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## VICTIM PRECIPITATED FORCIBLE RAPE

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Dr. Amir's present article, the title of which clearly signifies its content, is based upon a study which ultimately will constitute a more extensive report on the subject of forcible rape.

### THEORETICAL BACKGROUND

We are accustomed to believe that forcible rape is an act which falls upon the victim without her aid or cooperation, but there often is "some reciprocal action between perpetrator and victim" in such cases.<sup>1</sup>

Once the victim and the offender are drawn together, a process is set in motion whereby victim behavior and the situation which surrounds the encounter will determine the course of events leading to the crime. If the victim is not solely responsible for what becomes the unfortunate event, at least she is often a complementary partner.

Precipitation means "quick and hurried action" — "undue, unwise, or rash haste".<sup>2</sup> It is a behavior which is clearly differentiated from "provocation" and outright "seduction". If the dictionary definition of precipitation is clear, such is not always the case when a judgment is called for or when behavior ceases to be precipitating and becomes provocative or seductive. It is this aspect of judgment and evaluation which we shall presently discuss.

Theoretically, victim precipitation of forcible rape means that in a particular situation the behavior of the victim is interpreted by the offender either as a direct invitation for sexual relations or as a sign that she will be available for sexual contact if he will persist in demanding it.

Excluded are the situations where no interaction

<sup>1</sup>The quotes are from the pioneering paper, Von Hentig, *Remarks on the Interaction of Perpetrator and Victim*, 31 J. CRIM. L. & C. 303, 304 (1940), in which he dealt with the subject in its general aspects rather than with rape alone. Also see VON HENTIG, *THE CRIMINAL AND HIS VICTIM* ch. 12 (1948).

For a theoretical background on the victim precipitation criminal homicide also anchored in Von Hentig's work but containing other classic and modern theoretical statements, see WOLFGANG, *PATTERNS IN CRIMINAL HOMICIDE* 245-246 (1958).

<sup>2</sup>Webster's *New International Dictionary* (2nd ed. 1961).

was established between the offender and the victim and when the offense was a sudden event which befell the victim.

Victim behavior may consist of an act of commission (e.g., she agreed to drink or ride with a stranger), or omission (e.g., she failed to react strongly enough to sexual suggestions and overtures). This distinction is made in addition to the variety of interpersonal relationships which may exist between them.

Victim behavior can be outright and overt seduction, but whether it is really so is not very important. What is important is the offender's interpretation of her actions within the then current situation. This importance exists because what can be interpreted by others as non-seductive behavior, leading to a certain act, may have the same result as in a case when seduction was clearly apparent.

The situational aspect contains the elements of vulnerable or risk situations which, together with victim's behavior, become aggravating circumstances. Without them we shall find a potential offender without a victim and/or a potential victim without an offender. With them, we observe a situation in which the victim's behavior and the offender's imputations make both of them candidates for the event.

Imputations and subjective meanings or actual rationalizations of social situations are a recognized position in understanding social behavior and social interaction.<sup>3</sup> The question is, why is the

<sup>3</sup>See, Pitt, *The Definition of the Situation and the Internalization of Objects*, in 2 PARSONS, *et al.* (eds.), *THEORIES OF SOCIETY* 719-743 (1961). Especially see THOMAS, *THE UNADJUSTED GIRL* 121-144 (1931).

For an appeal for a situational sociology, see CARR, *SITUATIONAL ANALYSIS* 9-45 (1948); HINKLE & HINKLE, *THE DEVELOPMENT OF MODERN SOCIOLOGY* 57-66 (1954). And see SUTHERLAND, 5-6 (4th ed. 1947). For criminological studies emphasizing the situational approach, see CRESSEY, *OTHER PEOPLE'S MONEY* (1953); LINDESMITH, *OPIATE ADDICTION* (1957). In the courts,

victim's behavior and the situation in which she is placed interpreted to mean her sexual availability?

