also predicted by conflict theory. The effects of such characteristics as the respectability of the victim and the offender and the sex of the respondent have been examined in jury simulations, with mixed results. Both Jones and Aronson (1973) and Feldman-Summers and Lindner (1976) found that longer prison terms were recommended when offenders had raped more respectable victims. Neither Kahn, *et al.*, (1977) nor Smith, *et al.*, (1976) were able to replicate these results, however. In addition, Kahn, *et al.*, (1977) did not find support for the hypothesis that punishment would be more severe when both the victim and offender were more respectable. More "attractive" (socially, economically) defendants tended to receive shorter sentences than unattractive defendants (Barnett and Feild, 1978). Differences in sentence severity by male and female respondents were found by Smith, *et al.*, (1976) and by Feldman-Summers and Lindner (1979) but not by Kahn, *et al.*, (1977). Comparing rape to other violent crimes (attempted rape, assault, mugging, and robbery), longer prison sentences were recommended for offenders convicted of rape (Feldman-Summers and Lindner, 1979; Seligman, *et al.*, 1977).

Attribution and Identification

Several attribution studies control for identification of respondents with the offender or the victim. If the respondent identifies with the offender, the victim is more likely to be denigrated. If the respondent identifies with the victim, the offender is more likely to be devalued. When the crime is rape, it is expected that differences will occur in the attribution of responsibility by male and female subjects who will identify with the offender and the victim respectively. Kahn, *et al.*, (1977) found that respondents did identify with the victim and offender as predicted, but there were no significant sex differences in level of attribution or severity of punishment recommended for the offender. Other studies found sex differences, both in terms of identification and of just-world rationalization (Calhoun, *et al.*, 1976; Smith, *et al.*, 1976). In fact Calhoun, *et al.*, (1976) note that the respondent's sex was more important than the characteristics of the rape, the victim (with the exception of her rape history), or the victim-offender relationship. Identification with the victim on the basis of race increases the probability of voting for the conviction of the offender (Miller and Hewitt, 1978).

Despite theoretical grounding and promising results in the earlier studies, the complexity of the attribution process may account for these inconsistent findings. The victim characteristics that have been studied may not indicate the total range of factors that govern attribution. The perceptions of college students used in most simulations may differ substantially from the perceptions of criminal justice agents and real jurors. In addition, studies differ in the presentation of rape case information, in the scales developed to measure attribution of fault and severity of punishment, and in analytical techniques. Interpretations of key concepts by respondents were not probed or reported. Continued research and attempts to replicate these studies may clarify the relationships that are proposed between victim characteristics and attribution of responsibility.

Victim Precipitation

Related to attribution is the notion of victim precipitation, borrowed from homicide research (Wolfgang, 1958) and applied to rape by Amir (1971). Victim precipitated rape has been defined as an "episode ending in forced intercourse when a female first agreed to sexual relations, or clearly invited them verbally and through gestures, but then retracted before the act" (Curtis, 1974:600). More specific than attribution on the basis of role characteristics, victim precipitation focuses on the interaction between the victim and the offender at the time of the incident. Both perspectives increase the blame attributed to the victim and reduce the degree of responsibility assigned to the offender.

The concept of victim precipitation and related research have been reviewed extensively by Katz and Mazur (1979), and some comparisons can be made with attribution research. For example, Amir (1971) assumed that victim precipitated rapes were more likely to occur between victims and offenders who were acquainted. Both Amir and Curtis (1974) confirm that rape between close neighbors or close friends, rather than rape between relatives or strangers, accounted for a majority of victim precipitated rapes. Attribution research, however, indicated that respondents considered rape victims more responsible for their attacks when they were unacquainted with their assailants. Note that Curtis and Amir distinguished among degrees of acquaintance, while attribution studies contrast all acquaintances with strangers.

Katz and Mazur (1979:150) assert that

[d]espite the fact that the theory of victim precipitation in rape has been largely refuted by feminists, criminologists, sociologists and psychiatrists, and empirical data, it is widely believed—even by the victim. The myth is responsible for the negative reactions of significant people and of the general population toward the victim, and for her own feelings of guilt, even though unrealistic.

Studies of definitions of rape held by subgroups in the population confirm that victim behavior can determine judgments that rape has occurred (Bart and Scheppele, 1980; Klemmack and Klemmack, 1976; Schultz and DeSavage, 1975).

