

Surveying Sexual Assault: the Benefits, Problems and Pitfalls

Mark Cowling

There is widespread agreement that most instances of rape and sexual assault do not result in convictions in court. In England and Wales in 1999, for example, the police recorded 7,707 women as having been raped, resulting in 631 convictions or cautions (Home Office recorded crime statistics). It is also widely agreed that relatively few women report to the police. Thus Myhill and Allen (2001, p. vi) reporting on the British Crime Survey (BCS), concluded that since the age of 16 about one woman in ten had suffered some form of sexual assault and one in twenty had suffered rape. In 2000, they estimate, 61,000 women aged between 16 and 60 were raped, i. e. 12.6% of victims reported the incident to the police, although they estimate that the police got to hear of some 20% of incidents altogether thanks to other reporting routes (Myhill and Allen 2001, pp. 48-9). We are plainly looking at a massively underreported crime. *How* underreported, though? Other surveys estimate anything up to 270,000 incidents of rape and attempted rape each year in England and Wales (See Cowling, 1998, pp. 79-80). These variations in findings lead the authors of one study of US surveys to say: 'Estimates of the prevalence of forced sexual intercourse vary from less than 10 per cent of the adult female population to more than 60 per cent of the adult female population' (Johnson and Sigler, 1997, p. 3). Variations as extreme as this are in danger of discrediting the whole enterprise, and reinforce claims that the high figures in surveys are inflated (e. g. Gilbert, 1991, 1992, 1993, 1994; Roiphe, 1993, Fekete, 1994, Harry, 2002, Phillips, 2002).

A large number of surveys examining sexual assault have now been carried out (for a discussion see Cowling, 1998, Ch. 3). In what follows some of the major issues will be discussed: sampling; the questions asked; what happens if researchers and respondents disagree; the meaning of consent; the problem of human frailty and the possible role for qualitative research.

Johnson and Sigler (1997) cover the issue of sampling very well, and my intention here is simply to summarise their analysis and extend it slightly. The highest assault figures, they say, come from psychology students who opt into studies within courses which examine sexual

relations. Perhaps this is because such students have had unhappy experiences, perhaps they are sensitised by their academic work to notice lower levels of assault and coercion than are registered by other people. Next come student samples more generally and surveys of the general population. Assaults are concentrated in the student age group (below 19), and white middle class women either suffer or notice more assaults than average (pp. 40-41, on this see also Sorenson, 1987; Koss et al. 1991). A further comment is that surveys where a high proportion of the original sample drop out before interview, for example Russell's survey in San Francisco, may involve self selection with the probability that women who have suffered assaults will be more motivated to continue (for discussion see Cowling, 1998, pp. 51-2). The extension to Johnson and Sigler is that convenience samples based on women who took the time to respond to a 'Women's Safety Survey' (the basis of Hall, 1985) or who took the bother to respond to a similar survey in a newspaper (Bell, 1990) are much more likely to be women who had had bad experiences than confident women who had not. Such surveys were useful in showing that there was more sexual assault in London or Glasgow than might be imagined, but are of little value statistically (for fuller discussion see Cowling, 1998, pp. 71-5).

Turning to the issue of questions, the first problem is that rape laws vary over place and time. This has been a particularly difficult issue in the USA where states make their own rape laws, and laws have changed rapidly in recent years in response to feminist pressure. In particular spousal rape was generally not recognised in law thirty years ago, but generally is today; also some states have run rape and sexual assault laws together, classifying assault with objects and digital penetration as rape. If spousal rape and digital penetration are counted, the amount of rape will obviously go up. (In one survey Mary Koss counts digital penetration as rape - see Koss et. al. 1991, p. 89) Also, the public image of rape is only beginning to recognise spousal rape, and would not include digital penetration, which would be seen as an indecent assault. Classifying attempted digital penetration as attempted rape is particularly likely to raise the rate. In addition to this, of course, is the issue of whether oral and anal penetration count as rape. There is thus considerable statistical variation between the most inclusive and the most limited definitions.

