

H. Final Conclusions

Due to the scope of the present study and the large number of characteristics examined, it was necessary to make comments, perform analyses, make interpretations, draw conclusions, and offer suggestions at appropriate points throughout the text. This was especially true when a problem area had already been addressed relatively exhaustively (i.e., incest [F1070], alcohol consumption and criminal sexual acts [F1071], car-stop situations, and preventive advice. [F1072]) Therefore, in this final chapter, only the general implications of the results from this research project will be discussed. This presentation will be kept as concise as possible, referring to earlier discussions when necessary.

1. Implications for Criminology, Victimology, and Criminal Law Reform

Based on the results from this study, the practice of subdividing criminal acts "against the right to sexual self-determination" into isolated perpetrator and victim types would appear to be highly questionable. Traditional attempts at classification usually encompass only one (or a few) characteristic(s) pertaining to one of the participants in the act. Such descriptions would only apply to a very small portion of the overall act total. Instead, in the future, it would seem to be a good idea to make differentiations in terms of case types. Obviously, even relationship offenses would be better classified if as many essential characteristics as possible of the overall situation were included in the typologization. In our era, given the complex calculation methods that allow for the simultaneous analysis of numerous variables, we should get away from over-simplified, pre-scientific classification attempts in which a single personality characteristic of one of the participants is frequently used to define the overall act situation. It is not surprising that, when such classification attempts are checked against actual reality with the help of scientific methods, they are, again and again, shown to be faulty. Generally, they are inapplicable to individual cases.

The various empirically-based case types in the area of so-called sex offenses are so different from one another, that they can no longer be considered as belonging to a homogeneous group of criminal acts. At the most basic level, they may be subdivided into the following three groups:

- a. The abuse of persons as (substitute) sexual objects and as a demonstration of power, predominantly against female victims (sexual coercion, rape, and corresponding acts involving children);

- b. Deviation from sexual norms, insofar as the age and/or gender of the sexual partner is concerned (nonviolent sexual contacts with children, nonviolent homosexual contacts between men and boys);
- c. Violations of norms that are deemed shocking (i.e., exhibiting the penis and masturbating in public).

The uncritical conflation of these three groups, combined with anxious attitudes regarding sexuality, prevent the rational discussion of deviant sexual behavior that we so desperately need. When the media reports on sexual offenses as a group, or when individual cases are presented, such publications frequently contain prejudice-laden and emotional expressions of opinion that have little to do with actual reality. Such publications demonstrate that their authors, as well as their readers, often have ideas about "deviant sexual behavior" that are based on vague fears and prejudices. Over and over again, shocking individual cases are brought up in order to show that familiar fears (i.e., of "strange men") really are justified. But there are many other cases that would demonstrate that such risks are actually rather small; moreover, crimes which take place in locations where we would like to feel we are safe (i.e., violence within the family) are then -- consciously and unconsciously -- overlooked or downplayed. Anxious prejudices and fear-inducing mistaken ideas are thus preserved. The undifferentiated stereotype of the sex criminal or moral degenerate is a prime example of this. [F1073] This prejudice proceeds based on a general assumption that all sexual perpetrators and their acts are alike, and consequently belong to one homogeneous group of cases. [F1074] This notion is related to the assumption that observed differences in the behaviors of different sexual perpetrators simply reflect the fact that they are at different stages in their sexual-criminal careers, beginning with exhibitionistic acts and (possibly) terminating in sexual murder. The quite heterogeneous group of criminal acts against the right to sexual self-determination proves that this notion is simply false.

As was already discussed in the introduction to this chapter, classifying perpetrator and victim groups in isolation is not very helpful. Looking at the interaction between perpetrator and victim as well as the social

environment would seem to be a more sensible approach. Based upon this, the present study proceeded to classify cases as belonging to one of three overall case groupings that have relatively little in common with one another. With the exception of certain individual cases [F1075], exhibitionists or "child-friends" typically do not attempt to engage in violent or more intensive sexual acts. These findings should be used to help predict the future careers of sexual perpetrators. The data should also be used to separate these groups of cases from one another for investigative purposes; for example, rapists are more likely to also turn out to be batterers, and vice versa. This should also be considered when performing photographic lineup procedures. As in the American model, rape should be classified as a violent offense. [F1076]

Looking at the effects of criminal sexual acts on the declared victims, it turned out that many reported sexual contacts caused no harm at all. From this, it follows that the uncritical use of terms like "victim" and "harmed" is -- for a large portion of those registered as sexual victims -- inappropriate. Whereas the perpetrator side has properly differentiated terms such as "suspected perpetrator," "accused," "defendant," "perpetrator," etc., such precise descriptions on the victim side are lacking. Obviously, the words "victim" and "harmed" strongly suggest that the person in question has been injured. However, for many of the persons questioned here, who became known as victims, these terms simply do not apply. Some of them were in fact initially made victims secondarily, because they were exposed to the negative effects of both prejudice and the instruments of criminal prosecution. It is thus not surprising that only a very small proportion of the numerically large group of child victims personally made the decision to make a report. Correspondingly, most of the reports were filed by the parents. Thus, children who did not feel that they had been harmed were nevertheless treated as if they were. Sometimes, in the course of further criminal proceedings, they are then actually harmed by prejudiced adults (who are only trying to protect them) (i.e., secondary victimization through over-dramatization, questioning their credibility, assigning blame, etc.). Because of these problems, the helpful terms "declared victim" (a person who, somehow or another, became known as a victim), "self-declared victim" (a person who characterized him/herself as -- or declared him/herself to be -- a victim), "other-declared victim" (a person who was characterized by others -- i.e., by parents or agents of social control -- as a victim), and "perceived victim" (someone who personally felt that he or she was a victim) were employed herein.