The relationship between behavior and situation and how it is interpreted assumes the interdependency of culture and individual psychology.<sup>4</sup> The psychological disposition of people embedded in their culture will tend to produce, through interpretation, an interrelationship between different modes of verbal expression and behavior in any realm of life. In the sexual sphere, a man can interpret verbal and nonverbal behavior on the part of a woman in such a way as being contrary to the expectations about appropriate female behavior or, even as conflicting with the whole image of a woman's propriety. She will be placed, then, in the category of a sexually available female. Thus, wrongly or rightly, a woman's behavior, if passive, may be seen as worthy to suit action, and if active it may be taken as an actual promise of success for one's sexual intentions.<sup>5</sup> The offender then will react as seems appropriate toward such a woman. Her subsequent behavior and the situation can enhance his interpretation. In short, rationalizations and interpretations "will precede whatever overt sexual gesture toward her that he may make".<sup>6</sup> Again, logic and the truth about the would-be victim's behavior are unimportant here. It is highly probable that often the would-be offender will misinterpret the behavior and the situation, and draw wrong conclusions about the character of the victim and about the ripeness of the situation for sexual exploits.<sup>7</sup>

Theoretically, there is no problem of validation or of evaluating the truth of the offender's interpretation. Even if wrong, it leads to action. Therefore, whatever is the case, the behavior and its (mis)interpretation made the female enter either symbolically, or actually, a situation in which her behavior and the situation are "suggestive" and from which one can infer sexual accessibility. Thus,

for "sexual situations", see Elliasberg, *The Acute Psychological Situation: Legal Meaning and Diagnosis*, 33 J. CRIM. L. & C. 443-456 (1943).

<sup>4</sup> BOHANNAN, *AFRICAN HOMICIDE AND SUICIDE* 28 (1950).

<sup>5</sup> These distinctions are not mutually exclusive but seem the most typical.

<sup>6</sup> HARTUNG, *CRIME, LAW AND SOCIETY* 159-160 (1965).

<sup>7</sup> On the problem of misinterpretation of others' behavior and of situational settings see: Burke, *On Interpretation*, PERMANENCE AND CHANGE (rev. ed., mimeo, 1961); Ichheiser, *Sociopsychological and Cultural Fashions in Race Relations* 55 AM. J. SOCIOLOGY 395 (1949); Schutz, *The Problem of Social Reality*, in 1 COLLECTED PAPERS (The Hague: Martinus Nijhoff, 1962).

her resistance, if made, is not taken seriously, and the situation and the offender "motive" becomes such that her protestations are overridden.

A note should be injected about one type of offender for whom no interpretation of victim behavior or assessment of the situation is ever assumed. He may indiscriminately and randomly attack any victim, no matter what her behavior. This is the so-called "compulsive" offender, or the one afflicted with "irresistible" impulse.<sup>8</sup>

The investigator, the law officer, and the court may never know why the offender misconstrues the situation, and they will be completely wrong in considering the victim's behavior and the situation as the "motive for the offense". Asking the offender "why" he interpreted the situation and victim behavior as he did implies that there may be an excuse or a rationalization. Another problem is that every aspect in the situation may incur for the offender, the victim and witnesses, a selective and differential perception which tends to

<sup>8</sup> On the history of this concept see FINK, *CAUSES OF CRIMES* (1938). For proponents of this concept, see GUTMACHER & WEIHOFEN, *PSYCHIATRY AND THE LAW* (1952); WEIHOFEN, *MENTAL DISORDER AS A CRIMINAL DEFENSE* (1954).

For critical view see HALL, *GENERAL PRINCIPLES OF CRIMINAL LAW* 486-500 (1960). For critical analysis of the claims of psychiatry, see Hakeem, *A Critique of the Psychiatric Approach to Crime and Correction*, 23 LAW & CONTEMP. PROB. 650-682 (1958). Within the field of psychiatry, see SZAZAS, *LAW, LIBERTY AND PSYCHIATRY* (1964); also *THE MYTH OF MENTAL ILLNESS* (1961). On the criticism and sociological development of the concepts, see Cressey, *Role Theory, Differential Association, and Compulsive Crimes*, in ROSE, *HUMAN BEHAVIOR AND SOCIAL PROCESSES* 443-467 (1962), and also WOOTTON, *SOCIAL SCIENCE AND SOCIAL PATHOLOGY* 234-235 (1960).

The issue of "compulsive" crime, irresistible "impulse" etc., serves also as a theme in the polemics about reintroducing into criminology the aspect of "will" and "responsibility", see: MATZA, *DELINQUENCY AND DRIFT* (1964), and Wootton, *supra*, and also her recent book: *CRIME AND THE CRIMINAL LAW* (1965).

The recent work by Frank Hartung can be added to the growing list. (*Supra* note 6., and especially Ch. 6.) For a supporter of such approach in the field of psychiatry see T. Szazas' works, *supra*.