The previous paragraph links to the main issue concerning questions: a survey question 'have you been raped?' for most women conjures the image of a stranger leaping out of the bushes with a knife, and thus rules out spousal and acquaintance rape. It is thus liable to produce an unjustifiably low result. In addition, of course, women may well be ignorant of the current state of the law. Surveys,

therefore, tend to ask questions which are meant to be equivalent to the legal definition of rape. A particularly controversial set of questions was used in the most extensive survey to date, the *MS Magazine* survey of students by Mary Koss. This survey of 6,159 students at thirty-two colleges across the USA tended to set the parameters for subsequent surveys. Three of the questions appear straightforward, for example: 'Have you had sexual intercourse with a man when you didn't want to because he used some degree of force such as twisting your arm or holding you down to make you co-operate?' (Koss in Warshaw 1988, p. 68). Even this straightforward question, however, is open to problems. Women who answered 'yes' to this question were completing a 'Sexual Experiences Survey', not answering police questions. A woman who did not initially want to have sex with her boyfriend because she was not sure if he was really enthusiastic or not but became persuaded when he held her down briefly, and felt confident that if she had resisted he would have desisted might well answer 'yes' to this question. The same might be true of a woman in a mutually violent relationship, assuming that such relationships exist (see, for example, Gray and Foshee, 1997). In addition, it is unwise to move directly from 'had sex when you did not want to' to rape, because there is a widely recognised phenomenon of altruistic sex in which people have sex in order to keep their partner happy and to maintain the relationship, and which should certainly not be classified as rape (See Shotland and Goodstein, 1992; note Koss's change of formula to: 'Has a man made you have sex by...', - Koss et. al. 1991, p. 89).

The most fraught and controversial questions concerned drink and drugs: 'Have you had a man attempt sexual intercourse (get on top of you, insert his penis) when you didn't want to by giving you alcohol or drugs, but intercourse did not occur? Have you had sexual intercourse when you didn't want to because a man gave you alcohol or drugs?' As Gilbert points out, women who gave positive responses to these questions accounted for 44% of those identified by Koss as victims of rape or attempted rape (Gilbert, 1992). Koss's questions would get positive responses from women subjected to sex after being given spiked punch described as 'non-alcoholic' and thus rendered senseless, who definitely fit the legal definition of rape because unable to give their consent. However, women involved in social drinking who then had sex but regretted it the next day, or who, out of a sense of obligation, had sex at the end of an expensive evening out which included being bought drink would also give 'yes' answers to Koss's second question about drink. It might be better if such conduct did not occur, but it does not fit the normal definition of rape. And in the case of attempted rape when the woman is drunk, how much of an

attempt does there have to be to constitute rape? What about a gentle attempt to get on top at the end of an evening of mutually-purchased drink, which ended when the woman asked him to stop? This might be enough for a 'yes' answer to a questionnaire.

This links to the issue of feminist research. One basic approach is the idea of letting women speak for themselves, not imposing categories on them. About a quarter of the women who Koss identified as raped said in the questionnaire that they did not feel victimised. Gilbert points out that Koss gives several different versions of her finding that many of the 'victims' of rape or attempted rape did not identify their experiences in the same way as she does, and that she particularly plays down the explanation of 'miscommunication' used by 49% of the 'victims' identified by her student survey (Gilbert 1993, 1994; Koss and Cook, 1993, p. 107; cf. discussion of Russell's survey in Johnson and Sigler, 1997, p. 45). Again remembering that these women were completing a 'Sexual Experiences Survey', not filing a police report, their view that they had not suffered rape or attempted rape should be taken seriously. On the other hand, a woman who describes being forced by her husband to have sex at knifepoint but who says she has not been raped because she believes the law does not recognise spousal rape is hardly being disrespected by a researcher who categorises her experience as rape. To get further we need more detail about what is alleged to have happened. After discussing a variety of scenarios in which unwanted sex might take place, Anderson and Struckman-Johnson say that researchers should be interested in: 'sexual aggression' and 'sexual coercion', achieving unwanted sexual contact through

pressure tactics [which] would include a wide variety of actions such as persistent sexual stimulation, persistent arguments, and deception, emotional manipulation, threats of self harm, blackmail, and inappropriate use of one's authority...[and]..Forced tactics would include physical restraint, intimidation and physical size or power, threats of physical harm, actual physical harm, and the use of a weapon to threaten or harm (1998, pp. 226-7).

