

## RAPE: A CENTURY OF RESISTANCE

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In this paper, we offer an overview of feminist contributions to the reframing and redefinition of rape over the last century. Topics of discussion include empirical research on rape prevalence that shows a consistent 15% prevalence rate despite continuing rape prevention and education efforts. The effects of sociocultural interventions focusing on legal reforms and psychosocial interventions focusing on rape prevention and education efforts are reviewed. The paper concludes with suggestions for refocusing intervention efforts to include rape prevention training for men, rape resistance training for women, and community-based legal interventions.

“There is no other way except resistance to be free.”  
—Ann Sheldon, 1972

Several initiatives were launched recently to address issues related to women’s health and safety in the new millennium (American Psychological Society, 1997; McCarty, 2000). The Decade of Behavior stresses the role of psychology in addressing today’s pressing social problems. The issues of health, safety, education, prosperity, and democracy will have a major impact on research and social policy in the next decade. This paper focuses on but one of the themes included in the Decade of Behavior, that of safety. We address women’s safety from violence. Gender is a critical dimension of violence as aggression and violence tends to be gendered across the lifespan (White, Donat, and Bondurant, 2001). Because all forms of violence against women share certain characteristics in common (see White, Bondurant, and Donat, 2000), we have chosen to focus on rape as an exemplar of safety issues. The fear of male violence, and specifically the fear of rape, is at the heart of women’s fear of crime and is a primary safety issue for women (Riger & Gordon, 1989; Rozee, 2000b; Stanko, 1993). Fear of rape acts as a barrier to women’s full participation in society by limiting their access to night classes, jobs requiring night work, or travel to strange cities and so on (Riger & Gordon, 1989; Rozee-

Koker, 1988). Such barriers serve to undermine the democratic process. In addition, although we will not explore the consequences of rape in this paper, outcomes involve significant health issues (Russo, Koss, & Ramos, 2000) and are specifically discussed by Travis (2001).

Feminist scholarship and activism have transformed the analysis of violence against women and have led to a paradigmatic shift away from the notion of woman as temptress of innocent man and toward the insistence on male responsibility for his actions in the perpetration of violence against women. This paper offers an overview of feminist contributions to the reframing of questions of rape over the last century. We focus on the ongoing construction of definitions of rape and the empirical research on rape prevalence. Our analysis will cover two broad areas of feminist intervention, the effects of *sociocultural* interventions focusing on legal reforms and *psychosocial* interventions focusing on rape prevention and education efforts. The paper concludes with suggestions for refocusing intervention efforts to increase their effectiveness in the Decade of Behavior.

### GENDERED VIOLENCE

Gender is still the most powerful predictor of rape—rape is predominantly a crime against women that is perpetrated by men (Koss, Goodman, Browne, Fitzgerald, Keita, & Russo, 1994). According to the National Violence Against Women Survey (Tjaden & Thoennes, 1998), the rate of completed rape prevalence over the lifetime is 15% among women and 2.1% among men. Furthermore, according to U.S. Department of Justice figures, 99% of all persons arrested for rape are men. Although men are sometimes rape victims, they are virtually always the rape perpetrator.

Some researchers have concluded that the United States is a “rape culture” where the act of rape is functionally

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normative, meaning it is essentially a condoned behavior (Rozee, 1993; Koss, Heise, & Russo, 1994). Catherine MacKinnon (1983) has classified rape in the U.S. as regulated, not prohibited. In a rape culture the sociocultural supports for rape are structurally integrated in all levels of society. This includes the institutionalization of patriarchal values; socialization practices that teach non-overlapping notions of masculinity and femininity with men viewed as tough, competitive, and aggressive and woman as tender, nurturant, and weak; social, familial, political, legal, media, educational, religious, and economic systems that favor men; and criminal justice and legal systems that fail to protect women.

We define safety as freedom from harm and threat of harm. The levels of violence against women in the United States as well as around the world indicate that few women are in fact free from harm. Physical, psychological, and sexual abuse of women has been documented from the earliest times and in all parts of the world (Koss, Heise, & Russo, 1994; Rozee, 1993; Sanday, 1996). Heise, Ellsberg, and Gottmoeller (1999) estimate that worldwide at least one woman in three has been subjected to some form of male violence. The Centers for Disease Control and Prevention cites violence between intimates as the leading cause of injury for women between the ages of 15 and 44 (Tjaden & Thoennes, 1998). Additionally, researchers have documented high rates of psychological abuse, battering, girl child physical and sexual abuse, trafficking, stalking, sexual harassment, violent pornography, bride burning, dowry-related violence, genital mutilations, rape of enemy women in wartime and by state security and police forces, medical abuse, forced prostitution, and rape. Many of these assaults are now recognized as being perpetrated by a male intimate of the female victim-survivor.<sup>1</sup>

### RAPE PREVALENCE

Almost every society in the world has social institutions that legitimize, obscure, and deny the existence of gendered abuse (Heise, Ellsberg, and Gottmoeller, 1999). Recently the normative nature of date rape has been confirmed by the backlash against feminist rape law reform, a backlash promoted by those who claim that feminists have manufactured the rape pandemic<sup>2</sup> by their overbroad interpretation of what constitutes rape (Roiphe, 1993; Sommers, 1994; see Gavey, 1999, for an overview of this issue). Definitional issues within rape research have been an area of contention for some time as feminist scholars wrestle with the contradiction of the known experiences of rape victim-survivors and the legal limits of prosecution. For example, Mexican American women have reported in focus groups that they consider it rape when their husbands demand sex when the wife does not want to, even if she says nothing that overtly indicates her lack of willingness (Ramos, Koss, & Russo, 1999).

Despite relatively narrow legal definitions of rape, it continues to be prevalent both in the U.S. and worldwide

(Heise, Ellsberg, and Gottmoeller, 1999; Koss, Heise, & Russo, 1994; Rozee, 1993). Rape and other forms of violence against women have been declared by many to be the most pervasive yet least recognized human rights issues in the world today (Heise, Ellsberg, and Gottmoeller, 1999; Rozee, 2000a). Koss, Heise, and Russo (1994) estimated the lifetime prevalence of rape and attempted rape among college-aged women in industrialized nations to range between 21% and 27%. In non-industrial<sup>3</sup> nations, rape prevalence estimates are not systematically collected, but rape is thought to occur in 43% to 90% of nonindustrial societies (Broude & Green, 1976; Koss, Heise, & Russo, 1994; Levinson, 1989; Mintum, Grosse, & Haider, 1969; Rozee, 1993; Sanday, 1981). Factors that contribute to this range in incidence in non-industrial societies may be informative of conditions that are more or less likely to foster rape (see Sanday, 1981).