For an excellent philosophical background on the problem of "will" and "responsibility" see Grunbaum, *Causality and the Science of Human Behavior*, in Feigl & Brodbeck, eds., *READINGS IN THE PHILOSOPHY OF SCIENCE* 766-779; HOOK, ed., *DETERMINISM AND FREEDOM IN THE PHILOSOPHY OF SCIENCE* (1958), Part IV. A sociological approach to the problem of "compulsive" behavior regards them also as social-cultural learned type of behavior. Such approach recognizes the importance of cultural milieu, in understanding the criminal behavior or repeaters and prior record of offenses or the sequence of their offenses. These offenses are more likely to be an expression of subcultural "themes" rather than merely a matter of personality disintegration.

be screened, tainted, and, hence, distorted.<sup>9</sup> Moreover, no victim will admit seductiveness—assuming she is able to recall the event;<sup>10</sup> i.e., if she was not drunk or too young to assume such seductiveness, or did not suffer from postcrime amnesia.<sup>11</sup> On the other hand, the offender may claim her seductiveness as a defense. This is likely to occur when some previous relationship existed between them. Thus, the alternative left to us is to look for those rape events where behavior patterns of the victims along with vulnerable situations allow us to consider these victims as precipitators of the event.

### THE LEGAL FRAMEWORK

From one criminal code we learn that a chief concern of the law, in instances where the victim is under 16 years of age, is whether or not she was of "bad repute", and if the carnal knowledge was with her consent.<sup>12</sup>

It seems that the law does not recognize precipitation, provocation, and seduction. Some related factors such as delay in time of reporting the offense and "bad reputation" may be used by the court to infer consent rather than precipitation. In the legal process we ask the victim what the offender was doing, a question which allows inter-

<sup>9</sup> On the problem of testimony by witnesses as well as by victim, see Davidson, *Appraisal of witnesses*, 110 AM. J. PSYCHIAT. 481-484 (1954); Eliasberg, *supra* note 3, and *The Examination of Testimonial and Testimonial Capacity*, 44 J. CRIM. L. & C. 370-376 (1953); KAUFMAN, *THE ADMISSIBILITY OF CONFESSION IN CRIMINAL CASES* (1960); LUCKMAN, *ON THE VALIDITY OF THE TESTIMONY OF FEMALE CHILDREN AND ADOLESCENTS AS REGARD SEXUAL OFFENSES* (Stuttgart: E. Emke Verlag, 1959); Machtinger, *Psychiatric Testimony for the Impeachment of Witnesses in Sex Cases*, 39 J. CRIM. L. & C. 34-45 (1949); Manham, *Rape Evidence-Corroboration*, 5 CORNELL L.R. 484-485 (1923).

<sup>10</sup> On the problem and rules of remembering see, BARTLETT, *REMEMBERING* (1932); CAMERON, *REMEMBERING* (1947). Soul maintains that women will recall those elements in the situations which appeal to "authority figures" because super-ego needs are dominant in women, i.e., they will recall resistance and not consent; rejection and not seduction. SOUL, *EMOTIONAL MATURITY* 47 (1947). Kinsey discussed the dangers of relying on reported past experience of rape. KINSEY, *SEXUAL BEHAVIOR IN THE HUMAN MALE*, 35-62 (1948).

<sup>11</sup> On the problem of amnesia, see Aren & Meadow, *Psycholinguistics and the Confession Dilemma*, 56 COLUM. L. REV. 19 (1956); Hulbert, *Past Sex Crime Amnesia*, 37 J. CRIM. L. & C., 191-192 (1946); Gray, *Amnesia in Criminal Trial*, 1 J. SOC. THER. 100-107 (1955); Lenox, *Amnesia Real or Feigned*, 99 AM. J. PSYCHIAT. 737-741 (1942); Moore, *The Accuracy of Testimony Relative to Time Interval*, 26 J. CRIM. L. & C. 210-215 (1935); Weinstein, *The Law's Attempt to Obtain Useful Testimony*, 13 J. OF SOC. ISSUES 6-12 (1957).

<sup>12</sup> Title 18, § 4721, Purdon's Pa. Stats. (1963).

pretation on the part of the victim or the witnesses; the law is not equally interested, or perhaps not at all, in the offender's interpretation of victim behavior and intentions. The closest we have come to such interpretation is when the victim's personality is assessed for establishing previous chaste character or reputation. The problem of consent is the legal issue to be proved by the offender and decided by the court. In short, there is not justifiable rape in the same sense as we have justifiable murder, and looking for victim precipitation of the offense is the enterprise of the investigator and not the business of the law and court. If any causal connection exists between precipitation and rape, we must assess it with the aim of educating the law to recognize it too.