Further, recognising that the context of a possible assault is very important they argue that researchers should collect: the specific behaviour that was used to accomplish sexual contact; the sexual outcome, for example touching or intercourse; evidence for the receiver's lack of consent; the context of the situation, for example relationship of the couple, events leading up to the incident (1998, p.

228). Exactly where the behaviour thus collected would be classified as rape or attempted rape is plainly a matter of argument, and the two categories are liable to have some grey edges. Set alongside this Mary Koss's questions from over a decade ago can be seen as an early pioneering effort.

A further worry arises when questions such as Koss's are administered to men. It emerges that they suffer unwanted heterosexual intercourse at a higher rate than women (Struckman-Johnson, 1988; Muehlenhard and Cook, 1988). Whilst this probably does not point to a traumatised generation of young men, it does perhaps raise the question as to whether all the answers from women that researchers interpret as meaning they have suffered rape are to be taken at face value.

Let us move on to the issue of consent. Rape is sex without consent (for arguments on this see Cowling, 2001), so the identification of consent or lack of it is central to surveys of sexual assault. One of the most striking features of the body of empirical research in this area is the very large number of articles offering findings about the scale of sexual assault compared to the limited research into consent and how it is established. Although there is no great problem about non-consent in violent stranger rape, and most people would also have no difficulty in recognising wholehearted consent, beyond this sexual consent is quite complex. One very common female pattern of consenting behaviour, as it appears in the limited research available, involves issuing ambiguous invitations and responding warmly to (mainly physical) male advances. The woman never consents as a single act; instead she fails to discourage increasingly adventurous male advances. Perhaps people do not usually think about consent when all is going well, perhaps they merely identify a series of enjoyable activities. This introduces a whole series of possible problems in identifying (non-)consent:

- Sufficiently coercive background conditions negative consent - for example, perhaps, the threat of being left to walk home from somewhere remote in the countryside. What counts as coercive will vary from one woman to another (is she physically strong? Will losing this job be a disaster?). Also, perceptions of threat are not necessarily accurate (he thinks he is caressing her neck, she thinks he's threatening to strangle her).
- Consent, or part-consent, is often symbolic or metaphorical (come up for coffee; let's get more comfortable; let's go to bed).
- Consent may involve linguistic or quasi-linguistic conventions (e. g. shaking your head means 'yes' in much of India).

- Consent is probably strictly speaking a performative utterance in which saying consenting words or doing consenting acts is in itself the act of consenting; but it should, of course, be matched by a consenting frame of mind. As the previous two points make clear, someone may accidentally or deliberately perform consenting acts without the appropriate mental state, and this is liable to lead to confusing questionnaire results.
- Conventions may be specific to two people or to a restricted group of people (for readers of *Private Eye* for some years 'discussing Uganda' meant having sex).
- Consent can legitimately involve doing nothing - making no attempt to move his hand when it wanders to her breast etc.
- People often undertake sex after consuming drink and/or drugs, and may thus become less good at giving and receiving signals of consent and non-consent.

This ambiguity led to the rather artificial Antioch Code, which demands specific verbal consent to each stage of sexual escalation, and to various proposals for tightening up the way consent is treated in the law (see Antioch 2002). More recent research suggests that sexual consent is given in a lot of different ways and is very context specific (e. g. Hickman and Muehlenhard, 1999).

The complexities of consent take us naturally to the issue of human frailty in answering questionnaire items. Some recent research suggests that when women and men answer questions about sexual conduct they find it difficult to relate their behaviour accurately to the questions.