Looking at reported sexual contacts strictly from the perspective of harm, it must be said that a greater extent of harm was observable in about 34% of the declared victims studied. Harm

to a lesser extent was assessed in a further 18%. About 48% of the persons who were registered as having been "harmed" reported either no harm at all, or only a minimal degree of harm. They

also did not perceive themselves to have been "harmed," or to have suffered primary victimization. Among reported sexual contacts, one finds that -- based on primary harmful effects to declared victims -- there is actually a very large proportion of criminal acts that do not have a victim [F1077], if one takes seriously the subjective assessments of those most directly effected. Some of the declared victims, most of whom are now adults, reported that though they did not feel they had been harmed by the criminalized act itself, they did think that they had been harmed by subsequent, overly-dramatic environmental reactions (secondary victimization). In order to be able to ensure that potential victims are better protected from primary and secondary victimization, empirical research results from the areas of victimology, criminology, sexual research, psychology, and pedagogy need to be widely circulated and taken seriously, so that they can be translated into victim-friendly responses in the spheres of both informal and formal social control. Scientists in the aforementioned disciplines should increase their support for research into these problem areas, if we wish to encourage the production of verifiable results.

In cases involving nonviolent, consensual, yet punishable sexual contacts, only a small portion of effected victims would be protected from some kind of abstract harm. Many of the persons who were declared to be victims in this way were initially harmed by the existence of the particular laws themselves. Thus, one fifth of all traumatized victims in this study -- including victims of violence -- felt that they were seriously harmed by the behavior of parents, other relatives, teachers, and persons involved in criminal prosecution proceedings. By contrast, it was observed that in one case group, primary harm occurred only in exceptional cases (exhibitionism); and in another (nonviolent, consensual sexual contacts between children and older persons), it was rare. When, within a given group of criminal acts, the probability of individual harm to the declared victim is very small, and at the same time, it is clear that the existence of the law can cause secondary harm in both the criminal process area as well as informal spheres [F1078], a kind of social "cost-benefit" analysis should then be performed. When the mere existence of a law causes a great deal of harm, and only rarely serves a protective function, its advantages and disadvantages should be conscientiously and responsibly weighed against one another, taking all of the consequences into account. In such an assessment one should, above all, make use of more scientific methods, and rely less on speculation and ideology.

Simply put, declared victims' own assessments should figure more prominently in evaluations of offense situations. What is repeatedly overlooked is that,

as a rule, victims are able to describe their injuries or lack of injury quite accurately, if only they are able to be questioned free from distorting influences. It is desirable, from a psychological and victimological perspective, that ways be found to make the criminal law and criminal procedures more responsive to individual victims. It should be possible for creative legal scholars to come up with legal frameworks that would better protect potential victims from both primary as well as secondary victimization.

According to Adorno's 1963 [F1079] requirements for the study of sexual taboos and privileges, criminology and victimology should do the following:

- The origin and effects of sexual prejudices and sexual-ideological predispositions should be examined. [F1080]
- The basis for opinions with regard to criminal sexual matters should be evaluated. Moreover, the categories and logic of argumentation employed, as well as the accuracy of such judgments, should be checked against scientific findings. [F1081]
- Court records pertaining to arrested sexual perpetrators would be examined to empirically establish whether they allow scientifically verifiable statements regarding perpetrators and their acts to be made. [F1082] The course of sexual perpetrators' personality development should also be observed using long-term cross-sectional studies. In addition, it would be particularly useful to compare criminally prosecuted cases with those that were not prosecuted. This would probably be especially interesting in the area of nonviolent sexual offenses. Admittedly, such research would entail special crimino-legal problems (the pressure to prosecute). [F1083]
- Furthermore, criminal law categories should be subjected to rational re-examination in light of more recent findings. [F1084]
- Subsequent to that, the overall process of criminal prosecution should be re-assessed, to make sure that it incorporates recent findings. [F1085]
- The dogmatism of the sexual criminal law should be subject to rational re-appraisal -- especially in light of philosophical ideas

and concepts -- so as to make it intelligible psychologically, but in such a way that prevailing irrationalities can be rejected. [F1086]

- Lastly, all agents of social control must demonstrate a willingness to always be ready to reassess sexual norms -- in the event they are shown to be obsolete or irrationally-motivated -- so that they can be made better. The scientific investigation of moral demands and laws should be encouraged. [F1087]

The cost involved in conducting criminological and -- in particular -- victimological research using representative cross-sections and longitudinal designs should not be shied away from. Weighing all of the various factors involved, carrying out such research projects would probably be quite "rewarding" because, for example, they would result in a reduction of the burdens still faced by victims; many of the negative social consequences would diminish, and general preventive effects could be realized.

In the meantime, victimizations in violent offenses should be explored in greater detail. Aside from structural conditions, other major violence-inducing factors would likely include the communication between perpetrator and victim prior to the offense and the participants' interpretations of events leading up to the violent interaction. It would probably greatly foster a better understanding of violent offenses if these situations were broken down into short sequences so that they could be studied and described. This could yield ideas for alleviating violence-inducing conditions, as well as suggestions for how to de-escalate violent conflict situations. In addition, pedagogical concepts should be developed which contribute to both people-friendly conflict resolution strategies and to a general reduction in destructive and violent attitudes and behaviors.

2. Implications for Public Programs, Pedagogy, and Sex Education

We need to have a rational discussion about the stereotypical and overly-dramatic prejudices regarding sexual offenses and perpetrators that exist within pedagogy and -- especially -- sex education. The goal here is to better separate the various case groupings from one another (differentiation). This makes it possible to distinguish more dangerous punishable sexual contacts from less dangerous ones. Clearly, we must avoid minimizing dangerous and violent sexual offenses (description). Moreover, we can no longer tacitly accept

behavior and thought patterns that glorify or encourage sexual violence.

Educators in both the school and the home play a decisive role in prevention. The following section presents a (non-exhaustive) list of eighteen psychosocial problem areas that are shown, again and again, to be associated with men who attempt to engage in sexual intercourse with young women by force. Unfortunately, these and similar conditions can lead to a tacit acceptance of sexually violent acts. Certainly, any man who would 'wink' at this sort of thing is not prepared to distance himself from such violence-promoting attitudes.

a. Psychosocial Causes of Sexual Violence [F1088]

Throughout their developmental courses, boys and girls are obviously subject to quite different expectations of, attitudes toward, and rewards for various behaviors and strengths. While it is true, for example, that all girls are not brought up in exactly the same way, there are, nevertheless, some general themes and environmental influences that are specifically addressed to and predominantly affect girls, whereas others are specifically directed towards and primarily affect boys. [F1089]

To analyze this problem from a preventive perspective, it is useful to think about the sex-specific influences that each potential rape victim -- e.g., woman -- is exposed to. The large number of possible influences will be illustrated by numbering the various problems consecutively.