United States rape prevalence studies have been conducted continuously over the past two decades because both the public health and criminal justice fields are based on surveillance and monitoring of rates. There is a startling consistency in prevalence rates over this period of time. In 1982, Koss found a prevalence rate of 13% among a sample of college students (Koss & Oro, 1982). This study defined rape as oral, anal, or vaginal penetration against consent through the threat of force or bodily injury or after intentionally incapacitating the victim with alcohol. Koss and Oro (1982) were the first to use the term "hidden rape" to raise awareness that very few women reported to police or told anyone at all about the incident. The study also identified rape as primarily an acquaintance crime. A 1987 extension of their study using a national sample demonstrated a prevalence rate of 15% for rape recalled since age 14 years (Koss, Gidycz, & Wisniewski, 1987). Nearly a decade later, the National College Health Risk Behavior Survey found a prevalence of 20% for completed rapes among a national sample of college students recalling their entire lives, and 15% since age 15 (Brener, McMahon, Warren, & Douglas, 1999). Among community samples of adult women, the Rape in America Study in 1992 found a prevalence rate of 12% (National Victims Center, 1992). At the end of the decade, the National Violence Against Women Survey (Tjaden & Thoennes, 1998) found a prevalence rate of 15% for completed rape.

There seems to be cultural variation in rape prevalence, although research on violence against women of color is lacking, and women of color are underrepresented in prevalence studies. Most of the nationwide prevalence studies employ a telephone methodology that makes it unlikely to reach women at greatest vulnerability. The representative sampling schema results in too few women of color to support individual ethnic group comparisons. Existing data sources for prevalence estimates of rape by ethnicity are inconsistent, and it is unclear whether this is due to methodological differences in the studies, lack of disclosure due to mistrust of police or researchers, differences in defining rape, language barriers, influences of

differences in acculturation level, or actual cultural differences. Sorenson and Siegel (1992) found the lifetime prevalence of rape for White women was two and a half times higher than for Latinas (20% vs. 8%). Yet Tjaden and Thoennes (1998) reported a 14.5% prevalence rate for Hispanic women compared to 18.4% for all other women. Mills and Granoff (1992) found that 28% of the Asian American students in their sample had experienced rape or attempted rape. Prevalence rates for African American women were the same as for White women in one study (Wyatt, 1992) while other studies found lower rates for African American than for White women (Wingood & DiClemente, 1998). The National Violence Against Women Survey (Tjaden & Thoennes, 1998) found a prevalence rate of 18% for White women and 19% for African American women. However, African American women have been found to disclose rape incidents at a lower level than White women (Wyatt, 1992), and most studies use college samples that do not include a random sample of African American women. The scientific community must continue pressuring national agencies responsible for collecting crime statistics to oversample minority groups so that reliable projections of their rape risks can be ascertained. Further research is also needed on methodologies that are most successful in promoting disclosure of rape.

In over 20 years of prevalence studies, some spearheaded by feminist organizations and scholars, and supported by funds from the Violence Against Women Act, we have learned lessons about how to measure rape and appreciate that prevalence estimates are sensitive to how they are assessed (Koss, 1992). Whereas considerable measurement variability has been noted in earlier studies, recent ones that have adopted multiple, behaviorally specific questions, especially those asked within a context of questioning about women's health as opposed to violent crime, have generated estimates that point to a general consensus. Rape prevalence in general is about 15% of U.S. women. This prevalence figure has remained stable since the mid-1980's despite differing definitions of rape and modes of data collection, differing lower age limits of the studies (ranging from 12 to 18 years old), different sampling methods, and different contexts of questioning (Bachar & Koss, 2001). The puzzle is that this level of rape prevalence continues to exist despite the fact that feminist scholars and activists have focused energy on both psychosocial (educational) interventions designed to alter rape prevalence rates and sociocultural (legal) interventions designed to change institutions affecting the outcomes of rape. It is to these two areas of feminist intervention that we now turn our attention.

#### **PSYCHOSOCIAL INTERVENTIONS: RAPE PREVENTION EDUCATION**

A major contribution of feminist activists in the latter part of the 20th century was the founding of rape crisis centers to aid rape victim-survivors and the initiation of rape pre-

vention education programs intended to stop the flow of victim-survivors into rape crisis centers. The rape crisis movement has been a tremendous success, but their growth testifies to the large and continuing needs for their services to survivors.

Why then have these rape prevention efforts had so little effect on rape prevalence estimates that have hardly varied over a quarter of a century (for reviews of rape prevention programs see Bachar & Koss, 2001; Berkowitz, 1992; Breitenbecher, 2000; Lonsway, 1996)? As one researcher explained it, "rape prevention programming remains a confused, scattered, sporadic enterprise with little scientific underpinning" (McCall, 1993, p. 277, cited in Lonsway, 1996). Because most programs are not evaluated and results are often not published for those that are evaluated (Breitenbecher, 2000), we do not know how many programs exist, how they are designed and conducted, what are their theoretical perspectives, and to whom they are presented and by whom. What we do know is that very few programs include any kind of theoretical grounding or evaluative component (Bachar & Koss, 2001; Schewe & O'Donohue, 1996). A recent review of those program evaluations that have been published found that most programs were aimed at mixed-sex audiences with content related to challenging rape myths, decreasing rape-supportive attitudes and increasing knowledge about rape (Breitenbecher, 2000; Bachar & Koss, 2001). Virtually all programs dealt with rape attitudes, reported small but favorable attitude change that tended to decay or regress to pretest levels over relatively short periods of time, and had virtually no effect on subsequent reductions in actual rapes (Breitenbecher, 2000). One multivariate study found that various precautions had *no* preventive effects on the occurrence of subsequent crimes (Norris, Kaniasky, & Krzysztof, 1992). Other studies have found that rape prevention programs have had no effect on reducing the incidence of sexual victimization, rape, or attempted rape (Breitenbecher & Gidycz, 1998; Breitenbecher & Scarce, 1999).

Programs that focus only on teaching women precautions against strangers may be of questionable effectiveness since most women already have a long and sophisticated list of precautions that they take on a daily basis to minimize the risk of danger from strangers (Rozee, 1999, 2000b) and are already wary of male strangers (Stanko, 1998). A recent study of police publications on safety advice for women found that virtually all the ideas that were presented were for avoidance actions that women already take or facts with which they are already familiar, such as avoiding dark alleys, parking in well-lit public areas, and planning ahead if they are going out for the evening (Stanko, 1998). In addition, there was the unwritten assumption that these common methods of avoidance were things women were *not* doing currently. And, given that most rapes are committed by known assailants, one wonders about the effectiveness of such advice for overall rape prevention.

Some researchers have noted that rape prevention programs focused on women may actually reinforce attitudes that allow men to deny responsibility for rape (Berkowitz, 1992). Most programs focus on women's behavior and do not provide women with information on the behavior of men who rape, such as red-flag behaviors of aggressive men (Rozee, Bateman, & Gilmore, 1991), victim selection techniques (Stevens, 1994), how men who rape approach potential victims (Queen's Bench Foundation, 1976), rape tactics (Cleveland, Koss, & Lyons, 1999), and other behaviors that may alert women to impending danger. In addition, most prevention programs targeting women devote little or no time to actual resistance strategies when confronted with an assailant despite overwhelming evidence of the greater effectiveness of certain resistance strategies over others in avoiding rape (Bachar & Koss, 2001; Ullman, 1997). When included, resistance advice is often inaccurate and based on myths rather than on empirical evidence documenting the effectiveness of verbal and physical resistance in preventing rape (Rozee, 2000a). For example, women have often been advised to assess the "type" of rapist (e.g., sadistic rapist) before resisting, despite evidence that the type of rapist is irrelevant to the effectiveness of various forms of resistance and actually may put the woman in more danger by delaying her immediate response (Ullman & Knight, 1995).