Criminal Justice Outcomes

Beliefs about victims, offenders, and the nature of the crime enter into decisions to arrest, prosecute, convict, and sentence offenders. In part, this results from the personal beliefs of each criminal justice agent, but the legal requirements and bureaucratic exigencies that determine case processing also reflect these beliefs. The unique problems of processing rape cases allow considerable discretion by criminal justice agents. Evidence of force, penetration, and lack of consent is legally required to prosecute rape cases in most jurisdictions. Determining lack of consent is difficult, both legally and procedurally, because some degree of male aggression and female protestation are expected in consensual intercourse according to traditional

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sex roles. Since there are rarely any witnesses to rape, decisions rest less often on whether the event occurred than on whether the victim and offender are perceived as the kind of people likely to be involved in rape. So the following discussion of police, prosecutor, judge, and jury outcomes recognizes the influence of the belief systems of individual participants, as well as legal requirements, characteristics of bureaucracies and formal organizations, and relationships specified by theories of rape discussed in the previous sections.

The legal requirements of penetration, force, and lack of consent must be met for police to classify a case as rape and to file a report and for prosecutors to charge and pursue a case. The victim must also serve as a credible witness for the prosecution. In the absence of a clear standard of nonconsent, courts and legislatures have developed rules of evidence and procedure as indicators of nonconsent (Harris, 1976). In common law statutes, these include: specific standards of resistance; evidence of the victim's character, reputation, and prior sexual history; and corroboration of some or all aspects of the crime. Police and prosecutors typically go still further in operationalizing behavioral indicators of the required evidence. Such factors as promptness of the report, victim cooperation, indications of truthfulness and accuracy in the report, and emotional state after the rape are used in charging, filing, conviction, and sentencing decisions (Bohmer and Blumberg, 1975; Galton, 1975; LeGrand, 1973; National Institute of Law Enforcement and Criminal Justice, 1977a, 1977b; University of Pennsylvania Law Review, 1968; Wood, 1973).

Rape Theory and Case Disposition

Some of the theories of rape discussed above with respect to social structure and offenders are reflected in criminal justice processing decisions. Stringent requirements for proof in rape law and the unofficial elaborations by police and prosecutors reflect traditional notions about male-female interactions, as expected in the feminist theory of rape (Robin, 1977). Surveys of criminal justice agents (e.g., Bohmer, 1977), the tracking of cases through the criminal justice process (e.g., Holmstrom and Burgess, 1978), and analysis of decisions made at selected stages in the system (e.g., Kalven and Zeisel, 1966) demonstrate that evidence rules in common law statutes shift the focus of attention from the offender to the victim. For example, juries are more lenient when there is evidence of a previous victim-offender relationship or contributory behavior on the part of the victim (Bohmer and Blumberg, 1975; Hibey, 1973; Holmstrom and Burgess, 1978; Kalven and Zeisel, 1966; Robin, 1977). Even judges, who are thought to be more impartial, have been influenced by such information (Bohmer, 1977). However, prosecutors surveyed in 1974 believed that prior chastity information had little effect on bench trials but greatly affected jury trials (National Institute of Law Enforcement and Criminal Justice, 1977b).

The differential processing of complaints on the basis of the victim's prior sexual experience, race, and social status is consistent with conflict theory (LaFree, 1980b). In line with the findings of attribution research, more respectable victims are considered more credible and less likely to have consented. Thus, interracial rapes involving black offenders and white victims are more seriously prosecuted

than other racial combinations (LaFree, 1980a; Wolfgang and Riedel, 1977). The typically harsh sentences specified in rape law can be considered indicators of the moral outrage at the violation of the rights of females, as well as reflecting male interests in female property that are threatened by rape (LeGrand, 1973).

Research on the criminal justice system, especially on the early stages of case processing, has tended to focus on either the personal attitudes of criminal justice agents or procedures which incorporate beliefs about victims, offenders, and the crime. Little research has focused on police and prosecutor decision-making in a bureaucratic context. Police, prosecutor, judge, and jury judgments are determined by a more complex set of factors than are the attributions of college students in social psychology studies. The size of a jurisdiction affects the level of resources and extent of experience with rape cases. The sex composition, prevailing case load and degree of specialization within an agency should be considered, too. For example, plea bargaining is more likely to be supported in large jurisdictions which tend to be more congested (National Institute of Law Enforcement and Criminal Justice, 1977a). When assessing the strength of a case, police and prosecutors are sensitive to decisions likely to be made by the judges and juries in their jurisdictions and to outside pressure groups seeking accountability. For example, the higher the chance of acquittal, the less likely a guilty plea or a jury waiver (Kalven and Zeisel, 1966).

Evidence for any theory can be more completely examined with multivariate analysis, but this technique has been applied only recently to rape case processing. For example, LaFree (1980b) found that victim characteristics were less important than suggested by feminist theory and research. Of the victim characteristics thought to be important for case disposition (reputation, living arrangements, assumption of risk), only alleged reputation had a significant effect on conviction, but none was a significant determinant of the guilty plea. More important for conviction were: offender characteristics (prior record of forcible sex offenses, multiple offenders); prompt reporting; strong prosecution evidence; weak defense evidence (e.g., weapon, defendant confession, defendant identification, physical evidence); and race (white victims, especially when offenders were black). Guilty pleas (as compared with trials) were more likely when: there was less defense evidence; the rape occurred at some location other than the victim's residence; there were more witnesses; the defendant was white (especially with a white victim); and the victim was older.