Potential female victims may grow up in an atmosphere characterized by fear (Problem 1); especially, fear of vaguely-defined (Problem 2) sexual events that might befall them. At the same time, the dangers posed by sexual attacks are frequently over-dramatized by teachers, the media, and even preventive efforts. In girls, such influences can leave the impression that in the dark, in the woods, and in the city, strange men pose a constant danger, even to their very lives. Simultaneously, under certain conditions, these same girls are taught to be obedient

and behave rather passively towards adults, especially if they are known or related to them (Problem 3). [F1090]

At the same time, boys of the same age are presumably learning that they are supposed to employ active, conquering, determined, and aggressive behavior and, if necessary, their physical strength. To many men, affectionate sexuality is just a tedious prelude to a rather sadistic form of vaginal orgasm (Problem 4). In connection with this, young men may get the impression that even women who say "no" really mean "yes" (Problem 5). Unfortunately, this notion still receives support from so-called scientific findings concerning females' innate masochism, such as has been promulgated by the psychoanalysts Sigmund Freud and Helene Deutsch. [F1091]

In their first erotic and sexual experiences, some young women find that violent perpetrators actually come from their own known and related circles (Problem 6). These same women, who have not learned how to resist attacks against their right to sexual self-determination, are then rendered relatively helpless when faced with the violent behavior of a man from their own social circle, all the more so because the general advice concerning such situations is so contradictory (Problem 7). If a woman does not resist, or does not resist enough, she runs the risk of being misinterpreted as willing and cooperative; on the other hand, she is warned that if she does physically resist, she might be risking her life. Sometimes, she is advised to just endure it -- usually by men.

When a rape occurs, the environment is sometimes inclined to portray it as an unfortunate but isolated event (Problem 8). The perpetrator side -- to the extent that there is a conviction -- is also individualized, and indeed, pathologized (Problem 9). When a rapist is assigned a pathology, this allows the underlying social conditions that foster sexual violence to be more easily ignored.

Women often get the impression that violence is a normal part of sexuality (Problem 10), and that rape is as it were, a risk

that goes along with having a sex life. From time to time, men will apologetically explain that, in contrast to women, their own sexual urges are very compelling and that, once they have reached a certain degree of sexual arousal, they simply have to satiate it; unfortunately, violence is sometimes the result of such sexual emergencies. [F1093] This "pent-up urges" theory (Problem 11) is designed to absolve the perpetrator of any responsibility.

Another similar practice which is used to exculpate the perpetrator is to blame the victim (Problem 12) by saying that her sexually provocative or passive behavior brought on the rape. If the woman had only resisted to a sufficient degree, so goes the argument, the rape would not have happened. [F1094] Often, certain locations (i.e., the woods) or situations (i.e., stopped car) are referred to in order to show that the woman actually brought about her own rape. A mistaken conclusion is frequently drawn that, even if the woman's irresponsible behavior had not actually caused the violent crime, it did, nevertheless, make its occurrence understandable.

In practice this means, for example, that women who have sexual contacts more frequently and, above all, prostitutes, are seen as being less credible concerning rape, and married women are not protected at all against the criminal act of "rape" (§ 177). At the same time, the concept of so-called "marital duty" quite obviously fosters sexual violence within marriage. [F1095]

Of course, just as in other offenses, there are false accusations of rape. Sometimes, young women who had actually consented to sexual intercourse or had violated parental rules will try to cover it up by making a false accusation. Admittedly, some "experts'" estimation of a false rape accusation rate of 80-90% does not reflect actual reality. [F1096]

Naturally, such prejudicial attitudes carry over into how rape victims are treated (Problem 14). Of course, investigative authorities must also ascertain the degree of blame to assign to the suspected perpetrator; an officer who is strongly prejudiced against rape victims will actually treat raped women improperly 60-70% of the time because, though he does not believe it, a rape has, in fact, occurred.

Moreover, a girl who violates a parental curfew should not be punished too severely, lest she pretend to have been raped in order to cover it up; on another level, she too is a victim. [F1097] Furthermore, education efforts should point out the consequences that a false accusation can have for the accused.

This brings up the enormous problem of so-called "secondary harm" resulting from environmental reactions; that is, harm that may be inflicted after the crime itself, i.e., by relatives, the police, doctors, and the court (Problem 15). It would seem that there is no other offense in which the victim is in such great danger of being subsequently harmed, perhaps even several times. Related to this is the problem that, even now, there is a widely-held view that a woman who has been raped is "despoiled," and therefore, of lesser value (Problem 16). There are cases in which this attitude has led directly to a second rape by another man, sometimes even by the victim's own partner. Furthermore, this can result in the raped woman feeling so ashamed about her "defilement" that she does not dare to report the rape.

Finally, the problem of structural violence -- which is frequently a prerequisite for individual violence -- must be addressed. A violence-fostering rearing milieu, in which violence is also accepted in other areas, is one of the reasons why rapists develop a thought-pattern where they can -- or must -- achieve sexual satisfaction through the use of violence (Problem 17). Moreover, the victim's helplessness yields a sense of power [F1098], which becomes intertwined with sexuality itself. This phenomenon is especially apparent in the social dynamics of so-called gang rape. It is possible that rapists are persons who are compensating for their sense of powerlessness in other areas (Problem 18).

b. On the Exchange of Information

Attitudes that glorify, promote, and tolerate violence are of course passed on along with other prejudices and opinions; useful as well as useless information is thus passed on. This takes place, for example, in the home, through peers, television programs, films, books, magazines, and advertising [F1099], via institutionalized education in the schools, and through the opinions of so-called opinion leaders. [F1100]

teaching methods, and preventive advice should be developed for the different groups.