Given the limited success of traditional rape education programs, it may be time for feminist educators to begin to look at new ways of thinking about rape prevention and education. Since the primary risk factor in rape victimization is gender, gender issues must be considered when planning rape prevention education. Violence is gendered and so must be the solutions to violence. In order to prevent rape we suggest a two-pronged gendered approach involving resistance training for women and prevention training for men.

### Alternative Approaches to Rape Prevention Education

At this juncture it is important for feminist activists to focus more energy and resources on prevention by promoting psychological, verbal, and physical resistance in dangerous situations when they arise.

#### *Resistance Training for Women*

The appeal of resistance is that it focuses on women's agency instead of victimization. However, one of the challenges to feminists is that agentic behavior in the realm of physical resistance may be at odds with traditional gender role expectations for women. The cultural context of women's resistance dictates that it is okay for a woman to avoid rape by staying home but not if it requires becoming physically stronger; it is okay to avoid rape by being accompanied by a man at all times but not if it means confronting men who invade one's personal space (Karol Dean, personal communication, April, 2001). In the U.S., gender norms for women associate femininity with vulner-

ability, physical weakness, and fear of injury (Guthrie, 1995). Women have been encouraged to focus on physical beauty, not physical strength. Even where physical strength is part of the result, as in weight training, most women want to avoid "getting big muscles" (Rozee, 2000b). Using one's strength to physically fight off a man is not part of most women's expectations even though there is evidence that women can be aggressive under certain circumstances (see White & Kowalski, 1994, for an overview). One author cites a judge's observation that women have a conspicuous lack of training or means of developing the self-defense skills necessary to repel a male assailant (Mantese, Mantese, Mantese, Mantese, Mantese, & Essique, 1991). The news media simply do not provide success stories for women to emulate (McCaughy, 1998) because most news stories are about completed rapes rather than foiled attempted rapes, by a ratio of 13:1 (Riger & Gordon, 1989). Very little information is available on attempted rapes (which represent successful rape avoidance), and they are rarely reported because they are considered "no news" just like close calls on the road where an accident was avoided. Because of the view of women's chances against a rapist that these news reports instill, it is not uncommon for families, friends, or male partners to undermine women's confidence in their ability to defend themselves (Madden & Sokol, 1997). In fact one of the primary predictors of women's fear of rape is danger warnings by others (Rozee, Wynne, Foster-Ogle, Compuesto, & Hsiao, 1996).

Women who have never experienced contact sports may have missed an opportunity to test their physical capacity to withstand injury (Bart & O'Brien, 1985) and repel attacks by those with greater size and strength (Norris, Nurius & Dimeff, 1996). They do not develop a belief in their bodies as physically powerful instruments of action, thus they may be more timid about physical tasks and hesitant to use their full physical strength (McCaughy, 1998). Although girls today are growing up with more experience competing physically with men in athletics, this experience has not yet translated to fewer feelings of vulnerability or fear of rape. However, recent representations in the popular media are encouraging in this regard. Depictions of women using martial arts to defend themselves are becoming more evident in films such as *Charlie's Angels*, *Tomb Raider*, and *Crouching Tiger, Hidden Dragon*. Such films promote a message of socially acceptable physical resistance. They also demonstrate that self-defense is a matter of technique, not physical size and strength. It takes a while for such depictions to be reflected in young women's behavior, but these films and others like them may contribute to a foundation for rape resistance programs that enable women and girls to respond to physical threats with physical resistance.

Although some proportion of rapes are unavoidable, we argue that women could better confront potential rapists if they received coaching on overcoming psychological barriers to resistance, diagnosing as early as possible that they

are facing imminent rape, and given a predictable hierarchy through which to progress from verbal to physical resistance.

Overcoming women's psychological barriers to resisting may be the biggest challenge facing feminist educators. The psychological barriers to rape resistance include socialization to "be nice" and put others' needs before our own; fear of hurting another; fear of rejection; fear of angering the man and thus being physically injured if he resists; worry about being embarrassed or offending the man by drawing the attention of others; fear of men's greater size and underestimation of their own physical capacities and responses (Norris, Nurius & Dimeff, 1996). Many women fear they will freeze if confronted with an attacker (Norris, Nurius & Dimeff, 1996; Rozee, 2000a) despite evidence that few actually do (Riger & Gordon, 1989). All these factors are situated in a context of women's socialized lack of feelings of ownership and entitlement to control their own bodies, ambivalence about their own sexual desires, and a need to maintain relationships with men (Cheryl Travis, personal communication, March, 2001). Changing the disempowering effects of these factors in the likely social context of an insistent and culturally tolerated male sexuality is a much greater challenge.

There is some indication that dangerous men may exhibit certain behaviors that women can learn to recognize as possible pre-rape behaviors. A summary of these early warning signs can be drawn from Malamuth, Linz, Heavey, Barnes, and Acker (1995) and Rozee, Bateman, and Gilmore, (1991):

1. Sexual entitlement: touching women with no regard for their wishes, sexualizing relationships that are not sexual, inappropriately intimate conversation, sexual jokes at inappropriate times or places, or commenting on women's bodies, preference for impersonal as opposed to emotionally bonded relationship context for sexuality, and endorsement of the sexual double standard.
2. Power and control: high in dominance and low in nurturance, interrupting women, being a poor loser, overcompetitiveness, using intimidating body language, rigid traditional notions of gender roles, and game playing.
3. Hostility and anger: quick temper, blaming others when things go wrong, and transforming other emotions into anger.
4. Acceptance of interpersonal violence: using threats in displays of anger, using violence in borderline situations, and approving of and justifying violence.

Although they do not guarantee that a man is dangerous, these signs, especially when in combination, may be early danger signals and precautions should be taken. However, an attempted rape can occur even if these signs are absent. Thus, women must consider methods of rape resistance before a dangerous situation arises.

We argue that combating emotional and cognitive reasons for not resisting needs to be the first step in rape education for women. Resistance begins by diagnosing a potentially dangerous situation. Most rape victim-survivors already actively communicate their nonconsent (Koss, 1988). But we have noted from reading literally hundreds of rape narratives that there is often a long period of uncertainty described where the woman felt shocked by the man's behavior and unsure of what was transpiring. We believe that women's ability to use overt physical resistance might be facilitated by anticipatory coaching that prepares them with an algorithm for determining as early as possible that they are in a rape situation and rehearses a principled escalation in their physical responses.

#### *AAA: Assess, Acknowledge, and Act*

Nurius and Norris (1996) provide a conceptual model using cognitive appraisal factors in defining women's ability to resist sexual coercion. In their model, women must go through two phases of appraisal of the possible rape situation. First, whether the situation is positive, neutral, or poses a threat, and second, what are her resources, options, and outcomes? Our tentative conceptualization of an algorithm would consist of an AAA strategy (*assess, acknowledge, and act*). In the *assess* stage, corresponding to the first cognitive stage outlined by Nurius and Norris (1996), once she has communicated "no" firmly and the man chooses to ignore her communication by continuing to touch, bully, or threaten, she assesses the situation as potentially dangerous. Situation characteristics such as degree of isolation, potential for escape, and so on are also considered now. It is time to *acknowledge* that this is a potential rape situation and to so label it. Reluctance to label the situation as rape slows her self-protective response. Helping women to acknowledge rape may require more knowledge about male sexuality, scripts, and seduction tactics, in order to raise awareness that holding her down or otherwise restraining her are illegal acts. This requires confronting the myths that dates will respect your wishes and have your best interests at heart.