The strong and persistent influence of race of victim and offender throughout the various stages of criminal justice processing lends credence to conflict theory (LaFree, 1980a). Although the available multivariate analyses cannot be easily compared, there is also support for a formal organizational perspective. Williams (1978) confirmed the strong influence of legal and evidentiary factors on conviction, as did LaFree (1980a) in identifying the determinants of arrest, charge seriousness, felony screening, verdict, sentence type, place of incarceration, and sentence length. Although serious dispositions are more likely when the characteristics of victims, offenders, and offenses are similar to the typifications of rape held by processing agents (LaFree, 1980b), multivariate analysis illustrates some of the complexity of the process.

The formal social control exerted by criminal justice practices under common law statutes has been considered minimal. Low rates of reporting rape and the withdrawal by victims during case processing have been widely documented. Attrition of offenders through the criminal justice system has been particularly high for rape in comparison with murder and manslaughter, robbery, and burglary (Williams, 1978). The lenient treatment of offenders as a result of prejudicial information about victims, and the reluctance of juries and courts to impose unreasonably severe sentences, have been of particular concern (Holmstrom and Burgess, 1978; LeGrand, 1973; National Institute of Law Enforcement and Criminal Justice, 1977a; National Legal Data Center, 1975; Sasko and Seseck, 1975).

Legal Reform

These concerns for the privacy of victims and for the lenient dispositions of offenders have stimulated evaluation of current rape laws, comparison of statutes across states (Arabian, 1978; Bienen, 1977; National Legal Data Center, 1975), and legal reform efforts. Since nonconsent distinguishes rape from sexual intercourse, the debate over legal change has centered on the type of evidence admissible to prove consent. Issues of resistance, corroboration, and the relevance of the victim's prior sexual history have been addressed by considerable reform legislation. Since the majority of states no longer require extensive evidence of resistance or corroboration of the victim's testimony, current debate has focused on the relevance of prior sexual conduct for indicating consent. "Rape shield" laws which limit or exclude evidence of the victim's sexual history to indicate credibility or consent have now been passed in forty-five states. Although critics have expressed concern that the new laws infringe on the Fourteenth Amendment and the Sixth Amendment rights of confrontation and cross-examination (Geis and Geis, 1978; Herman, 1976-1977; Sagarin, 1975; Tanford and Bocchino, 1980), the arguments of reformers (Berger, 1977; Harris, 1976; Hibey, 1973; Sasko and Seseck, 1975) have been supported in federal constitutional challenges in state courts (Cody, 1980).

The expectations of reformers can be developed into a series of testable hypotheses. First, the more restricted the admissibility of evidence on prior sexual conduct, the less likely are criminal justice agents to question the credibility or non-consent of the victim. Second, the formal sanctions of the law with respect to offenders will be more effective: a larger percentage of cases will involve guilty pleas; and a larger percentage of cases will result in conviction, and conviction on rape charges. Third, the certainty of punishment will increase, but the severity of sentences will depend on the penalty structure of the new laws. Attribution studies have investigated the first hypothesis, and analyses of actual criminal justice processing decisions have focused on the second and third.

Jury simulation studies have examined the attribution of responsibility to victim and offender under alternative exclusionary rules, and the expectations of legal reformers are generally supported. When specific evidence of a victim's prior sexual history is not permitted, jurors are less likely to infer victim consent, more likely to perceive the victim as credible, and more likely to convict the offender, especially when the pattern of facts in the case (location of the assault, prior

relationship between victim and offender, degree of relationship between victim and offender, degree of force, for example) suggests lack of consent. Perceptions of the defendant's general moral character have less effect on the outcome of a case than the victim's general moral character. Even when the fact pattern indicates lack of consent, the sexual history information allowed under common law or restricted (but not excluded) under moderate reform statutes reduces the probability of conviction (Borgida and White, 1978). Unfortunately, with complete exclusion, jurors are more likely to consider available evidence inadequate, and to specifically request some evidence of the victim's sexual history and character (Borgida, 1980).