c. Reflections on Using the Prospect of Sexual Murder to Over-Dramatize the Situation

Frequently, so-called educational brochures leave children and their parents with the impression that sexual murder is an ever-present danger. As was already explained further above [F1106], in 1982, five children (= 0.00005% of children in West Germany) became victims of sexual murder. (On the other hand, 727 were killed in traffic accidents.) These five cases from 1982 obviously cannot be regarded as harmless. Even one sexual murder is, of course, too many. Nevertheless, one should be conscious of the fact that, fortunately, the average child -- with a very high degree of probability -- will never encounter the kind of situation which is reported so sensationally in the media. In public, and in magazines and newspapers, sensationalism and fear-mongering generate a false picture of sexual acts involving children. Moreover, an impression is left that most sexual contacts with children are just as horrible as these sensationalistic reports. This is dangerous because it can cause adults and children to react in irrational ways. Since one of the stated goals of this work is the prevention or reduction of psychological harm to children, careful consideration was given to the fact that aggressive/sadistic sexual offenses should not be highlighted in curricula -- or by the police -- because:

- the negative effects upon individual children could be very great, and;
- because these events are so rare, any possible preventive benefits are outweighed by the pedagogical risk of inducing an inordinate degree of fear.

Considering these offense and perpetrator groups, there is a danger that such reports will over-dramatize the situation. All "child-friends" and "flashers" would then seem like potential sex murderers, and sexuality would be depicted as a life-threatening sphere. Adults who provide sexual advice or education to potential child victims should be strongly advised against using such sensational reports as examples of what might happen to them. [F1107] If children bring up such stories themselves, it is the responsibility of adults to point out how rare the sexual murder of children really is. Admittedly, this raises the pedagogical problem that children frequently do not have a realistic concept of "probability."

Police officers, teachers, and parents of children in these age groups should merely provide the following concise answers or other topical information:

1. These dangerous perpetrators are extremely rare; it is likely that the child will never encounter one in his/her entire life. Newspapers exaggerate this whole thing.
2. (As preventive advice:) If a child does get into such a dangerous situation, and there is no one nearby who could help, it would not be a good idea to cry out. This could provoke the perpetrator into "silencing" the victim, perhaps even killing him or her. Instead, the child should, as quickly as possible, try to get to a location where there are likely to be other people.

d. Didactic Considerations or Preventive Work in the School

In order to help prevent harmful sexual contacts, the overarching goals of public programs and sexual education should include the following:

1. Potential victims' subjective sense of security and self-confidence should be strengthened.
2. Potential victims should learn to conduct themselves in ways that will minimize their chances of becoming victimized.
3. Potential victims should learn to conduct themselves such that, if an offense situation does arise, its harmful effects are minimized.
4. Potential victims should learn where they can turn to for assistance.
5. Prevention campaigns should explain the psychological, social, and political conditions that are associated with violence.

These general learning goals for potential child and teenage victims may be converted into the following concrete goals in the school arena:

Children as potential victims

- should be objectively and truthfully informed about criminal acts against the right to sexual self-determination.
- should be relieved of any excessive anxieties they may have in this area.
- should be able to discuss this subject without fear, or at least, with less anxiety than presently exists.
- should learn to recognize victimogenic situations early on, and respond to them properly.

- should learn how to determine the course of their own sexuality.
- should be prepared -- using targeted curricula -- how to better pull through any criminal acts against their right to sexual self-determination that might nevertheless occur (= reducing or preventing primary psychological harm).
- should be instructed, along with their parents, as to how they can avoid any environmental harm to the child

that might occur subsequent to a criminal act against their right to sexual self-determination (= reduction or prevention of secondary psychological harm).

- should learn, as future educators, how to properly address this subject.

As was already mentioned further above, advice to children regarding sexual self-determination should not be given in isolation from general sex education in the school and home. [F1108] Furthermore, one should consider the fact that, according to the sex education guidelines, at the very least, the subjects of "female and male sexual characteristics," "attraction," "masturbation," and "procreation" are already being discussed. But if these subjects are not yet being addressed with children, it would not be advisable to have just a single conversation or consultation regarding criminal acts against the right to sexual self-determination; the possibility of psychological harm to children cannot be excluded. On the other hand, sexual self-determination should be discussed as early as possible. Moreover, this should not consist of a one-time, isolated lecture by an educator, but should instead be incorporated into education generally, as needed (chance conversations, children's questions, conversations about similar subjects), and in the course of current events.

If good sex education programs -- including ^{nt} information about sexual self-determination -- are provided to children when they are between 5/6 and 10/14 years old -- thus prior to puberty -- in most cases, it will not be necessary for the police to come in and repeat the lesson when the children are older.

Since in sex education generally -- and on the subject of the "dirty old man" specifically -- thoughts (cognitive aspect) and feelings (affective aspect) are often intertwined, consideration should be given to -- in addition to providing factual information (cognitive aspect) -- also addressing these fear and prejudice-laden subjects in more interactive and emotional ways (affective aspect); i.e., through role-playing. More effective behaviors in common violence situations can be tried out interactively (role-playing). Concretely, in the school setting, this could be done with 6-10 year-olds under the guidance of well-trained educators. [F1109]

In order to provide concise information for parents, teachers, and other educators, an educational brochure should be put together. (An information sheet is printed in the appendix; it can --

so long as the sources are properly cited -- be reproduced. [F1110]) The brochure represents an attempt to translate the results from this research project into concrete, useful information. This information sheet would probably be suitable to give out to parents, whenever the two recommended lesson plans [F1111] are carried out in the classroom.

