

Understanding the Predatory Nature of Sexual Violence

David Lisak, Ph.D.

University of Massachusetts Boston

There is no domain of crime and violence as fraught with misunderstanding and misconception as that of sexual violence. Perhaps the most telling indication of the degree to which sexual violence is viewed through multiple veils of myth is the following paradox: In the hierarchy of violent crimes, as measured by sentencing guidelines, rape typically ranks only second to homicide, and in some cases it ranks even higher. Consider the following statement by the Alaska legislature in its justification of new sentencing guidelines passed in 2006:

In Senate Bill 218, the low end of the range for the most serious sex offenses is higher than the mandatory minimum or low end of presumptive sentences for some crimes that result in death. This is intentional and not anomalous. Sex offenses cause great harm to victims, their families and to the entire community. Death has always been seen as the greatest harm that could be inflicted by an offender. But death can be caused by reckless conduct. Sex offenses are not reckless - they are at the very least knowing, and often intentional. The proportionality of the sentences imposed by Senate Bill 218 to other offenses in our criminal code was considered. The severity of the sentences in comparison to other crimes was intentional. ¹

Such sentencing structures serve as a message from the community: “we view rape as an extremely serious crime.” At the same time, however, the number of rapes that are actually prosecuted is a tiny fraction of the number committed in any year. Between two-thirds and three quarters of all rapes are never reported to the criminal justice system, and among those that are reported, attrition at various levels dramatically reduces the number of actual prosecutions. Ultimately, only a tiny handful of rapists ever serve time for rape, a shocking outcome given that we view rape as close kin to murder in the taxonomy of violent crime. ²⁻⁵

Underlying this paradox are numerous, intersecting mythologies about rape. There are the “classic” myths about victims: “women secretly harbor a

desire to be raped;” women “cry rape” only when it suits them; and men are never the victims of rape. There are also “classic” myths about rapists: they wear ski masks, hide in ambush, attack strangers and inflict brutal injuries on their victims.⁶⁻⁷

There is also a set of newer myths about rape, myths that have been spawned by the new generation of victimization studies that have emerged since the 1980’s. These studies documented that rape was both far more prevalent than traditional crime surveys indicated, and that most rape victims did not report their victimization. These studies also clearly revealed that most rapes are not committed by strangers in ski masks, but rather by “acquaintances” or “non-strangers.”⁸⁻⁹

These realizations led to the general adoption of new language and new categories of rape. Terms such as “acquaintance rape” and “date rape” emerged and took hold. Unfortunately, these new terms have created a new mythology about rape. The term “date rape,” which has become woven into the fabric of public discourse about sexual violence, carries with it the connotation of “rape lite.” Victims of date rape are typically viewed as less harmed than victims of stranger rape; and “date rapists” are typically viewed as less serious offenders, and frankly less culpable than stranger rapists. Date rape is often viewed more in traditionally civil than in traditionally criminal terms: as an unfortunate encounter in which the two parties share culpability because of too much alcohol and too little clear communication.¹⁰

One of the consequences of this new mythology of date rape is that there has been very little, if any, cross-communication between the study of date rape – a literature typically based in, and focused on college campuses – and the long-established literature on sex offenders and sexual predators. In fact, in the author’s personal experience, there is typically considerable resistance within civilian universities to the use of the term “sex offender” when referring to the students who perpetrate acts of sexual violence on campuses. This resistance is one of the legacies of the term, “date rape,” and it has served to obscure one of the unpleasant facts about sexual violence in the college environment: that just as in

the larger community, the majority of this violence is committed by predatory individuals who tend to be serial and multi-faceted offenders.

In the larger community there has been a gradual reckoning with the predatory nature of sexual violence. This reckoning has led to concerted efforts to find effective treatment and management strategies for sex offenders; and simultaneously to a realistic assessment of the efficacy of those strategies. In the university community a similar reckoning would influence strategies for the prevention of sexual violence, as well as for the adjudication of cases that fall within the institution's jurisdiction.

Sexual Predators in the Community

Research on sex offenders spans many decades and has contributed much to our understanding of the behavior and characteristics of rapists, their underlying motivations, and the developmental antecedents of sex offending. Historically, one of the failings of this research literature is that it has been based exclusively on the study of captured, and typically incarcerated offenders. This is understandable – it is difficult to study sex offenders who have not been identified by the criminal justice system – but it carries with it potentially significant limitations. Since the vast majority of rapes are never reported, and the majority of rapists are never prosecuted, the largest population of rapists – those responsible for the vast majority of rape – were historically left out of the research literature. This limitation of the literature has been partially corrected in recent years with the study of “non-incarcerated” rapists (see below), which tends to show a convergence of findings with the older literature on incarcerated offenders.

The study of incarcerated rapists has produced notable and enduring findings about the perpetrators of sexual violence.