The next stage corresponds to the second step of Nurius and Norris's (1996) model, cognitive appraisal of options and outcomes. Once the man's behavior is *acknowledged* as a potential rape, the decision to *act* on rape resistance strategies is clear to most women. These strategies would increase in forcefulness depending on their success and the man's response. The first and most effective strategy is to leave the scene by whatever means necessary. Failing that, forceful verbal strategies such as yelling for help and calling the attention of others are initiated. Failing these, immediate physical resistance in the form of pushing, punching, biting, and kicking is implemented. Self-defense experts could improve this segment of the strategy by devising modules designed to teach effective ways to deal with a man who has laid his body weight on a woman, or is holding her arms down by her

side or over her head. In date rapes, these are some of the most common rapist force strategies. Sadly, many men who rape believe that unless the woman puts up clear and strong physical resistance she is consenting. They often say that their behavior couldn't have been rape because you couldn't rape a woman that easily. The survivors' perspective was that they had resisted physically, suggesting different standards in what men and women rate as a forceful response. We are not advocating a "just say no" approach here—according to Koss (1988), 70% of date rape victim-survivors in their sample said "no" and physically resisted, but were raped anyway. The AAA algorithm is a way for women to have a well-rehearsed and realistic plan for using physical force when necessary to escape dangerous situations without spending time anticipating and fearing them.

#### *Advantages of Rape Resistance*

Algorithms such as assess, acknowledge, and act (AAA), will require confronting societal ambivalence about women resisting rape (Gavey, 1999; McCaughey, 1998). On the one hand, there is the strong cultural message that rape resistance is both futile and dangerous (Rozee, 2000a), and women have been conditioned to believe it (Ryckman, Kaczor & Thornton, 1992). On the other hand, women who do not resist are more likely to be raped (Furby & Fischhoff, 1986; Kleck & Sayles, 1990; Koss & Mukai, 1993; Ullman, 1997, 1998; Ullman & Knight, 1991, 1992, 1993, 1995; Ullman & Siegel, 1993; Zoucha-Jensen & Coyne, 1993); more often blamed for the rape (Ong & Ward, 1999); and are likely to suffer the associated deleterious physical and psychological aftereffects (Koss & Heslet, 1992; Koss, Koss, & Woodruff, 1991; Mantese et al., 1991; Wyatt, 1992). In addition, if the victim-survivor wants to prosecute the man who raped her, she will encounter negative reactions from juries, because the absence of verbal or physical resistance increases judgments of victim-survivor consent (Warner & Hewitt, 1993). The more the victim-survivor resisted, the more certain are the observers that a rape occurred (Krulowitz & Nash, 1979). Although the law does not require resistance, juries still rely on it to decide conflicting claims about consent. Immediate physical or forceful verbal resistance is more likely to successfully prevent rape and, in the case of completed rape, convince the jury that the victim-survivor did all she could to avoid being raped (Kopper, 1996).

The evidence is consistent: resistance may prevent rape and resistance poses no increased risk of injury (see reviews by Furby & Fischhoff, 1986, and Ullman, 1997). For example, Sarah Ullman found that more forceful victim resistance (verbal and physical) was related to less severe sexual abuse even when partialing out level of situational danger and offender aggression (Ullman & Knight, 1991). In addition, these researchers found that victim resistance was *not* related to the level of physical injury.

When sequence of events is considered, it is found that women resist more when they are being hurt rather than the reverse (Ullman, 1997). Despite the empirical evidence to the contrary, there is still the belief among police, the public, and even some rape crisis workers that if you fight back you will be more severely injured (Rozee, 2000a). Furby, Fischhoff, and Morgan (1989) report that survey respondents believe that injury is the most likely outcome of self-defense against rape. Self-defense experts know that dealing with the misinformation and myths about fighting back are necessary before women can embrace the will to fight (McCaughey, 1998; Rozee, 2000a).

Other possible advantages to rape resistance for the victim-survivor include a more positive attitude toward herself when she resists (Furby & Fischhoff, 1986). There has been some suggestion that resistance may facilitate faster psychological recovery whether or not she was raped (Bart & O'Brien, 1985). Even if the rape occurs, and not all rapes are avoidable, women who resist may blame themselves less for what happened, leading them to experience fewer maladaptive changes in core beliefs and less symptomatology, both physical and psychological.

Wade (1997) argues that resistance to violence is both a symptom of health and health inducing. Self-defense mastery has a strong empowerment effect on women including enhanced perceived control and coping, decreased perceived vulnerability to assault, reductions in negative thinking and anxiety about safety, decreased avoidance behavior, and most potent of all, increased freedom of action (Ozer & Bandura, 1990). McCaughey (1998) suggests that self-defense training gives women a sense of agency about their bodies. McCaughey (1998) expresses the importance of this transition:

Feminine hesitance and perceptions of women's physical incompetence relative to men are part and parcel of rape culture because they help men win verbal and physical fights with women, and because they help rationalize those attacks (p. 281).

Consciousness of one's own ability to resist leads women to feel stronger, more insightful, and more capable of responding effectively to future danger (Wade, 1997).

Many of the ways that women have spontaneously resisted rape have been either ignored or recast as pathology (Wade, 1997) or criminal behavior. Joan Little was charged with murder for killing the male guard who raped her while she was in prison on a burglary charge. Although she was eventually acquitted of the charges, her defensive behavior was seen as further evidence of her criminality rather than as survival-oriented resistance (West, 1999). Women's desire to stay in relationships but stop the violence of abusive husbands or boyfriends is often portrayed as pathological and self-defeating. Such a view ignores the daily forms of resistance common to women surviving in violent relationships. As Traci West (1999) explains it: "It

is critical to define resistance in a manner that does not stigmatize victim-survivors by setting up certain women as failures and others as heroic" (p. 161). It is important to support the decision of the woman to resist physically or not and to honor her right and ability to make the decision. As effective as women's resistance is in avoiding rape, real prevention is ultimately the responsibility of men.

### *Men and Rape Responsibility*

Rape prevention education efforts focused on women tend to ignore what Stanko (1998) calls "the problem of men" (p. 65). After a quarter of a century of work, researchers have a fairly clear picture of the characteristics of male aggressors (Berkowitz, 1992). We have an obligation to utilize knowledge regarding perpetrator behavior for prevention programs aimed at men. Mixed-sex rape prevention groups are simply not as successful as single-sex groups because some men may get defensive during the educational program and gender polarization results (Bachar & Koss, 2001; Foubert & Marriott, 1996). As Berkowitz (1992) points out, the use of mixed-sex groups may actually reinforce gender differences and promote an adversarial view of gender relations that is actually associated with proclivity to rape. And use of confrontational formats or empathy induction where audiotapes of rape scenarios are played may actually decrease the likelihood of success and result in backlash effects. We concur with those authors who suggest single-sex (all male) rape prevention groups because this is the only way to address the base cause of rape, men's behavioral choices, in a safe environment conducive to reflection on such choices (Berkowitz, 1992; Lonsway, 1996; Schewe & O'Donohue, 1996).