3. Implications for Police Work

In the present report, the implications for police work have already been addressed several times. [F1112] Here, only the essential points will be highlighted. Further attempts should be made to apply these findings to everyday police work, as well as training, continuing education, and associated training materials.

a. Prejudices Have an Impact on Daily Work

The prejudices that exist in the area of sexuality, towards sexual victims as well as perpetrators, have been pointed out at various points throughout the present work. [F1113] One must of course go on the assumption that police officers, like other population groups, have both negative and positive prejudices. Conversely, it can furthermore be expected that perpetrators and victims will have their own prejudices with regard to police officers. [F1114] This can lead to serious situations arising between police officers on the one hand and perpetrators or victims on the other hand. This kind of dangerous communication may resemble the following:

A police officer, whose usual assignment is to take down reports, has the private opinion that most women, while they behave coyly in sexually intimate situations would, in reality, prefer to be "actively

taken." Often, in retrospect, they consider themselves to have been raped. At the same time, he has a profound aversion to 'rockers,' 'punks,' 'freaks,' and similar groups of persons.

A young woman who is part of this "scene," dresses in a "freakish" manner, leads a "dissolute life," and has "a hatred" for authority of all kinds, especially male authority and power. She also has an aversion to "the cops."

This young woman is raped. Although she has negative prejudices towards the police, she nevertheless wants to make a report, because she wants to prevent the perpetrator from assaulting other women. She comes to the police station, where she encounters the officer's own strong prejudices towards her as well as her case. Initially, the two try to make light conversation. But it soon goes awry, with each person feeling that the other was prejudiced towards him/her. The conflict can then escalate very quickly and lead to various, quite different controversies, such as insults, slander, abrogation of duty, compulsory affidavits, complaints to supervisors, resistance to the police, the suspension of proceedings, and the filing of civil suits. These reactions, of course, do not help to resolve the pressing issue: the act that resulted in a rape.

Improper responses to punishable sexual contacts can also occur when positive pre-conceived ideas influence the officer's and/or victim's behavior. This can result, on the part of the police, for example, in an uncritical posture towards witnesses, and on the victim side, in an over-estimation of the police's interest in and ability to resolve the situation. In the case of a petty offense, this can have disadvantageous consequences for the victim; for example, when the events are subsequently over-dramatized. As the advocates of labeling theory have repeatedly pointed out, the consequences for the accused of such negative prejudices can be severe.

When such prejudices remain unconscious, they can cause selective perception, whereby only confirmatory facts are noted. This well-known phenomenon of selective perception can lead to individuals only noting those aspects that "fit" their pre-conceived ideas. Their observation thus confirms -- certainly, only seemingly -- their previously-held opinions. The need to have an as uncluttered picture as possible causes further contradictory information to be overlooked. Previously-held views (prejudices), selective perception, and the construction of homogeneous, contradiction-free images -- which appear to confirm the prejudices -- lead to a handling of the situation which is based on the previously-held opinions. The prophecy (prejudice) confirms itself ("self-fulfilling prophecy"). The individual can now rest easy in the accuracy of his prejudices, because his observations appear to concur with them. ("I knew it all along.")

Concretely, for the present issue, this means that officers who have a prejudice that most or nearly all reported rapes and

demands for protection by victims constitute false accusations will pay special attention to evidence that confirms their thesis, while tending to ignore facts that contradict it. The victim/witness feels that the officer does not have confidence in her, thinks that she is "shaky" or irritating (or both), and possibly regards her statements as objectively poor. Consequently, the witness is under the impression that she is not trusted, that she is actually a "bad witness." The interview is on the verge of turning into a self-fulfilling prophecy. The officer's prejudices are then confirmed. [F1115]

On another level, a further process of selective perception is typically at work. A prejudiced officer -- like other people -- is inclined to pay particular attention to cases that confirm his thesis, while ignoring those that contradict it. Quite simply, what is missing in such references to "many years experience" is the necessary weighing of the different factors involved. In such cases, "many years experience" functions as a way to prop up a one-sided argument, in order to discount any contrary observations. This constitutes a process of selective perception.

Of course, this is a problem in all types of professions, and indeed, in all people. Such points of view are laden with mistaken ideas that persist over long periods of time; due to selective perception, they appear -- again and again -- to be confirmed. Thus, such mistaken views would seem to be generally immune to challenge. At the very least, the probability of this occurring and its effect on daily practice can be made conscious, and thereby reduced. In the future, the training and continuing education of officers should place particular emphasis on the need to be aware of their own individual prejudices, and learn to take them into account when evaluating a situation. This is especially critical for officers who work in sensitive areas, and those who come in contact with victims/witnesses who have been psychologically or physically injured.

Of all prejudices, those that have the greatest effects by far are those held by police officers (towards victims, witnesses, suspected perpetrators, perpetrators); the only hope for reducing them is through trust-building measures and public programs. One essential trust-building measure would surely be an effort on the part of the police to perform their work in a way that was as free of prejudice and victim-friendly as possible.

b. Registered Criminality as an Indicator of Police Work

In the preceding section, an attempt was made to show that previously-held opinions can result in certain phenomena being perceived in a merely partial -- and thus faulty -- way. It was further demonstrated that such mistaken perceptions then reinforce the old prejudices.

The police take an account of the phenomenon of "criminality" by registering and classifying criminal acts. Such classifications, registrations, and assessments are sometimes based on prejudices; this leads to mistaken perceptions and -- as a consequence -- to inappropriate responses to particular criminal phenomena. Therefore, the manner in which data is classified, registered, and assessed must be constantly re-examined. As we have seen, in the area of criminal acts against the right to sexual self-determination, the particular theories, classification systems, and practices are always in need of improvement:

aa. The existing system of classifying criminal acts consisting of so-called sex offenses is based on groupings and phenomena that have not been empirically verified. [F1116] An attempt must be made to develop new systems of classification based on empirical research.

bb. Of course, assessments of police-derived crime figures, which are supposed to help prevent crime, always become a political issue. It is, therefore, necessary to make sure that, to the greatest extent possible, only criminologically significant criminal acts are registered, and that they are organized into meaningful groupings. [F1117] On so-called sex offenses, it so happens that offenses of various types -- and with very different degrees of seriousness -- are combined together. This then leads to many perhaps well-intentioned authors providing very imprecise analyses, declarations, and descriptions. [F1118] For a proper analysis of reported ~~sexual~~ sexual criminality, it would be helpful if criminal acts were classified not just in terms of the current criminal law, but also from a criminological point of view. For example, when an increase or decrease in violent offenses is being discussed, this should definitely include rape cases.