Kathryn Scott and Carol Aneshensel report on two sets of interviews at intervals of a year with the same randomly-selected adults with an average age of 41 in an area of Los Angeles. At first sight the responses from women are highly consistent: in the first survey 19.2% said they had suffered sexual assault, whilst in the second 19.4% said they had been assaulted. The male responses are slightly less consistent. However, this is an aggregate within which many respondents changed their replies. At the second survey two in five of those sexually assaulted according to the first survey now said they were not assaulted. These retractors were balanced by a lower, but still high, number of revealers. Lifetime prevalence of sexual assault could be described as either 22.2% by including both retractors and revealers, or as 7.7% by excluding both. Females, persons not married or living as married and non-Hispanic whites were more consistent over time than other people, but even these reports are 'quite inconsistent'. In their discussion Scott and Aneshensel point towards

respondents' problems about remembering and classifying experience, rather than, say, a belated attempt to appear socially desirable to the second interviewer (Scott and Aneshensel, 1997). Allgeier and Lamping comment that people form more negative views of a past incident of sexual harassment than they did at the time that the incident occurred. This may also be true of sexual episodes: currently I'm involved in true love; then it was coercion (1998, p. 71). Perhaps this explains some of the discrepancies.

An important basis for seeing disturbingly many men as rapists is Koss's large-scale college questionnaire for *Ms Magazine*. Ross and Allgeier (1996) got special permission from the US government to allow questioning of volunteers about some items replicated from Koss's survey to without having to report their responses or identity to the authorities. The sort of questions they were interested in the were male responses to Item 3 such as: have you 'been in a sexual situation where you became so sexually aroused that you could not stop yourself even though the woman did not want to?' 'Had sexual intercourse with a woman when she didn't really want to because she felt pressured by your continual arguments?' (see Allgeier and Lamping, 1998, p. 64). Sixty per cent of the men interpreted the meaning of item 3 (which has no specific behavioural referent) about being sexually aroused as asking whether they had had vaginal penetration when the woman did not want to, i. e. as essentially being about rape (Allgeier and Lamping, 1998, p. 59). However, 40 per cent of the men interpreted the item as referring to doing anything sexual with a woman when she did not desire it, such as touching or kissing her (Allgeier and Lamping, 1998, p. 65). This conduct is hardly rape, and is likely to feature in the pattern of consent where the male escalates his behaviour until the female stops him. In Allgeier and Lamping's survey, of the six men who responded yes to item 3, five were referring to a situation perceived by the researchers to be devoid of coercion (Allgeier and Lamping, 1998, pp. 66-7). It seems highly likely that at least some of the same conclusions would be drawn from interviews with women Koss classified as raped on the basis of their answers to equivalent questions (research by Hannon et al., 1995, would support this). Allgeier and Lamping comment that owning up to exaggerated flattery may get grouped with the Yes responses and collectively referred to as 'coercive' (1998, p. 68, cf. Cowling, 1998, p. 54 f. 66)

A further interesting piece of work concerns token resistance. In a survey Muehlenhard showed that 39% of college women had on at least one occasion said 'no' to sex when they were in fact willing to have sex, 60.8% of sexually experienced women had offered token

resistance, and in the total sample, 68.5% of the women had said no when they meant maybe (Muehlenhard, and Hollabaugh, 1988). This was based on the sort of pen and paper questions used by Koss and other surveys. I (and others) used this as a part of the explanation of the high rate of date rape found in the surveys (Cowling, 1998, p. 62). In a subsequent piece of work in which subjects were asked to write narratives about experiences involving token resistance, it emerged that most of the narratives which were supposed to describe token resistance in fact described something else: desire to have sex but no intention; saying no but changing one's mind; saying no to an activity different from the one intended. Instead of 68% of the women and 83% of the men having engaged in token resistance 15% of the women and 13% of the men had actually done it (Muehlenhard and Rogers, 1998). This worthwhile piece of work strongly suggests that it would be worth backing up the sexual assault surveys with studies based on narratives.