### WORKING DEFINITION

The term "victim precipitation" describes those rape situations in which the victim actually, or so it was deemed, agreed to sexual relations but retracted before the actual act or did not react strongly enough when the suggestion was made by the offender(s). The term applies also to cases in risky or vulnerable situations,<sup>13</sup> marred with sexuality, especially when the victim uses what could be interpreted as indecency in language and gestures, or constitute what could be taken as an invitation to sexual relations.

In seeking to identify victim precipitated cases in police files, we have no objective measures with which to decide upon these cases, as are provided by legal interpretation of homicide.<sup>14</sup> The police dossiers include evaluative statements by witnesses and offenders which give the investigator a feeling that no objective proof exists for what was actually seductive and provocative behavior on the part of the victim. In some files examined, the police interrogator recorded his own evaluative opinion, but there was no consistency in recording such opinions<sup>15</sup> and we had to rely on our own interpretation of the data found in the files.

### THE PHILADELPHIA DATA

Empirical data for analysis of victim-precipitated forcible rape were collected from the

<sup>13</sup> The aspect of the vulnerable situation is not analyzed here, and is assumed to operate in enhancing the offender interpretation about victim availability as a sexual partner. An analysis of the vulnerable situation will be published in a forthcoming paper.

<sup>14</sup> WOLFGANG, *op. cit.* *supra* note 1 at 247-252.

<sup>15</sup> It seems these statements were related more to the problem of reputation and consent to be later used in the court.

files of the Philadelphia Police Department, and include 646 cases of forcible rape which occurred between January 1, 1958 and December 31, 1958 and between January 1, 1960 and December 31, 1960. Because more than one man was sometimes involved in raping a single victim, there was a total of 1292 offenders responsible for the raping of 646 victims. Of these cases, 122, or 19 percent, have been found to fit the previous definition as VP cases.<sup>16</sup> The study of police files and previous analysis of forcible rape, and the theoretical discussion made above, suggest that there may be important differences between VP and non-VP cases. In the following discussion the term *significant* in italics is used to indicate that a chi-square test of significance of association has been made and that the value of  $p$  less than .05 has been found between VP and non-VP cases and a series of variables. The subsequent analysis reveals the following differences and similarities between VP and non-VP:

#### Race

Because Negro women have been found to be involved in more rape cases, we expected to find them also more represented than white women among the VP cases. The data does not confirm this inference. While 71 percent of VP cases involve Negro victims, as compared to 83 percent of non-VP cases, the proportion of white victims who were involved in VP cases is *significantly* higher than their involvement in non-VP rape situations (30 percent and 17 percent respectively). One explanation offered for this result is the greater proportion of white victims who entered drinking relationships with white males who were strangers to them and who later attacked them. This explanation is further confirmed by the observation that white intra-racial events are *significantly* associated with VP events (35 percent compared to 12 percent of non-VP cases). Although there is no difference between VP and non-VP cases for intra-racial events, intra-racial rapes constitute the majority of cases (over 90 percent) of VP events. Again, only white intra-racial rapes are *significantly* associated with VP rapes.

#### Age

The age distribution of victims in VP or non-VP cases is similar except for age groups 0-10 and

15-19 years of age. The first group (0-10) contains two VP cases compared to 49 cases of non-VP cases. It is very unlikely that girls that young will be overtly seductive or will be found in vulnerable situations. The opposite can be stated about age group 15-19, which shows *significantly* higher involvement in VP rapes than any age group,<sup>17</sup> though it should be remembered that this is the age group with the highest proportion of victims who were involved in the offense in general (25 percent). The median age of VP victims is 19.2 years, while that of non-VP victims is 16.7 years. Since in this study rape was found to involve mainly (57 percent) victims and offenders who are at the same age level, it was expected to find the same proportion in VP events, and such were the results. However, no differences exist between the proportion of VP and non-VP cases with respect to any of the three groupings of victim-offender age disparity.

#### Alcohol

A *significant* association was found between VP rapes and the presence of alcohol. Alcohol was present in the rape situation (alcohol present either in the victim alone or in both the offender and the victim), in 53 percent of the VP cases and in 25 percent of the non-VP cases.