The few evaluation studies of men-only rape prevention programs show mixed results in demonstrating development of men's empathy for rape victim-survivors. Bachar and Koss (2001) note that in their review of evaluation studies only 4 of 15 targeted males (Berg, Lonsway, & Fitzgerald, 1999; Foubert & McEwen, 1998; Heppner, Neville, Smith, Kivlighan, & Gershuny, 1999; Schewe & O'Donohue, 1996). The programs were primarily focused on reducing rape supportive attitudes and behaviors, and developing victim empathy. One study that put men in the helper role with sexual assault survivors reported that 65% of men reported they were less likely to be sexually coercive after the program (Foubert & Marriott, 1996) while another by the same researcher found no change in fraternity men's sexually coercive behavior but a decline in the stated likelihood of committing rape (Foubert, 2000). The fact that some studies found only limited support for developing empathy or victim-supportive attitudes (Berg, Lonsway, & Fitzgerald, 1999) testifies to the need to focus on the man and his attitudes rather than on identification with the victim-survivor.

Men-only programs must be developed based on known male cognitive, emotional, and behavioral indica-

tors for risk of rape behavior: power motivation and power-sex association (Zurbriggen, 2000); masculine ideology (Dobash & Dobash, 1998; Luddy & Thompson, 1997); hostility toward women (Malamuth, Sockloskie, Koss, & Tanaka, 1991); conversational domineeringness (Malamuth & Thornhill, 1994); preference for impersonal sex and high dominance (Malamuth et al., 1995); adversarial and impersonal sexual beliefs (Burt, 1980; Malamuth, 1998; West & Rose, 2000); calloused sexual beliefs (Bernat, Wilson, & Calhoun, 1999); beliefs that female resistance is merely token, and she will eventually consent (Sigler & Curry, 1995); personal responsibility (Lonsway, Klaw, Berg, Waldo, Kothari, Mazurek, & Hegeman, 1998; Winter & Barenbaum, 1985); emulating pornography (Scott, 2000), and so on. Lonsway (1996) suggests that conducting workshops in an all-male environment may be more comfortable for men and lead to more openness and honesty in expressing their beliefs and actions around sexual aggression.

Men's rape attitudes have been demonstrated to contribute to the prediction of male aggression (Malamuth, 1983), but women's attitudes do not discriminate between rape victims and nonvictims (Koss & Dinero, 1989). This evidence suggests that focusing on changing male attitudes and behaviors will have a far more direct effect on the incidence and prevalence of rape than will interventions aimed at female attitudes and behavior.

Such programs will benefit from efforts to provide educational materials in a culturally relevant manner to improve engagement in the intervention, particularly for men of color (Heppner et al., 1999). Racial and ethnic identity of the rape educator may also influence outcomes (Lonsway, 1996). West and Rose (2000) also emphasize the need to be cognizant of social class issues. In all cases the challenge is to "identify and communicate the payoff for men in eliminating sexual violence" (Lonsway, 1996, p. 257).

### *"Miscommunication" and "Token Resistance"*

Acquaintance/date rape prevention education for men must also challenge the "miscommunication hypothesis" as a causal factor in rape (McCaw & Senn, 1998) because "the link between such misunderstandings and acquaintance rape is assumed rather than investigated" (p. 610). Although there are certainly instances where some miscommunication enters into male-female social encounters, as a general rule, researchers found startling consistency in the cues that men and women used and interpreted as consent. It is difficult to believe that the woman miscommunicated consent when, as mentioned earlier, 70% of date rape victim-survivors fought back physically with their attacker (Koss, 1988). Furthermore, consensual sex play did not precede rape attempts in a majority of cases (Kanin & Parcell, 1977; Koss, 1988; Sorenson, Stein, Siegel, Golding, & Burnham, 1987). Bondurant and Donat (1999) dispute the miscommunication hypothesis by pointing out

that in their studies men who self-report engaging in sexually aggressive behavior are significantly more likely to “misperceive” than other men or women. In addition, Abbey, McAuslan, Zawacki, and Buck (in press) and Abbey, McAuslan, and Ross (1998) report that the more frequently college men misperceived women’s sexual intentions the more frequently they committed sexual assault.

Related to the misperception hypothesis, and perhaps part of it, is men’s belief that women use “token resistance” and that “no” really means “yes” or “maybe.” Early studies reported the use of token resistance by some women due to the sexual double standard that women are supposed to be (or at least act) chaste (Muehlenhard & Hollabaugh, 1988). Later studies, however, confirm that both men and women use token resistance, and in fact, at least two studies have found that men actually practice token resistance more than women do (O’Sullivan & Allgeier, 1994; Sprecher, Hatfield, Cortese, & Potapova, 1994). But the studies also confirm that the overwhelming majority of women and men who say “no” actually mean no (Koss, 1988; Muehlenhard & Rodgers, 1998). In addition, actual resistance tends to occur early in the dating process while token resistance is more likely to occur after a significant number of dates (more than 11) according to Shotland and Hunter (1995). Similar to the findings from the miscommunication hypothesis, men who score higher in rape myth beliefs were more likely to interpret a woman’s behavior as token resistance than were men lower in rape myth beliefs (Garcia, 1998). Men who rape the women they date tend not to see forced sex as really all that wrong, despite what the law explicitly says. Koss (1988) points out that 84% of men who admitted to behavior that met the legal definition of rape, said that what they did was *definitely* not rape.

#### AAA: Ask, Acknowledge, Act

One method for educating men to avoid initiating rape behaviors may be the use of an algorithm similar to that which we proposed for women, the AAA method. The AAA algorithm for men might be *ask, acknowledge, act*. One of the authors, in working with fraternities and sports teams tells the men that there is one way to be sure if the woman wants sex or not and that is to ask (M. Koss, personal communication, March, 2000), or in our terminology “ask before you act.” A man can *ask* himself first, if the woman is capable of saying no (or yes). Is she under the age of consent? Is she too much under the influence of drugs or alcohol, unconscious, or mentally impaired to give consent? Are you with a friend, coworker, or classmate who lacks a romantic relationship with you, even casually, to give you the impression that sexual advances would be welcome? If the answer is yes to any of these questions, then *acknowledge* that asking for sex is inappropriate, and *act*, to stop initiating sexual behavior.

If the answer is no to these questions, then *ask* her if she wants to have sexual relations. If she says no, *acknowledge* her response, respect her wishes, and *act* accordingly

—STOP. Of course if she says yes, she wants to have sexual relations with him, then he can proceed with a clear conscience. Practice safe sex and *both* of the participants are free to enjoy their consenting relations. Rus Funk (1993) expresses the same sentiment as “ask before you touch” (p. 102). He points to this as one sure way to decrease the incidence of rape and increase the pleasure of sex.