Loh's (1980) analysis of Washington's rape reform statute and Marsh and Caplan's (1980) analysis of Michigan's criminal sexual conduct law illustrate evaluation on the basis of actual criminal justice data processing. Again, the hypotheses are supported. For offenders initially charged with forcible rape, the overall conviction rate did not change in Washington and increased in Michigan. Among those convicted, however, the proportion charged with rape at final disposition increased in both states. Similarly, the proportion of offenders pleading guilty to all charges declined slightly, but the proportion of pleas to charges of forcible or statutory rape increased. Plea negotiations were facilitated by the structure of the new laws which defined several degrees of sexual assault based on the extent of penetration and the level of violence. With respect to sentences in Washington, deferred and suspended jail sentences decreased and incarceration declined slightly, but commitment to inpatient sexual offender treatment facilities increased dramatically. Given adequate statistical data, similar studies in other states would contribute to the generalization of the findings and clarify the consequences of the different statutes that have been passed.

Methodological Issues and Suggested Research

Criminal justice research related to rape has suffered from insufficient theoretical development, inadequate data and poorly developed methodology. Theoretical perspectives are often not explicit. Cross-sectional studies based on data from selected stages of processing cannot assess the cumulative impact of decisions made at earlier points in the criminal justice system. Attempts at longitudinal tracking of cases throughout the system often result in small numbers of cases through attrition. The longitudinal PROMIS (Prosecutor's Management Information System) data in Washington, D.C. (Williams, 1978) and the OBTS (Offender-Based Transaction Statistics) in California (Hindelang and Davis, 1977) have yet to be fully utilized. Only recently have the more sophisticated methods been applied in rape studies. Several multivariate analyses identify the relative effects of variables thought to determine case disposition. However, more appropriate techniques for handling dichotomous and categorical variables need to be applied to rape case data. Comparative research with other crimes and across jurisdictions has been neglected, in spite of the possibilities for investigating the unique features of rape case processing for evaluating the impact of changing laws and procedures. In spite of these difficulties, recent improvements in research strategies have added substantially to the understanding of rape.

CONCLUSIONS

The development of the sociological literature on rape indicates improvements, as well as continuing problems, in conceptualization and methodology. Several indicators of the maturation of the field can be noted. Classificatory terms are increasingly applied to aspects of rape. Some of these are new (e.g., rape trauma syndrome, rape shield laws, power rapist, aggressive rapist), while others have been borrowed and redefined for rape (e.g., victim precipitation). The replication of selected studies (e.g., attribution research) is contributing to a better understanding of the crime. The literature has shifted from strident position papers to theoretically based hypothesis testing, and from descriptive case studies to more complex multivariate analyses of larger samples. Since women's issues have gained some legitimacy in the profession, and rape has been defined as a social problem worthy of investigation with federal support, more rigorous research standards have been demanded.

Nevertheless, problems of conceptualization and methodology remain. The development of theory and the identification of testable hypotheses are typically lacking in much of the research on rape, in offender research in particular. Although recent research supports most of the theories of rape, with the exception of those pertaining to sexual access, further specification would be desirable. Explanations and social reactions have not been clearly distinguished for rapes characterized by number of offenders, degree of relationship between victim and offender, degree of sexual assault or violence, and age and race of victim and offender. For example, feminist theory may explain acquaintance rape more adequately than other theories, conflict theory may best explain interclass and interracial rape, and the subculture of violence theory may best explain rape by multiple offenders. In addition to more complete testing of rape theory, the application of theory from other fields of sociology (formal organizations, for example) has been suggested.

Rape is particularly difficult to study because it is a statistically rare event and because it involves a sensitive area of social interaction. Surveys may involve small numbers of cases, while official statistics suffer from attrition through the criminal justice system. Since the reporting of the crime tends to be selective, data from crisis centers, hospitals, social agencies, and criminal justice agencies are not comparable. Although many researchers have noted data and methodological difficulties (Curtis, 1976a; Hindelang and Davis, 1977; Katz and Mazur, 1979), few have undertaken specifically methodological studies (e.g., Feild, 1978; Law Enforcement Assistance Administration, 1972). The comparison of survey instruments, the testing of alternative study designs and of techniques for protecting human subjects, matches of survey and official statistics, and comparisons of cross-sectional and longitudinal records could be used to determine reliability and validity.

The popular and professional interest in rape has stimulated not only basic research in the field, but also considerable social change. Future victim and offender programs and policies and legal initiatives could benefit from analysis of the determinants of these changes and evaluation of their consequences for victims, offenders, and social institutions. Rape avoidance strategies (Selkin, 1978; Bart, 1980), the emergence of victim support services, training programs for criminal justice agents, vertical prosecuting, changes in evidence rules and rape statutes

(Loh, 1980; Marsh and Caplan, 1980) have received some attention in recent research. A number of current projects funded by the National Center for the Prevention and Control of Rape address issues of social change and evaluation. It is hoped that improvements in research on the determinants of rape and evaluation of social changes will stimulate continued efforts in prevention and treatment.

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