Because we are interested mainly in the contribution of the victim to the offense, the important factor of alcohol here is its existence in the victim or in both victim and offender. Victims had been drinking immediately prior to the offense in *significantly* more VP cases (18 percent) than in non-VP cases (8 percent). A *significant* relationship was also found between VP events and the consumption of alcohol by both offender and victim. Thus, alcohol was present in both offender and victim in 35 percent of VP cases compared to 20 percent of non-VP rape events. It seems that when alcohol is present in both offender and victim, the situation is more "risky" than when it is present in the victim only. When alcohol was consumed by both participants, it was more likely to occur in his or her home. However, when alcohol was present in the victim only, she was more likely to "be in outside places", such as the street, "protected" by what the street can offer in that respect (other people around, etc.).

<sup>16</sup> From now on victim-precipitated cases will be designated at VP cases of rapes. Those rapes in which the victim was not found to be a precipitator are referred to as non-VP cases.

<sup>17</sup> In some cases the number of VP events are not sufficient for such analysis and grouping of cases were made.

### Victim Reputation and Previous Arrest Record

Previous observation showed residential proximity of victims and offenders and of the close interpersonal relationships between them as neighbors. It can be expected, therefore, that if the victim has a "bad reputation" that fact would be known to the offender, and would contribute more strongly to the offender's imputation that she is sexually available. Hence, it is necessary to determine whether an association exists between VP rapes and victim ("bad") reputation. Such association was, indeed, found to be statistically *significant*. Thus, in VP cases the victim is more likely to have a "bad" reputation (33 percent) than in non-VP events (17 percent).

If, in homicide cases, the victim's record of previous arrests (and especially for offenses against the person) is considered a direct contributory factor to the precipitation of the offense,<sup>18</sup> a record of sex offenses or sexual misconduct (for juvenile) may have an analogous importance in forcible rape, provided the offender knows about it. Or, just knowing that the victim has a "bad" reputation in terms of her sexual behavior may have the same effect.

In testing this hypothesis, no association was found to exist between VP rapes and victim's previous record of arrests for sexual offenses and juvenile (mainly sexual) misconduct, or, indeed, for any other offenses. Obviously, the importance rests not with the objective fact of being promiscuous or having been charged with such behavior, but, rather, with the fact that the offender was led to believe or assume that the victim had a "bad" reputation.

### Residential Proximity

Residential proximity offers the first condition for encountering the victim, establishing relations with her, and/or knowing her reputation. It allows the possibility of being together in his or her residence or place of sojourn; in other words, without his being an unwelcome intruder. It is more likely, therefore, that compromising situations will arise between those who live close to each other. On the other hand, it can be assumed that anonymity due to ecological distance affords some "protection" from later consequences of the offense if intended by the offender(s). In the light of the previous results we can more readily accept the first hypothesis of association between residen-

tial proximity between victim and offender and VP rapes. Testing each hypothesis by its collated data shows that in VP cases the victim is more likely to live in offender's vicinity. Thus, 29 percent of VP victims live in offender's vicinity but not in the area of offense, compared to 17 percent of non-VP victims. Fifty-seven percent of VP victims live in offender's vicinity and offense area, as compared to 50 percent of non-VP victims. Taken together, 86 percent of VP victims live in offender's vicinity (which either includes the offense area or does not) as compared to 67 percent of non-VP victims.

### Place of Initial Meeting

Established relationships were previously found between place of initial meeting and place of rape, especially when the place was that of either the residence of victims or offenders. Such relationships point to the vulnerability of such situations. The offender may interpret his being in her home, or especially her presence in his residence, either as a sign that the victim is ready to take the risk of encountering his sexual overtones, or as an indication of outright readiness to allow sexual relations. In either case she puts herself in a precarious position. The situations may be even more dangerous for her if the meeting place is a bar, or a picnic where alcohol is consumed. Whatever the victim then does or fails to do may rightly or wrongly contribute to the offender's imputations of sexual accessibility to the victim. To test this hypothesis, the places of initial meeting were divided between (1) participant places—offender's and victim's residence or place of sojourn, the bar, picnic, or "party" locales, and (2) the outside places—all places which previously were designated as the "street". No association was found between the meeting place in his or her residence or place of sojourn and VP events. For the events where the victim's residence was where the initial encounter took place, the association is reversed, i.e., *significantly* more non-VP cases occurred there (28 percent) than VP events (18 percent). The bar as a meeting place is found to be more important as a precipitative factor. In 24 percent of VP rapes, the bar, picnic, or party was the initial meeting place, compared to only 7 percent of the non-VP rape events. The street was found to be more associated with non-VP events than with VP cases.

### Place of Rape

The previously observed relationships between place of initial meeting and place of rape and the

<sup>18</sup> WOLFGANG, *op. cit.* *supra* note 1 at 262-264.