This leads on to my concluding point that the quantitative work in the surveys needs to be matched with qualitative work directed to investigating the possible misunderstandings in the questionnaires. The most thorough British work in this direction is Liz Kelly's *Surviving Sexual Violence*. In lengthy interviews she found that women gradually remembered more incidents of sexual assault; also that their own classification distinguishes pressured sex, forced sex and rape - a set of distinctions which researchers should at least discuss (Kelly, 1988, pp. 82-114). There is also a series of publications stemming from an Aids project which culminated in Holland et al. (1999), which is based on interviews with young people and which argues that a version of the double standard is alive, well, and damaging to relationships. However, these tend to see the glass as half empty even when there is some evidence of the double standard slipping and of young women asserting themselves; and they are based on interviews around 1990, whereas things have perhaps moved on somewhat. More work of this kind matched to the quantitative questionnaires which US psychologists do so well seems to me the way to produce credible evidence in this area.

References

Allgeier, E. R. & Lamping, J. C. (1998) 'Theories, Politics, and Sexual Coercion', in Anderson, P. & Struckman-Johnson, C. (eds.), *Sexually Aggressive Women*, New York: Guilford Press, pp. 49-75.

Anderson, P., & Struckman-Johnson, C. (1998) 'Where do we go from here?' in Anderson, and Struckman-Johnson, (1998a), pp. 225-235.

Anderson, P., & Struckman-Johnson, C. (eds), (1998a) *Sexually Aggressive Women*, New York: Guilford Press.

Antioch (2002) Antioch College Ohio Policies on Sexual Offences and Sexual Harassment:
<http://www.antioch-college.edu/community/html/cg.html>

Bell, Patricia (1990) 'Women's Support Project/Evening Times Report on Responses from 1503 Women to the Survey on Violence Against Women', available from Women's Support Project, Newlands Centre, 871 Springfield Road, Glasgow G31 4HZ.

Cowling, M. (1998) *Date Rape and Consent*, Ashgate, Aldershot.

Cowling, M. (2001) 'Rape, and Other Sexual Assaults: Towards a Philosophical Analysis', *Essays in Philosophy*, Vol. 2. No. 2, Summer (electronic journal) at <http://www.humboldt.edu/~essays/>

Fekete, John (1994) *Moral Panic: Biopolitics Rising*, Robert Davies Publishing: Montreal.

Gilbert, Neil (1991) 'The Phantom Epidemic of Sexual Assault', *The Public Interest*, Vol. 103, pp. 54-65.

Gilbert, Neil (1992) 'Realities and Mythologies of Rape', *Society*, May-June, pp. 5-10.

Gilbert, Neil (1993) 'Examining the Facts: Advocacy Research Overstates the Incidence of Date and Acquaintance Rape', in Gelles, Richard J. & Loseke, Donileen R. (eds.), *Current Controversies on Family Violence*, Sage: Newbury Park, California, pp. 120-32.

Gilbert, Neil (1994) 'Miscounting Social Ills', *Society*, Vol. 31, pp. 18-26.

Gray, H. M. & Foshee, V. (1997) 'Adolescent Dating Violence: Differences Between One-Sided and Mutually Violent Profiles', *Journal of Interpersonal Violence*, Vol. 12, No. 1, pp. 126-41.

Hall, Ruth E. (1985) *Ask Any Woman*, Falling Wall Press: Bristol.
Hannon, R. *et. al.* (1995) 'Dating Characteristics Leading to Unwanted vs. Wanted Sexual Behaviour', *Sex Roles*, Vol. 33, Nos. 11/12, pp. 767-83.

Harry, A. (2002) *The Home Office Caught Stirring Up Hatred - Again! At:* <http://www.angryharry.com/esTheHomeOfficeCaughtStirringUpHatred.htm>

Hickman, S. E. & Muehlenhard, C. L. (1999) "By the Semi-Mystical Appearance of a Condom": How Young Women and Men Communicate Sexual Consent in Heterosexual Situations', *The Journal of Sex Research*, Vol. 36, 3, August, pp. 258-272.