Many male activists have suggested varied roles for men in helping to prevent rape, ranging from just “don’t do it” (Funk, 1993) to working as self-defense instructors (or targets) for women, to ministering to the abuser (Cedar, 1999), to organizing other men to fight against rape and participate in Men Against Rape organizations (Funk, 1993; Wadham, 1999). Rus Funk (1993) in his groundbreaking book by, for and about men and rape prevention, *Stopping Rape: A Challenge for Men*, says it best: “The only way for rape to end is for us men to act in our full power in ways that interrupt the current system. It is up to men to stop rape” (p. 96). He suggests that men work to confront rape-supportive attitudes in themselves and other men, support feminists who are confronting rape, and support rape victim-survivors of men’s violence.

Concurrent with feminist efforts to effect change through psychosocial and educational processes has been an assault on the legal system and centuries-old interpretations of rape law that no longer serve victim-survivors. It is to these feminist sociocultural interventions that we now turn.

### SOCIOCULTURAL INTERVENTIONS: THE LEGAL SYSTEM

Feminist scholars and activists have influenced both legal and social definitions of rape in the United States in the last century. Throughout most of the 20th century rape law was governed by the 17th century legacy of Sir Matthew Hale: “Rape is an accusation easy to be made, hard to be proved, but harder to be defended by the party accused . . .” (Sanday, 1996, p. 58). This statement was read to juries verbatim in rape trials across the country until the 1970s. Hale also declared that “a husband cannot be guilty of a rape committed by himself upon his lawful wife, for by their mutual matrimonial consent and contract the wife hath given up herself in this kind unto her husband, which she cannot retract” (Sanday, 1996, p. 61). We bore the legacy of this viewpoint until well into the 1990s.

In the last four decades of the 20th century feminist legal scholars successfully challenged both the spousal rape exemption and the reading of the “false accuser” warning in jury instructions. They have also been successful in broadening the definition of rape to go beyond simple penile penetration to include penetration with objects, oral, and anal penetration. There have also been changes to the way that consent is assessed, removing the requirement of resistance or physical injury to prove nonconsent. And, although rape laws always applied to acquaintances

(though not to spouses) the public now recognizes that dates, acquaintances, friends, or family members may also rape (Estrich, 1987).

However, when it comes to applying rape law, social definitions of "real rape" contribute to rape myths and jury ambivalence about consent (Estrich, 1987). Feminist scholars have critiqued the outcomes of date and acquaintance rape cases in today's legal system where the victim-survivor who decided to press charges found herself on trial. Juries are reluctant to convict if a woman goes to the assailant's home, invites him into her home, uses drugs or alcohol, or in other ways appears to "bring it upon herself" through her behavior or character, since these issues are frequently used in court to indicate victim-survivor consent (Roze, 1993). A major feminist contribution uncovered date and acquaintance rape as "hidden crimes" (Koss, 1988), and although they are not so hidden today as in the past, functionally date and acquaintance rape are not considered "real rape" (Estrich, 1987) by juries.

Women seem to understand that the credibility of rape survivors is examined more closely than other crime victims. Just 16% of rapes are reported to the police according to the Rape in America Study (Kilpatrick, Edmunds, & Seymour, 1992). Official justice department estimates put the reporting rate at 36% (Bureau of Justice Statistics, 1997). Surveys of U.S. rape crisis centers revealed 17 states where adult rape complainants, unlike adult victims of other crimes, are required to take a polygraph exam before their charges are accepted (Sloan, 1995). Many survivors faced with these unsupportive early warning signs withdrew their charges, and police listed their cases as false rape allegations or "recantations" (Kanin, 1994). And, although police training has improved, case processing is still influenced by officers' private stereotypes (Campbell & Johnson, 1997).

### Obstacles to Prosecution

Feminist legal scholars argue that raising the social costs to perpetrators is integral to the prevention of future rapes. Conviction and punishment for rape is so rare that criminal justice does little to deter it. Rape victim-survivors rarely report because the legal and civil redress for rape frequently fails to protect them from further trauma and does not lead to appropriate retribution against perpetrators (Mantese et al., 1991). According to a national survey, the Rape in America study, only 16% of rapes are reported to law enforcement (Kilpatrick, Edmunds, & Seymour, 1992). Underreporting has been found across multiple jurisdictions to be generally unresponsive to rape law reform. Once reported, very few reported rapes reach the point of trial (Gunn & Minch, 1992). For example, in Philadelphia of 1,198 reported rapes only 158 (7.5%) led to a verdict of guilty, a finding that is explained both by the high attrition of rape cases from the system prior to trial and by the outcomes of trials. Only a minority of consent-defense rape cases (where victim consent was claimed as

the defense) have been found to result in convictions (Frazier & Haney, 1996; Weninger, 1978). And, in Washington, DC, only 9% of defendants who were ex-spouses, boyfriends, or cohabiting partners of the victim-survivor were convicted (Williams, 1981). Juries are more lenient in simple rape cases (acts among acquaintances where force was limited to that necessary to complete intercourse without consent) than in any other crime against the person. In contrast, juries are the least lenient in cases of aggravated rape (acts where force was beyond what would be required to compel the victim to participate; Bryden & Lesnick, 1997).

Among reported rapes, approximately half or more, depending on jurisdiction, are rejected for charging by prosecutors (Frohmann, 1991, 1997, 1998; Frazier & Haney, 1996). Many studies have shown that rape attributions are affected by race, age, and occupation of perpetrator and victim-survivor, their relationship, the severity of the violence, and her risk-taking behavior, drug use, reputation or moral character (for meta-analysis see Whately, 1996). Although they may reject the appropriateness of these grounds, prosecutors feel they cannot go forward with an unconvincing victim-survivor. A victim-survivor's report may be discredited if her behavior conflicts with prosecutors' "knowledge" about the characteristics of rape and the behavior of victim-survivors (Frohmann, 1991, 1997, 1998). Prosecutors may also use victim-survivors' living circumstances, relationship with the suspect, and behavior to construct a hypothetical scenario in which the forced sex was consensual or to impute motives for false allegations such as to cover up infidelity, pregnancy, or sexual disease. If victim-survivors reside in racially mixed, working-class neighborhoods, prosecutors often conclude that misinterpretation by a White, middle-class jury will lead to a not guilty verdict (Frohmann, 1997). Both women of color and victim-survivors of acquaintance rape were less likely to have their cases pursued by criminal justice (Campbell, 1998; Razack, 1998). Additionally, women of color must contend with tension between their needs for justice and felt obligations to buffer racism in the criminal justice system. African American men constitute 35% of the rapists currently incarcerated and 48% of the total prisoners in the U.S. (Greenfield, Rand, Craven, Flaus, Perkins, Ringel, Warchol, Maston, & Fox, 1998).

### Civil Justice Remedies

Feminist legal scholars see civil justice remedies (known as *tort* procedures) for rape as alternatives to ineffective criminal justice proceedings. As opposed to criminal justice, which frames the offense as between the perpetrator and the state, civil remedies frame the harm as between the rapist, third parties on whose property the rape took place, and the survivor. Because an attorney retained by the survivor pursues civil justice, she is more in control of decision-making and better informed of case

progress. However, retention of a private attorney even on contingency may involve some out-of-pocket expenses limiting the availability of this recourse. And, tort procedures introduce additional anti-victim biases, such as comparative fault, unique to civil proceedings (Bublick, 1999).