TABLE I

VICTIM PRECIPITATED AND NON-PRECIPITATED FORCIBLE RAPE, BY SELECTED VARIABLES, PHILADELPHIA,  
1958 AND 1960

	Victim Precipitated		Non-Victim Precipitated		Total Victims	
	Number	Per Cent Of Total	Number	Per Cent Of Total	Number	Per Cent Of Total
<i>Victim's Race</i>						
Negro.....	86	70.5	434	82.9	520	80.5
White.....	36	29.5	90	17.1	126	19.5
Total.....	122	100.0	524	100.0	646	100.0
<i>Race of Victim and Offender:</i>						
Victim Negro, Offender Negro.....	69	56.7	428	81.6	497	76.9
Victim White, Offender White.....	43	35.2	62	11.8	105	16.2
Victim White, Offender Negro.....	3	2.4	24	4.5	27	4.2
Victim Negro, Offender White.....	7	5.7	10	2.1	17	2.6
Total.....	122	100.0	524	100.0	646	100.0
<i>Victim's Age:</i>						
0-10.....	2	1.6	49	9.3	51	7.9
10-19.....	18	14.7	105	20.5	123	19.0
15-19.....	44	37.1	117	22.3	161	24.9
20-24.....	19	15.6	68	12.9	87	13.5
25-29.....	14	11.2	54	10.3	68	10.5
30-34.....	12	9.6	38	7.2	50	7.7
35-39.....	4	3.2	40	7.6	44	6.8
40-44.....	3	2.4	18	3.4	21	3.3
45-49.....	3	2.4	15	2.8	18	2.8
50-54.....	2	1.6	7	1.3	9	1.4
55-59.....	—	—	1	.3	1	.2
60-over.....	1	.8	12	2.3	13	2.0
Total.....	122	100.0	524	100.0	646	100.0
<i>Victim Offender Age Disparity:</i>						
Victim Much Younger (-10 yrs.).....	24	19.6	147	28.2	171	26.5
Victim-Offender Same Age ( $\pm 5$ yrs.).....	71	58.2	296	56.4	364	56.8
Victim Much Older (+10 yrs.).....	27	22.2	81	15.4	108	16.7
Total.....	122	100.0	524	100.0	646	100.0
<i>Presence of Alcohol during the Offense:</i>						
Present.....	64	52.5	153	29.2	217	33.5
Not Present.....	58	47.5	371	70.8	429	66.5
Total.....	122	100.0	524	100.0	646	100.0
<i>Presence of Alcohol in the Victim and/or Offender:</i>						
Present in Both.....	42	35.1	94	17.9	136	21.1
Present in Victim Only.....	22	18.0	40	7.6	62	9.5
Not Present in Both or in the Victim Only.....	58	46.9	390	74.5	448	69.4
Total.....	122	100.0	524	100.0	646	100.0

TABLE I—Continued

	Victim Precipitated		Non-Victim Precipitated		Total Victims	
	Number	Per Cent Of Total	Number	Per Cent Of Total	Number	Per Cent Of Total
<i>Victim's Reputation:</i>						
Bad Reputation.....	40	32.9	88	16.7	128	19.8
No Reputation or No Information.....	82	67.1	436	83.3	518	80.2
Total.....	122	100.0	524	100.0	646	100.0
<i>Sex Offenses:</i>						
Sex Offenses.....	8	6.4	62	11.9	70	10.8
Other Offenses Only.....	—	(33.3)	—	(62.0)	—	(56.4)
Only.....	16	13.2	38	7.2	54	8.4
		(66.7)		(38.0)		(43.6)
Total: Previous Arrest Record.....	24	19.6	100	19.1	124	19.2
No Previous Arrest Record.....	98	80.4	424	80.9	522	80.8
Grand Total.....	122	100.0	524	100.0	646	100.0
<i>Proximity of Victim-Offender Residence and Offense:</i>						
Victim Lives in Area of Offender's Residence Not Area of Offense.....	3	2.4	160	30.5	163	25.3
Victim Lives in Area of Offender Not of Offense.....	35	28.7	92	17.4	127	19.7
Victim Lives in Area of Offender and Offense.....	70	57.4	258	49.5	328	52.3
Victim Lives Not in Area of Offender or Offense.....	14	11.2	14	2.6	28	2.7
Total.....	122	100.0	524	100.0	646	100.0
<i>The Place of Initial Meeting:</i>						
Victim's Place.....	22	18.0	149	28.4	171	26.5
Where Victim Stayed.....	12	9.6	40	7.6	52	8.0
Offender's Place.....	8	6.4	35	6.8	43	6.7
In a Bar, Picnic.....	29	23.8	38	7.2	67	10.3
In the Street.....	51	42.2	262	50.0	313	48.5
Total.....	122	100.0	524	100.0	646	100.0
<i>The Place of Rape:</i>						
Participant's Places.....	23	19.4	337	74.5	360	55.7
Outside Participant's Places (Not in Car).....	76	62.2	114	11.7	190	29.4
In a Car.....	23	19.4	73	13.8	96	14.9
Total.....	122	100.0	524	100.0	646	100.0
<i>The Use of Non-Physical Force:</i>						
Tempting.....	17	13.9	58	11.1	75	11.7
Coercion.....	33	27.0	123	13.4	161	25.2
Intimidation.....	72	59.1	330	75.5	402	63.1
Total.....	122	100.0	524	100.0	646	100.0

