



Rape: Sex crime, act of violence, or naturalistic adaptation? ☆



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ARTICLE INFO

Article history:

Received 8 July 2013

Received in revised form 5 October 2013

Accepted 8 October 2013

Available online 14 November 2013

Keywords:

Date rape

Evolutionary psychology

Intimate partner rape

Rape

Sexual assault

Sexual violence

ABSTRACT

Rape distorts one of the most intimate forms of human interaction. Those who rape do so for a number of reasons, but they basically involve the motives of anger, power, eroticized cruelty, and opportunistic mating. No single set of cognitive, psychodynamic, psychopathological, or neuropsychological factors has been identified in those who commit sexual assault, probably due to the heterogeneity of this offender group. It is thus important to understand the diversity of this crime category in order to devise more effective means of adjudicating, treating, and deterring it. As a reproductive strategy, rape has certain risks as well as benefits, which accounts for its persistence in human populations as a minority mating tactic. Although most women fear rape by strangers, they are far more likely to be sexually assaulted by someone they know, especially their own mate. Alcohol and substance use plays a large role in many rapes. Rape can take both a physical and psychological toll on its victims, and clinicians must continue to explore more effective ways to treat rape survivors and to develop proactive strategies to help women prevent initial victimization and revictimization.

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1. Introduction: Is rape a special kind of crime?

"In the criminal justice system, sexually based offenses are considered especially heinous..."

Thus intones the introductory voice-over of TV's long-running series, *Law and Order: Special Victims Unit*. But why are these crimes more "heinous" than others, and why are their victims so "special?"

The crime of *rape*, also referred to as *sexual assault*, may be special for a number of reasons. First, although it can theoretically happen to either sex, women are far more likely to be rape victims than men, so one half of the human population is disproportionately impacted by this kind of crime. Second, unlike almost any other kind of violence, sexual assault corrupts what in other contexts should be the most intimate and tender of human encounters. The same act can be a gift of love or a weapon of violation, depending on the circumstances and the relationship between the parties. No other physical encounter between human beings carries such a disparate potential for good or evil.

Finally, it's sex, and mating behavior has always played a powerful role in all human societies, whether flaunted or suppressed, bestowed or exploited, sacralized or profaned. Sex has also always been inextricably entwined with other vital survival activities, such as pair-bonding, child-rearing, clan affiliation, and community cohesion.

2. Rape: definitions and demographics

The word *rape* derives from the Latin *rapere*, which means to "seize quickly," (Palermo & Kocsis, 2005), forming the basis of such words as *rapier* (dueling sword), *raptor* (swift bird of prey), and *rapacious* (predatorily greedy).

The U.S. Department of Justice (1998) describes several classifications of rape, supplemented by terminology from other sources.

Forcible rape: Sexual relations with a female forcibly and against her will. This is what most people understand to be rape.

Statutory rape: Sexual relations with a female under the statutory age, with or without her consent. Technically, a minor under the statutory age is legally unable to give consent. The age of consent may vary from place to place.

Rape by fraud: Sexual relations with a consenting adult female under fraudulent conditions. For example, a doctor has sex with a patient under the guise of "treatment."

Date rape: Nonconsensual sexual relations within the context of a dating relationship.

Marital, or intimate partner rape: Nonconsensual sexual relations within a marital or other intimate relationship.

Rape appears to be a universal phenomenon across cultures. Although statutes written in the recent past refer to victims as females, it is currently understood that men can be victims of rape. In most Western countries, rape is defined as forcible penetration without consent. However, the source of penetration (penis, other body part, or foreign

object), target of penetration (vaginal, anal, or oral), gender and age of perpetrator and victim, and definition of consent vary greatly across nations and localities (Gannon et al., 2008; Koss, 1992; Polaschek et al., 1997). In the U.S., each state holds its own legal definition of rape. Across studies, approximately 75% of rapes are vaginal, and in 25% of cases, the rapist also demands oral sex; in 10% of cases, he demands both oral and anal sex. Six percent of cases involve anal sex only, with the remaining 4% classified as "other" (Broude & Greene, 1978; Gannon et al., 2008; McKibbin et al., 2008; Rozee, 1993; Sanday, 1981).

Although the documented prevalence estimates of rape or attempted rape in the U.S. are as high as 15% (Kilpatrick et al., 1992; Resnick et al., 1993; Tjaden & Thoennes, 2000), the true prevalence rate is probably even higher because many rapes are never reported and many unwanted sexual advances may not be regarded as rape per se. One-fourth of college women report being the victim of sexual assault or attempted sexual assault. In 83% of cases, this involves someone they know. The majority of these assaults happen in the freshman year (McKibbin et al., 2008; Muehlenhard et al., 1992; Russell, 1984).

Rape is primarily a crime against the young. Only 13% of rape victims are over age 25, 22% are 18–24, 32% are 11–17, and 29% are under age 11, meaning that a clear majority of female rape victims are legal minors. Among rape victims, 24% of the attackers are strangers, 42% involve current or ex-husbands or boyfriends, 10% involve relatives, and 15% involve others, such as family friends, neighbors, or casual dates. Clearly, the overwhelming majority of sexual assaults take place at the hands of someone the victim knows. The most common locale for a date rape is the victim's own residence, followed by the perpetrator's residence (Gannon et al., 2008; Malamuth et al., 2005; McKibbin et al., 2008).

About 25% of rape victims sustain physical injury serious enough to require hospitalization or other medical attention, but only 5% sustain what could be regarded as severe physical injury producing longstanding disability. The most common methods of force or coercion involve verbal threats or intimidation or the use of alcohol or drugs, followed by physical overpowering. Weapons are used in only a small number of cases (Malamuth et al., 2005; McKibbin et al., 2008; Olshaker et al., 2001).

Apparently, some men are not shy about forcing themselves on unwilling partners. Approximately 6–8% of men in large samples from such countries as the U.S., New Zealand, and South Africa admit to having perpetrated acts that could be considered rape or attempted rape, and up to 25% of these men admit to perpetrating some form of sexual aggression (Collings, 1994; Gavey, 1991; Koss et al., 1987; Muehlenhard & Linton, 1987). At least one-third of men sampled admit they would rape under certain conditions, and a large number of men report coercive sexual fantasies (Malamuth et al., 2005; McKibbin et al., 2008). In many such cases, the male perpetrator justifies his actions by saying he feels "entitled" to sex because of the expenditure of a date and/or because the woman was "teasing" him or "led him on."

3. Characteristics of rapists

As with many criminal classifications, the risk factors and accompanying psychosocial characteristics of rapists are a combination of several generic descriptors of defendants in the criminal justice system, with a few features that may be specific to perpetrators in this crime category

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