Comparative fault is a doctrine that partially blames victim-survivors for the rape. Most states do not allow the rapist to use comparative fault defenses, but third parties have unlimited use of the defense of "victim fault." An example of comparative fault is the case of *Morris v. Yogi Bear's Jellystone Park Camp Resort* involving the gang rape of a 13-year-old by three 17-year-old youths with whom she was drinking on camp property. The three defendants were found 78% responsible, the park 10%, and the victim-survivor 12%. Another rape victim-survivor was seen as 30% negligent for being in streets that "were dangerous for a young lady at 3:00 A.M." (quoted in Bublick, 1999, p. 1460). A woman raped by a man with whom she had gone to a bar after they had just met was held 51% responsible.

Victim-survivor conduct that has been used in comparative fault trials include: going outside alone at night to hail a cab, walking to a car in a hotel parking lot, taking five steps inside the door before closing it, failing to double-check door or window locks, opening the door when someone knocks, inviting a salesman inside one's home, drinking alcohol with a man, especially if he is older, or streetwise, or someone you have just met (cases documented in Bublick, 1999). Bublick argues that women would have to give up rights guaranteed by the Constitution such as the freedom to travel and to associate in order to comply with these conceptions of the "reasonable woman" standard, and even then they would still live in constant fear of rape. Failure to comply with such standards minimizes in a court of law women's rights to care by a third party.

Feminist legal scholars have suggested other reforms in criminal justice by erecting additional bars to admission of testimony of victim behavior (Bryden & Lesnick, 1997) and reforms to civil justice by introducing a "no duty" rule—that women have no responsibility to conduct themselves in fear of intentional rape (Bublick, 1999). No duty rules insist that women should have the constitutionally guaranteed rights to freedom of movement, association, and expression in where they go, with whom, and how they dress, as men do (Bublick, 1999).

These proposed changes merit serious consideration by policymakers. However, as many feminist legal scholars have argued, while the changes in rape law have been substantial, none of them have had a measurable impact on the incidence or prevalence of rape, rate of reporting, charging, or conviction (Goldberg-Ambrose, 1992). We may have to reconsider our need to punish perpetrators using traditional criminal justice methods (e.g., imprisonment) if we are to be open to new ways of dealing with the problem of rape (Braithwaite & Daly, 1998).

## Community-Based Approaches to Justice

Community-based approaches to rape prevention and education have frequently aimed at system-level or organizational-level change. Community-focused efforts aimed at public safety have received a great deal of attention of late. Furthermore, the concept of community policing has offered the possibility of greater interaction and cooperation between police and citizens in a given community, participation in community meetings, and events and responsiveness to community needs (Miller, 1998). Feminist communities have frequently used grassroots organizing and public protests in order to fight rape and change the rules and policies of the criminal justice system that support it (Marsh, 1993). Aaronette White (1999) describes the power of collective protest against rape used by Black feminists to challenge rape-supportive attitudes about the Mike Tyson rape appeals. Community-based social change related to rape has generally involved public demonstrations to raise rape awareness, political lobbying for rape legislation, and community education programs (Campbell, Baker, & Mazurek, 1998). The most effective communities have organized coordinated victim-survivor service programs, interagency training programs, and community-level coordinated rape response task-forces (Campbell & Ahrens, 1998; see Campbell & Salem, 1999 for a comprehensive list of priorities generated by a national sample of community rape activists).

Many of the "new" community-based ways that have been proposed to address the problem of rape are actually very old ways derived from the practices of native peoples, Native Americans, Celtic peoples, Maoris, aboriginal Australians, and some Asian ethnic groups (Braithwaite & Daly, 1998; Coker, 1999). The possibilities of such methods for offering solutions to some of the most difficult areas of rape processing and adjudication are intriguing. We present one of these community-based approaches here, community conferencing (CC) originally from the New Zealand Maori, along with a contemporary example.

### *Community Conferencing*

Community conferencing (CC) originates in the New Zealand Maori culture and has been used for centuries to deal with sexual abuse and other violence. Braithwaite and Daly (1998) propose community conferencing as an alternative solution to three major failures in the traditional justice system. First, men are not made accountable for acts of rape due to lack of reporting by victim-survivors, unfounding (failure to file charges due to perceived lack of victim-survivor veracity or evidence) by police and prosecutors, plea-bargaining, and acquittals. Second, men who are arrested for rape have most likely gotten away with this behavior for some time and have an established pattern of behavior that is difficult to change through rehabilitation or prison. Third, women are revictimized by the criminal justice process.

The primary focus of conferencing, as in any form of restorative justice, is on redressing the harm to the victim-

survivor. A second focus is restoring the harm to the community. Only then are there offender-focused goals—rehabilitation and reintegration.

#### *A Case Study: University of Arizona Project*

A collaboration of law enforcement, prosecution, victim-survivor services, and the University of Arizona is developing an innovative application of the CC model to processing several categories of rapes and sexual assaults. The community justice option aims include to reduce the time between crime and consequence, treat victim-survivors nonadversarially, give them an avenue to face-to-face justice, and provide for their input into case resolution, to hold perpetrators accountable for their acts, and engage victim-survivor and perpetrator social networks to improve recovery and reduce recidivism.

The types of cases the program will address include first-time offenders; date and acquaintance rape where force was minimal, including alcohol-related rape but excluding drug-induced rape; sexual intercourse, otherwise consensual, with a woman 16–18 years of age by a man not more than 3 years older; and nonpenetration sexual offenses. In all cases the perpetrator must stipulate that the sexual act(s) occurred (this is not the equivalent of pleading guilty). Both victim-survivor and perpetrator must consent to participate as the program is voluntary, although realistically speaking, the victim-survivor may have no other avenues to judicial relief given the low chances of prosecution in such cases. The program has an investigatory, preparatory, conferencing, and accountability stage.

*Investigatory stage.* Victim-survivors report one of the eligible offenses to law enforcement, which investigates and collects forensic evidence following standard process. Following initial investigation, an arrest warrant or summons is issued or a physical arrest made. Law enforcement then presents their case to the County Attorney's Office, which determines eligibility and arranges to meet with the victim-survivor and the perpetrator (separately). The purpose of this meeting is (1) to inform both parties of the benefits/risks of the community justice model compared to standard prosecution and (2) to gain consent to participate.

*Preparatory stage.* Now the conference planning begins. A coordinator meets with the victim-survivor to determine who she would like to have present from her support network, assess her needs, and network with her advocates so that victim-survivor and perpetrator support resources are equalized. The coordinator works with her towards realistic reparation expectations. Likewise, the coordinator meets with the perpetrator to determine who he would like to be present from his support network, assess his needs, and to brief him on expected conduct. An optional meeting is offered to the families of the victim-survivor and the perpetrator. Finally, the coordinator

determines the date of the conference, arranges for a facilitator, and notifies attendees.