TABLE I—Continued

	Victim Precipitated		Non-Victim Precipitated		Total Victims	
	Number	Per Cent Of Total	Number	Per Cent Of Total	Number	Per Cent Of Total
<i>The Use of Violence:</i>						
Roughness.....	46	37.7 (40.7)	136	15.9 (31.7)	182	29.0 (29.9)
Non-Brutal Beating.....	26	21.3 (23.1)	131	36.2 (30.4)	157	24.1 (30.7)
Brutal Beating.....	41	33.7 (36.2)	163	31.3 (37.9)	204	31.9 (39.4)
Total Use of Force.....	113	92.7	430	83.4	543	85.0
No Use of Force.....	9	7.3	87	16.6	96	15.0
Grand Total.....	122	100.0	524	100.0	646	100.0
<i>Interpersonal Relationships between Victim and Offender:</i>						
Strangers.....	35	28.7	300	57.2	335	51.9
Acquaintance.....	28	22.4	65	11.4	93	14.4
Neighbor (close).....	33	27.9	92	11.4	125	19.3
Close Friend or Boy Friend.....	18	14.6	21	6.0	39	6.0
Family Friend.....	6	4.8	28	5.3	34	5.3
Family Relative.....	2	1.6	14	2.6	16	2.5
Total.....	122	100.0	524	100.0	642	100.0
<i>Type of Rape:</i>						
Single Rape.....	66	54.1	304	58.0	379	57.3
Pair Rape.....	25	20.5	80	15.2	105	16.2
Group Rape.....	31	25.4	140	26.7	171	26.5
Total.....	122	100.0	524	100.0	646	100.0
<i>Sexual Humiliation in the Rape Situation:</i>						
Performed.....	75	61.5	98	18.7	173	26.8
Not Performed.....	47	38.5	426	81.3	473	73.2
Total.....	122	100.0	524	100.0	646	100.0
<i>Victim's Behavior in the Rape Situation:</i>						
Submission.....	62	51.3	293	55.9	355	54.9
Resistance.....	32	26.3	141	26.9	173	27.1
Fight.....	28	22.4	88	17.2	116	18.0
Total.....	122	100.0	524	100.0	644	100.0

last mentioned results associating the street as an initial meeting place with vp rapes can explain the associations which are found between vp events and place of rape. In *significant* proportions vp rapes occurred outside participant's residence (82 percent), including the automobile as the place of

rape, as compared to 25 percent of non-vp rapes which took place in these places. Only 19 percent of vp cases occurred in participant's places or place of sojourn, while 75 percent of non-vp events took place there.

### Modus Operandi: The Use of Non-physical Force

If the offender deems the victim accessible, he may find intimidation unnecessary to render the victim into submission, and temptation or coercion will be the form used against her. The data partly supports this assumption. While the occurrence of temptation among vP and non-vP cases shows no significant association, coercion accounts for 27 percent of all vP cases but only 13 percent of non-vP events, a difference which is *significant*. The assumption gains further support by the finding of higher frequencies of intimidation among non-vP cases (75 percent compared to 57 percent of vP events). However, vP victims are not spared from being terrorized by the offender, because an interpretation of sexual accessibility may not diminish the offender's notions that he may be mistaken, and in order to effect the act itself, he may not take "chances". He therefore will behave toward the victim like those offenders who do not have to believe their interpretation of the situation that the victim is an easy "make".