Motivations and Taxonomies

One of the most important contributions made by the study of incarcerated sex offenders was the clarification of the role of sexuality in the perpetration of rape. Since rape involves sexual behavior, it was long believed to

be primarily motivated by sexual impulse; deviant sexual impulse, but sexual impulse nonetheless. This confusion of context with motivation was clarified mainly by the work of Nicholas Groth, who published a typology of rapists in the 1970's. Groth labeled each type based on the principle motivation manifested by the rapists in that group. ¹¹

The two primary and numerically largest types identified by Groth were the "power" rapist and the "anger" rapist. The power rapist was motivated by his need to control and dominate his victim, and inversely, to avoid being controlled by her. The anger rapist was motivated by resentment and a general hostility towards women, and was more prone to inflicting gratuitous violence in the course of a rape. Not surprisingly, these types were rarely found in pure form. Most rapists were actually blends of power and anger motivations; however, a predominance of one or the other was often discernible. ¹¹

The third and (thankfully) numerically far smaller type was the sadistic rapist. This rapist was motivated by the sexual gratification he experienced when he inflicted pain on his victim. The sadistic rapist has become a staple of the American media, but these, once again, extremely rare cases. ¹¹

Groth's identification of anger and power as the primary motivations behind rape has endured, and has become the basis for attempts at defining more refined taxonomies of rape. These efforts have largely yielded modest results, and have focused on identifying blends of power and anger motivations, and on distinguishing developmental antecedents for the various types. Not surprisingly, among those developmental antecedents, one of the most prominent is a history of childhood abuse. Sexual abuse, physical abuse and neglect are all significantly more prevalent in the backgrounds of rapists than in the backgrounds of non-offending men. ¹²⁻¹⁵

Serial Offending and Recidivism

Perhaps the most sobering data that have emerged from the study of incarcerated rapists are the sheer numbers of victims attacked by the average rapist. Most rapists who are prosecuted are convicted on a single count of rape. However, when researchers have granted immunity to offenders in exchange for

a truthful accounting of their sex offending history the reality of rape emerges. In one study, the average number of victims for each rapist was seven, and in another study it was 11. ¹⁶⁻¹⁷

A similar picture has emerged from research emanating from intensive sex offender management programs. Offenders tend to have very lengthy offending careers, beginning in adolescence and often spanning several decades. By the time they are captured – if they are captured – they have often victimized scores or even hundred's of individuals. ^{16, 18-19}

Crossover Offending

There is increasing attention being paid to another prominent phenomenon associated with sex offending: the tendency of these offenders to be non-specialists; to offend against different age groups and different “classes” of victims. Historically, sex offenders have been grouped into categories dictated by their apparent choice of victim: rapists, who attack adults; child molesters, who attack children; incest offenders, who attack children within their own family. These categorizations have rested on the assumption that these choices of victims were stable, even fixed characteristics of the offenders. However, the labeling of an offender as either a rapist, a child molester, or an incest offender has typically been based on nothing more than what the offender was convicted of.

The reality turns out to be far murkier. There is now substantial evidence for considerable “crossover” among these categories. So much so, in fact, that it is questionable whether it is advisable to apply specific victim-category labels to an offender. Multiple studies have now documented that between 33% and 66% of rapists have also sexually attacked children; that up to 82% of child molesters have also sexually attacked adults; and that between 50% and 66% of incest offenders have also sexually attacked children outside their families. ^{16-17, 20-21}

Sexual Predators on Campus

Beginning in the 1980's, social science researchers began to systematically expose the reality of interpersonal violence in America. The first step in this process was the onset of a new generation of victimization research that

documented the true prevalence of both sexual and domestic violence. Shunning the traditional data collection methods of the Federal Bureau of Investigation, these researchers revealed three fundamental realities: 1) most interpersonal violence is perpetrated by individuals who in some way are known to the victim; 2) most of this violence is never reported to authorities; and 3) most perpetrators of this violence are never prosecuted. ^{8, 22}

In the realm of adult sexual violence, these revelations spawned new, and ultimately unfortunate terms, such as “date rape.” Much of this research was focused on college populations, not only because of their convenience, but because college students fall within the age range of maximum vulnerability to sexual violence – 18 to 24 years. ⁹

As this new generation of victimization research was disseminated, it revealed with increasing clarity an enormous gap in the research on sex offenders. There were studies of incarcerated rapists, but there was almost no research on the men who were actually committing the vast majority of rape – non-stranger rapists whose victims rarely report, and who were almost never subject to prosecution. ²³⁻²⁴

This gap began to close with research that began in the mid-1980’s, and that focused on non-incarcerated rapists. Researchers discovered that it was possible to gather accurate data from these men because they did not view themselves as rapists. They shared the very widespread belief that rapists were knife-wielding men in ski masks who attacked strangers; since they did not fit that description, they were not rapists and their behavior was not rape. This has allowed researchers to study the motivations, behaviors and background characteristics of these so-called “undetected rapists.”