To prevent the commonly observed tendency of perpetrators and their families to “circle the wagons” and focus on victim blaming instead of perpetrator responsibility, several conditions have been put in place (Gelman, 1993; Rozee, 2000a). The program has one session devoted to preparing the perpetrator for what will be expected of him. This session follows one session with prosecutors that is designed to further help him understand what he has done and the need to make it right. Also, this is the role of male advocates who may attend on behalf of either victim or offender if requested. A male advocate can speak to the family in a male voice, but reaffirming the anti-violence message. Male advocates can also help “shape” perpetrators self-perceptions in their interactions.

*The conference stage.* The conference itself is held in a secure location where all parties must pass through weapons detection and where security is on call should problems arise that cannot be controlled. Attendees include the victim-survivor, her supporters and advocates, and the perpetrator and his family/friends. The facilitator is a specially trained human service provider with no prior involvement in the matter. Training includes communication skills, meeting facilitation skills, specialized legal and sexual assault knowledge including victim-survivor tendency to self-blame, and offender tendency to rationalize and manipulate. To protect the rights of the perpetrator, no written record is kept except of the conference agreement. No attorneys are present as the perpetrator is not vulnerable to limitations of his civil rights by conviction or incarceration. The conference agenda begins with the offender describing what he did. The victim-survivor then speaks about her experience, and family and friends on both sides express how the offense against her impacted on them. Following this phase, the perpetrator acknowledges and responds to what he hears. Then, the discussion turns to developing a reparation/rehabilitation plan. Options include but are not limited to formal apology; payment of direct expenses including lost time from work, medical, and counseling expenses; stay away agreements; voluntary attendance at treatment programs or individual counseling targeting alcohol/drug use, anger, violence, or sexual offense; and community service. Once a reparation/rehabilitation plan is agreed upon, a written document is developed with necessary documentation of fulfillment and specific time frames the offender must follow stipulated.

*The accountability stage.* A community justice board accomplishes accountability—the board consists of volunteer community members with specialized knowledge relevant to sexual assault who agree to attend monthly meetings. An administrator working to assist the board receives documentation of payment of money, attendance and participation in therapy or counseling, performance of

community service, or other activities specified by the plan. The administrator tracks adherence to the time frames specified in the agreement. Those perpetrators who are falling behind are summoned for a personal appearance before the board. After several warnings, those who continue to fail to adhere to their plan have their arrest warrant reactivated and are re-referred to the County Attorney for case determination. Perpetrators also appear personally at completion of the plan to present their public apology (if desired by the victim-survivor), and for a ceremonial closure of their case and reintegration into the community.

Expected outcomes for victim/survivors include empowerment—CC responds to her desire to retain choice; validation—diminished perpetrator need to deny his crime or shift responsibility to the victim-survivor; reparation—material resources may reduce her future vulnerability to revictimization, as well as reduced fear and an improved recovery environment. Expected outcomes for perpetrators are a speedy consequence of the type men fear most (social stigma) and provision of a needed vehicle to make amends for his acts. The process also offers an avenue for perpetrators to mutually agree to seek treatment options such as batterer/sex offender treatment, anger management, substance abuse counseling, or alcohol abuse treatment, rather than being ordered to attend. Unlike adversarial justice that is experienced as “White imposed”, CC allows for the airing of racial/economic oppression without framing these issues as exculpatory. Finally, community justice has a concrete, duty-paid endpoint at which time the perpetrator is discharged from his debt to the victim-survivor, the families and friends, and the community. He is reintegrated without carrying a lifetime stigma including a record of conviction of a sexual offense or the requirement for mandatory registration as a sex offender. However, should the perpetrator reoffend against the same or a different victim-survivor in the future, he forfeits the confidentiality of his conference agreement, which can be used as evidence of prior bad acts in any future adjudication. The expected gains that the CC model offers the community include reclaiming the traditional family and community role in solving problems, as well as a vehicle to teach citizens participatory decision-making process. The program can potentially repair relationships, strengthen community trust, and lower recidivism, making the community safer. Finally, there are likely gains for those providers who are part of the coordinated community response to sexual assault. Law enforcement could have less frustration over rapists who are not held accountable. Prosecutors would experience less pressure on the calendar and better community accountability. Victim-survivor service agencies could regain their primary role in advocating for community responses that serve victim-survivors. Volunteer advocates gain a forum to speak anti-rape messages. Public health practitioners gain a vehicle to better target prevention

messages to high-risk groups. And all provider groups would enjoy the extended social control resources that are gained by actively bringing the victim-survivor’s family and friends into her recovery team, and by orienting the perpetrator’s family and friends to supporting and maintaining nonsexually aggressive behavior.

## CONCLUSIONS

At the dawning of the 21st century, we are proposing new ways of looking at both rape prevention and education efforts in the Decade of Behavior. Feminist researchers, practitioners, and activists can contribute a unique perspective to the dialogue about solutions to the problem of violence against women. In particular, we contribute the oppositional view of an oppressed majority, the understanding that violence is a gendered phenomenon (O’Toole & Shiffman, 1997), and the belief that power is at the root of gender relations. We have provided a foundation for prevention and avoidance that is based in social and cognitive theory, relies on women’s strengths, and does not require women to change their social behavior to achieve effective self-protection. Most research on rape resistance is still focused on stranger rape although known perpetrators commit most rapes. Research is still needed on resistance to rape by intimates, especially dates and acquaintances. Very little is known about women’s resistance to marital rape. We need further program development, especially prevention programs that are theoretically grounded and are assessed in relation to the program goals. We need to encourage curricula on relationship violence, not just isolated programs, and we need to lobby for the adoption of these programs into public schools. We need basic questions answered, like how mixed-sex education compares to single-sex education and at different grade levels. How early does the phenomenon of backlash in male participants begin?

Partnering with community rape prevention initiatives may be an effective method for larger rape education efforts. Rape researchers can do much to communicate our findings about rape resistance and men’s prevention programs by creating more structured connections between researchers and community practitioners. It is crucial that academics bring new ideas to the table that are grounded in theory and empirical data. It is equally crucial to listen to the wisdom about program design and implementation contributed by rape activists in the community. We must simultaneously continue to work on improving laws, and changing institutions and cultural mores that exacerbate both the problem of rape and the damage to its victim-survivors. We need a research demonstration project on community-based justice as applied to violence against women, particularly rape. Everyone agrees that the criminal justice system is broken when it comes to processing acquaintance rape cases and other sexual offenses against women, but much of the anti-violence movement

has focused on incremental change in existing processing, not on thinking outside the box. Investigating the efficacy of community-based methods of legal resolution may be a fruitful new path.

Our goal is to make a start at rethinking the tremendous efforts of the past and offer some alternatives for the future of rape prevention and education in the Decade of Behavior. It is our belief that our vision for the future century cannot reside in past practices but must envision new methods of resistance.

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## NOTES

1. Following West (1999), we use the term victim-survivor to symbolize the dual status of women who have been both victimized and survived male violence.
2. These critics actually incorrectly use the words "rape epidemic." Epidemic is an increasing rate or condition whereas pandemic is a common, widespread condition.
3. We use the term nonindustrial rather than "pre-industrial" to acknowledge that not all societies aspire to industrialization and are therefore not necessarily in the process of industrialization, as implied by "pre."

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