### Violence

The above result and the result of the relationship between non-physical methods and vP events are further supported by the observation about the use of violence in vP rape events. In 113, or 93 percent, of the 122 vP rapes, violence was used, compared to 430, or 83 percent, of non-vP events. When the specific methods of violence are analyzed, it is found that the incidence of "roughness" used against the victim is *significantly* greater in vP cases (41 percent) than in non-vP cases (32 percent). The relationship is reversed for non-brutal beatings (21 percent in vP cases compared to 30 percent in non-vP cases). The frequency of brutality is equal in vP and non-vP cases.

### Sexual Humiliation

Subjecting the victim to forced sexual intercourse means that the imputation of sexual availability was a false interpretation on the offender's part. He may still hold to his views and try to prove then by subjecting her to sexual humiliation, other than forced intercourse, or he may humiliate her as a revenge just because of the failure of his imputation. It is therefore inferred that the frequency of sexual humiliation is greater among vP than among non-vP cases. The data support such inference and reveal that rapes accompanied by

sexual humiliation account for 61 percent of vP cases but only 19 percent of non-vP cases, a difference which is *significant*.

### Victim Behavior

Imputations and interpretations of victim's availability for sexual relations come before the act. Once the offender tries to "prove" them, the victim's behavior may make the difference in how the encounter is ended: with his withdrawal of his plans, or trying to force her to sex relations. Hence, we may expect that victims would more resist or fight the offender in vP cases, to convince him that he erred in his assumption. The data does not support such expectation. The distribution of all forms of victim behavior among vP and non-vP cases shows no difference. vP victims do tend in a slightly larger share to fight their assailant than victims who are involved in non-vP events (22 percent compared to 17 percent respectively). These results show that the victim's behavior after the offender attempts to force sexual relations on her makes no difference in the outcome of the event.

### Victim-Offender Relationships

Assuming that either seductiveness or the insinuation of such an attitude about the victim is more likely to occur when victims and offenders are closely related, or at least, acquainted, leads to further assuming that vP rapes will be characterized by close interpersonal relationships between victim and offender. The data support this assumption and reveal that primary relationships (from acquaintance to family relative types of relationships) account for 71 percent of vP cases but only 43 percent of non-vP cases, a difference which is *significant*. Victims were acquaintances of their assailants in 22 percent of the vP cases, compared to only 11 percent of non-vP cases. Also, in *significant* proportion, more vP victims were either close neighbors or close friends of the offender. Finally, in only two vP events, compared to 14 non-vP cases, were the victims relatives of their assailants. It seems, therefore, that the closer the relationship between victim and offender, the greater the likelihood of victims being conceived as "easy marks" or their behavior's being interpreted as precipitative.

### Type of Rape

The number of offenders involved in the offense is not directly associated with vP rapes. Other

things being equal, it may be only a matter of chance how many offenders the victim will encounter. Her behavior may be conceived as "inviting" only by one or more in a group but not necessarily by all members. The situation of differential interpretation of victim availability, if it exists at all, will depend on, among other things, the "initiator" act or the "magical seduction" of one of the members of the group.<sup>19</sup> Thus, we expect to find no differences in the frequencies of types of rapes among VP and non-VP events. Indeed, there is no difference between VP and non-VP rape with respect to type of rape; i.e., the number of offenders who participated in the event has no relationship to VP events.

#### Summary

Comparison of 122 VP rape events with 524 non-VP cases reveals *significantly* higher proportions of the following characteristics among VP cases:

- (1) white victims;
- (2) white intra-racial rapes;
- (3) victims who are between 15 to 19 years of age;
- (4) alcohol in the rape situation, particularly in the victim or in both offender and victim;

<sup>19</sup> Discounting for the purpose of gross analysis felony rape situations.

- (5) "bad" reputation of victim;
- (6) victims who live in residential proximity to the offender(s) and/or to the area of offense;
- (7) victims who met their offender in a bar, picnic or party;
- (8) victims who are raped outside their or offender's home or place of residence;
- (9) use of coercion to subdue the victim;
- (10) subjection of victims to sexual humiliation;
- (11) victim-offender relationships involving all categories of "primary" relationships but between family relatives.

When the precipitating victims have the same characteristics as their non-VP sisters, they appear in those cases which do not seem to involve vulnerable situations, and thus lend support to our previous assumption that it is not solely the vulnerable situations but also some characteristics of victim behavior which are important in precipitating the offense. Further, the notion of negligent and reckless behavior on the part of the victim is as important to understanding the offense as is the appearance of these types of behavior in the offender. It does not make any offender innocent but allows us to consider some of these men, at least, less guilty and leads us to consider that the victim is perhaps also responsible for what happened to her.