cc. The bias which holds that sexual perpetrators have criminal careers that begin with exhibitionistic acts, go on to homosexual and pedophilic contacts, and end up in sexually violent acts is not empirically demonstrable. Quite the contrary: It is likely that these individual perpetrator and offense groups have little in common with one another. [F1119] Again and again, individual cases of rapists who had previously been registered as exhibitionists are selectively highlighted. [F1120] Aside from pointing out the fact that

the definition or registration of "exhibitionist" is frequently imprecise, such cases tell us nothing about the probability that an exhibitionist will become a rapist, or about rapists' other violent acts. [F1121] The results from the present study suggest that other career patterns need to be discussed. [F1122] It may turn out that combining heterogeneous data is an ineffective way of conducting research. Because the ways in which criminal acts are classified, registered, and analyzed have a substantial impact on our picture of criminality, it is absolutely necessary that the classification systems be empirically sound.

c. Possible Effects on Daily Practice

It has already been pointed out numerous times that, today, we need to get away from the idea that "the" sexual perpetrator has a kind of standard criminal career (exhibitionism >>> homosexuality >>> pedophilia >>> rape, and so forth). [F1123] On the other hand, it is striking that particular perpetrators (i.e., in the areas of exhibitionism, pedophilia, and homosexuality) are relatively likely to recidivate within "their" own areas. Therefore, it makes little sense to look for rapists among pedophiles. On the other hand, it seems that rapists sometimes appear to be quite "normal," whereas other times, they are conspicuous for other violent acts in their environments. Therefore, as a rule, perpetrators will commit certain offenses within their own rather limited spheres. Of course, many officers know this from long-time, everyday experience. Oddly, however, many of the (public) discussions and campaigns still reflect the undifferentiated image of the general sexual perpetrator.

This factual situation should, for example, have an impact on how data is organized; i.e., in photographic line-ups. First of all, for investigative purposes, victims/witnesses should be shown photographs of persons who are suspects in narrow, offense-specific areas. "Narrow, offense-specific areas" means that in a rape case,

besides rapists, recidivist batterers and robbers should also be looked at. [F1124]

There are numerous publications on the competency of sexual victims, especially children. [F1125] It may be generally said that, even in cases where the victim -- i.e., because of his/her lifestyle -- would appear to have little credibility, there are, nevertheless, circumstances where they could be credible. Obviously, especially in such problematic areas, one must be aware of his/her own prejudices. [F1126] Furthermore, one should keep in mind the fact that false accusations of rape appear to be considerably rarer (ca. 4-5%) than the average citizen or police officer would suppose (ca. 25%). [F1127]

Agencies that deal with criminal acts against the right to sexual self-determination usually suffer from serious structural shortcomings; some are due to the way sexual offenses are generally regarded, others, to the nature of criminal law determinations themselves.

Attitudes toward and assessments of sex offenses generally are contradictory. On the one hand, sex offenses are frequently harmless; on the other hand, dramatic, indignant reactions are observable. Minimization and over-dramatization frequently do not reflect the actual degree of seriousness or harmfulness of the criminalized act. These contradictions and "improper" responses are also -- among other places -- evident in the everyday work of special agencies. The work of so-called "vice squads" should be afforded more respect. Sometimes, other professionals regard this work as relatively unimportant, because they assume that "Morals" must involve a large number of petty offenses. At the same time, however, these same agencies also have to deal with very serious rape cases. [F1128] At the same time, this can lead to a disastrous combination of attitudes. When attitudes such as "Most rapes are false accusations" and "Women want it" are combined, the likely result is an aggravating secondary victimization.

In view of these problems, the following proposals might be considered:

- In order to be able to address the substantial differences among this group of offenses, and the resulting implications for police practices,

it would seem that informational events are in order. Officers who are outside of the "vice squad" are still frequently the first ones that victims/witnesses talk to. Their behavior is often the first impression of the police that victims/witnesses get.

- In the area of "morals," petty offenses should be more sharply distinguished from serious criminality, in order to reduce the extent of harmful connotations -- in both daily practice and general analysis -- when evaluating this group of offenses.
- In order to optimize efforts in the area of "morals offenses," priority should be given to fighting violent offenses. [F1129] The large number of reported superficial sexual contacts that do not involve harmed victims tie up resources that could be better utilized in the area of sexually violent offenses.
- Courses focusing on this problematic area must be incorporated into general police training.
- For officers who work in the area of sexual offenses, targeted training and continuing education measures should be taken. This is necessary first of all because these officers are frequently confronted with such serious victim situations; secondly, such specialization corresponds to the gravity of sexually violent offenses.
- One by-product of such measures in the area of serious sexual criminality will be to raise people's awareness of the value of work in the "morals" sphere. Educating people as to the true gravity of sexually violent offenses will change the attitudes toward this work, organizational structures, and work practices. Another welcome effect of increasing the degree of respect for this work will be that highly-motivated people will be inspired to join such agencies. It should also be considered that victims' bad experiences with police in this area contribute significantly to a negative image of the police.
- In order to make a contribution to the betterment of the situation of victims, the police should try to establish contact with groups and institutions that provide support to victims following the act. In reported cases, because the police are usually victims' first stop, it would be an especially good idea to inform victims there about available assistance and support organizations. At the same time, the police

should, of course, only provide the initial contact. The primary task of the police is not social work. The police are not trained to perform social-educational tasks. Consequently, the goal of the police should merely be to make their own contribution to the creation of victim-friendly, cooperative institutions.

d. Implications for Police Work in the Field of Prevention

aa. General Implications for Police Advice to Potential Victims [F1130]

Proper prevention in the area of criminal acts against the right to sexual self-determination is only possible if the causes [F1131] and forms [F1132] of these types of offenses are understood and form the basis of preventive measures. [F1133] Prevention programs and police advisory activities that do not sufficiently take into account findings as to causes and forms run the risk of creating public relations disasters for the police. [F1134]

In order to have an impact on general attitudes and opinions that lead to and support sexual violence, it is the job of the police to convert the most reliable findings in the area of sexual offenses into public programs. This is already being partly achieved through the publication of articles in magazines and newspapers, as well as in the airing of radio and television programs about, for example, police prevention programs. Police prevention programs are a more prominent and appropriate framework within which educational messages and information can be distributed.