Holland, J., Ramazanoglu, C., Sharpe, S., Thomson, R. (1999) *The Male in the Head: Young People, Heterosexuality and Power*, London: Tufnell Press

Johnson, I.M. & Sigler, R.T. (1997) *Forced Sexual Intercourse in Intimate Relationships*, Brookfield, Vermont: Ashgate.

Kelly, Liz (1988) *Surviving Sexual Violence*, Polity Press: Cambridge.

Koss, Mary P., Woodruff, W.J., & Koss, Paul G. (1991) 'Criminal Victimization among Primary Medical Care Patients: Prevalence, Incidence and Physician Usage', *Behavioral Sciences and the Law*, Vol. 9, pp. 85-96.

Koss, Mary P. & Cook, Sarah L. (1993) 'Facing the Facts: Date and Acquaintance Rape are Significant Problems for Women', in Gelles, Richard J. & Loseke, Donileen R. (eds), *Current Controversies on Family Violence*, Sage: Newbury Park, California.

Myhill, A. & Allen, J. (2001) *Rape and Sexual Assault of Women: the Extent and Nature of the Problem - Findings from the British Crime Survey*, Home Office Research Study 237, London; also at: <http://www.homeoffice.gov.uk/rds/pdfs2/hors237.pdf>

Muehlenhard, C.L., & Hollabaugh, L.C. (1988) 'Do women sometimes say no when they mean yes? The prevalence and correlates of women's token resistance to sex', *Journal of Personality and Social Psychology*, Vol. 54, pp. 872-9.

Muehlenhard, C.L., & Cook, S.W. (1988) 'Men's Self-Reports of Unwanted Sexual Activity', *The Journal of Sex Research*, Vol. 24, pp. 58-72.

Muehlenhard, C.L. & Rogers, C.S. (1998) 'Token Resistance to Sex: New Perspectives on an Old Stereotype', *Psychology of Women Quarterly*, Vol. 22, pp. 443-463.

Phillips, M. (2002) 'Lies, damned lies and rape statistics', *Daily Mail*, July 24.

Roiphe, K. (1993) *The Morning After*, Hamish Hamilton: London.

Ross, R. & Allgeier, E. (1996) 'Behind the Pencil/Paper Measurement of Sexual Coercion: interview based clarification of men's interpretations of Sexual Experience Survey items', *Journal of Applied Social Psychology*, 26, pp. 1587- 1616.

Scott, K.D., & Aneshensel, C.S. (1997) 'An examination of the Reliability of Sexual Assault Reports', *Journal of Interpersonal Violence*, Vol. 12, No. 3, pp. 361-74

Shotland, R.L., & Goodstein, L. (1992) 'Sexual Precedence Reduces the Perceived Legitimacy of Sexual Refusal: An Examination of Attributions Concerning Date Rape and Consensual Sex', *Personality and Social Psychology Bulletin*, Vol. 18, No. 6, Dec., pp. 756-64.

Sorenson, S.B., *et. al.* (1987) 'The Prevalence of Adult Sexual Assault: The Los Angeles Epidemiologic Catchment Area Project', *American Journal of Epidemiology*, Vol. 126, No. 6, pp. 1154-64.

Struckman-Johnson, C. (1988) 'Forced Sex on Dates: It Happens to Men, Too', *Journal of Sex Research*, Vol. 24, pp. 234-41.

Warshaw, R. (1988) *I Never Called it Rape: The MS report on Recognising, Fighting and Surviving Date and Acquaintance Rape*, Harper and Row: New York.

Mark Cowling is Reader in Criminology at the University of Teesside. He is the author of Date Rape and Consent, Ashgate, Aldershot, 1998 and editor, with Paul Reynolds of a special edition of Contemporary Studies in Law on rape and sexual consent and of Making Sense of Sexual Consent Ashgate, Aldershot, forthcoming.

Mark Cowling
Email C.M.Cowling@tees.ac.uk