Motivations and Characteristics

Many of the motivational factors that were identified in incarcerated rapists have been shown to apply equally to undetected rapists. When compared to men who do not rape, these undetected rapists are measurably more angry at women, more motivated by the need to dominate and control women, more

impulsive and disinhibited in their behavior, more hyper-masculine in their beliefs and attitudes, less empathic and more antisocial. ²³⁻²⁸

In the course of 20 years of interviewing these undetected rapists, in both research and forensic settings, it has been possible for me to distill some of the common characteristics of the modus operandi of these sex offenders. These undetected rapists:

- are extremely adept at identifying “likely” victims, and testing prospective victims’ boundaries;
- plan and premeditate their attacks, using sophisticated strategies to groom their victims for attack, and to isolate them physically;
- use “instrumental” not gratuitous violence; they exhibit strong impulse control and use only as much violence as is needed to terrify and coerce their victims into submission;
- use psychological weapons – power, control, manipulation, and threats – backed up by physical force, and almost never resort to weapons such as knives or guns;
- use alcohol deliberately to render victims more vulnerable to attack, or completely unconscious.

Serial and Crossover Offending

The data that most emphatically contradicts the mythology about date rapists – the misconception that they are somehow less serious offenders than their counterparts who attack strangers – are the findings from recent studies that indicate that these men are as likely to be serial and multi-faceted offenders as are incarcerated rapists.

In a study of 1,882 university men conducted in the Boston area, 120 rapists were identified. These 120 undetected rapists were responsible for 483 rapes. Of the 120 rapists, 44 had committed a single rape, while 76 (63% of them) were serial rapists who accounted for 439 of the 483 rapes. These 76 serial rapists had also committed more than 1,000 other crimes of violence, from non-penetrating acts of sexual assault, to physical and sexual abuse of children, to

battery of domestic partners. None of these undetected rapists had been prosecuted for these crimes.²⁹

Also mirroring the findings from the study of incarcerated sex offenders, a recent study of college rapists found that the most powerful predictor of committing rape during college was a history of having committed rape during high school. This same study also found a higher prevalence of childhood abuse in the backgrounds of rapists, matching the findings from an earlier study of undetected rapists.³⁰⁻³¹

Implications for University Communities

The implications of the research on undetected rapists – research that has largely focused on men in college environments – point to the similarity of these offenders to incarcerated rapists. They share the same motivational matrix of hostility, anger, dominance, hyper-masculinity, impulsiveness and antisocial attitudes. They have many of the same developmental antecedents. They tend to be serial offenders, and most of them commit a variety of different interpersonal offenses. They are accurately and appropriately labeled as predators.

This picture conflicts sharply with the widely-held view that rapes committed on university campuses are typically the result of a basically “decent” young man who, were it not for too much alcohol and too little communication, would never do such a thing. While some campus rapes do fit this more benign view, the evidence points to a far less benign reality, in which the vast majority of rapes are committed by serial, violent predators.

This less benign reality has potentially significant implications for how universities deal with sexual violence within their community. Prevention efforts geared toward persuading men not to rape are very unlikely to be effective. Lessons can be drawn from many decades of experience in sex offender treatment, which have demonstrated that it is extremely difficult to change the behavior of a serial predator even when you incarcerate him and subject him to an intensive, multi-year program. Rather than focusing prevention efforts on the rapists, it would seem far more effective to focus those efforts on the far more numerous bystanders – men and women who are part of the social and cultural

milieu in which rapes are spawned and who can be mobilized to identify perpetrators and intervene in high-risk situations.

The less benign reality of sexual violence in the university setting also carries implications for university judicial processes. A judicial board would hardly seem the appropriate venue to deal with a sexual predator. Further, cases of non-stranger rape are extremely difficult to properly investigate and prosecute – they are in fact far more complex than the majority of stranger rapes. A proper investigation requires skilled and specially-trained investigators working closely with specially-trained prosecutors. Absent a proper investigation, almost every non-stranger rape case quickly devolves into the proverbial “he-said-she-said” conundrum, and judicial board members are left helpless to discern what actually may have occurred. This situation increases the likelihood of inadequately or even poorly-handled cases, thereby increasing the harm done both to the victim and to the larger community.

One institution that has begun to earnestly wrestle with these implications is the United States Air Force. In the wake of the sexual assault scandal at the Air Force Academy, both the Academy and the Air Force as a whole have undertaken what is perhaps the most comprehensive program to confront and prevent sexual violence that has ever been undertaken by a major institution. It is still too early to determine the overall effectiveness of the Air Force’s new policies and prevention efforts. However, at a minimum, the Air Force has already demonstrated that it is possible for a major institution to honestly confront sexual violence, and to do so with the comprehensive initiatives required for a reasonable chance at success. In so doing, the Air Force has raised the bar for other institutions in the United States, and implicitly challenged colleges and universities to make a similar commitment.

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Contact Information

David Lisak, Ph.D.
617-947-4119
davelisak@aol.com