For some years now, the Federal Police Bureau has offered a special course for officers who are actively engaged in informational outreach efforts. These continuing education programs are also geared towards prevention and the special problems facing victims of sex offenses.

Additionally, in its book series, the BKA has published a volume on "criminal police consultation," which also offers assistance in providing advice to potential sexual victims. [F1135] This prevention program is specifically geared towards potential potential victim groups. In the course of providing crime prevention advice to potential victims, police should cover the following topics:

- Potential victims should learn how to conduct themselves, in possible offense situations, in such a way that if they are assaulted, any harmful effects are minimized.
- Potential victims should learn to conduct themselves in ways that will minimize the chances of victimization.
- Potential victims' subjective sense of safety should be enhanced.

The first two goals are straightforward. [THROUGH EDUCATIONAL] information and the explication of defense strategies, potential victims will be able to learn the attitudes and behaviors that will help them avoid being caught up in criminal acts, and minimize any negative effects if they do occur. Small caps

The third items, giving potential victims -- as well as those who simply feel they are potential victims -- a subjective sense of security should be pursued as a secondary goal. Measuring the impact of consultations on this aspect is especially difficult, and can probably only be done using social science methodology. [F1136] A subjective sense of safety is associated with the general sense of security in the population overall, which is being attributed an increasing degree of political importance. Unfortunately, the sensationalistic press -- in its efforts to "enlighten" the public -- frequently has the opposite effect, leading to an increasing sense of insecurity. In individual offense situations, increasing the potential victim's subjective sense of safety has a positive side-effect: In an actual offense situation, it can give the victim the ability to conduct him/herself in a much more effective way; furthermore, it can have the effect of minimizing any harm -- above all, psychological -- that might be caused to the victim as a result of the criminal event. At the same time, one should avoid providing watered down and/or undifferentiated information to potential victims regarding truly serious criminality.

In order to be able to actually attain the above-stated goals, it is necessary to:

- define the groups targeted for education as precisely and narrowly as possible,
- be clear about the pedagogical approach of the corresponding educational effort, and,

- tailor the content and distribution of the information to the corresponding target groups.

An educational program or project that does not have a proper plan of action runs the risk of being ineffective, or worse.

In the following, we will attempt to describe plans of action for police education of potential sexual victims in greater detail. Some of this is transferable to programs for the general public.

bb. Advice to Target Groups of Potential Sexual Victims

A target group is a social group that can be distinguished from the overall population through the use of objective data. Target groups of potential victims of criminal acts against the right to sexual self-determination are comprised of persons who currently share common characteristics. Unfortunately, current victims -- as opposed to previous or future victims -- have not been able to be considered, either in analyses (i.e., police criminal statistics) or in prevention efforts.

Consequently, the action plans are based upon two assumptions:

- The social group of persons who will become known as sexual victims is similar to the group of persons who have already been registered as sexual victims.
- The social group of sexual victims who have become known and registered is not substantially different from the distribution of 'dark number' sexual victims.

Although at least the second assumption is questionable, as it is for all offense types, so long as better descriptions of the overall 'light' and 'dark number' victims groups remain unavailable, we have little choice. Since the 'dark number' of offenses against the right to sexual self-determination is very large, and because in many areas -- i.e., class-specific reporting patterns -- a selection process is presumed to be at work, this way of proceeding is by no means unproblematic; nevertheless, there is little doubt that crime prevention efforts should be directed towards all potential victims. [F1137] Given these caveats, the following will describe the targeted group of sexual victims.

Victims of reported criminal acts against the right to sexual self-determination are approximately 85% female and 15% male. [F1138] About 45% of sexual victims are children. At approximately 65%, victims under 17 years of age constitute

the lion's share. Overall, at the time of the reported criminal act, three-quarters of all sexual victims were twenty years of age or younger. [F1139]

This means that, doe the target group here, educational efforts should primarily be directed towards girls who are under fourteen years of age. (Thus, over the longer term, the 14-20 age group will already have been taken care of.) Because it is furthermore known that the distribution curve for sexual victims begins to rise disproportionately from the age of seven on, initial prevention efforts should be implemented prior to this age.

Keeping in mind the above caveats regarding the 'dark number,' this means that a major portion of the group targeted for police consultations for the prevention of sex offenses consists, first of all, of special education and primary and secondary school (primary and first-year secondary) girls. This applies particularly to grades in which, as of yet, no sex education has been provided.

cc. The Role of Consulting Police Officers

Police officers are not trained to do sex education work; nevertheless, individual officers may well have pedagogical talents. Therefore, it may be too much to expect that (predominantly male) officers will be able to instruct primary-age schoolgirls in the touchy subject of sex education, a topic which even parents and teachers are likely to be reticent regarding. Add to that the fact that officers who begin by talking about self-defense techniques end up having to address pedagogical issues. This requires a quite different set of skills. An officer with particular abilities and knowledge in a technical area may avoid psychological-pedagogical issues, and vice versa. It is also not the job of the police to make up for others' educational omissions.

Because, due to limited capacity, police consultative agencies are generally already unable to meet all of the needs in this area, it would seem to be a good idea to take advantage of the multiplier effect of using existing educational settings, such as the school, the home, youth programs, etc. [F1140]

Example of the multiplier effect:

When an officer addresses a school class, he directly reaches about forty children; however, he runs the risk of making pedagogical errors in the way he provides the information.

On the other hand, when an officer addresses an entire teaching faculty and provides accurate information, he indirectly reaches about eight hundred children; and indeed, he does so without the risk of mishandling the actual target group.

Sex education in schools should proceed according to guidelines laid down by the Conference of Cultural Ministers [F1141] and individual Ministers of Culture, making sure that there is close cooperation between the school and the home. In this way, the parents can also be reached via the school. Thus, evenings at home are a good time to tell the parents of potential victims what's happening at school. [F1142] This is also important because, the general public -- and thus parents and teachers as well -- has an inaccurate picture of sexual criminality; if the educator does not provide any information, a considerable gap in information and opinions could develop between children and educators. Addressing existing educational authorities is both economical and effective.

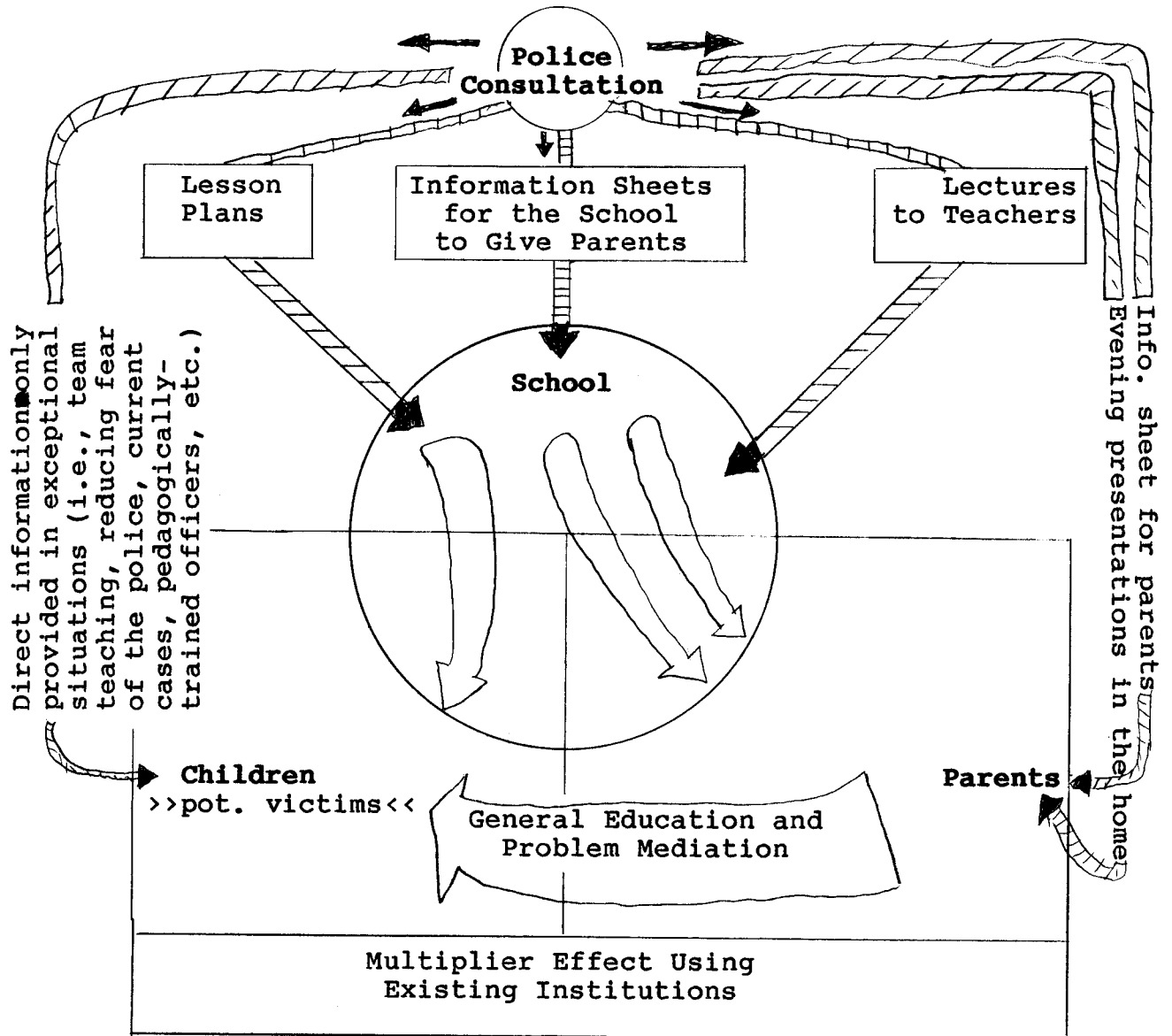
The recommended flow of information from police consultants, on to educational authorities, and ultimately to potential victims is graphically represented in Fig. 17 (next page).

In the graphically-represented situation, which is shown from the perspective of the police, it is assumed that the consulting officer is an expert on the subjects of sex offenses, sexual victims, and prevention, who offers his knowledge to the school so that the latter will be able to carry out an adequate sex education program. [F1143]

The pedagogical transfer of this factual knowledge to the educational setting is the best way to accomplish the long-term goals in this area.

Fig. 17:

Graphic Depiction of the Multiplier Effect of Police Consultations with Schools for the Prevention of Sexually Violent Offenses



In the present volume, current knowledge as well as new research results on sex offenses are presented. The summary at the end of this volume [F1144], the informational brochure for parents and educators [F1145], and the suggested lesson plans [F1146] are all suitable for copying and distribution. To this extent, an attempt was made herein to develop materials that can be used in everyday educational activities.

dd. Defensive Measures that Potential (Sexual) Victims Can Take

When potential sexual victims -- thus above all young women -- talk about their fear of rape and similar assaults, the question frequently comes up as to what measures the victim can take in dangerous situations. First of all, it must be said that we still know too little about violence-fostering and violence-lessening influences in rape situations. We also still know too little about the different ways that one might respond to aggressive and sexually aroused perpetrators. [F1147] It appears that a particular victim behavior that might have an escalating effect in one situation could have a de-escalating effect in another. It seems furthermore that a given victim behavior (i.e., screaming) can have different effects on the perpetrator at different stages of the very same act. [F1148] All in all, this means that fixed instructions for how all victims should behave cannot -- and should not -- be given. The victim must assess his/her own quite unique situation (even under time pressures), selecting and employing a suitable response from their own behavioral repertoire. Preventive advice can only assist with this. In much of the advice that is directed towards potential victims, one gets the impression that the person giving it has not sufficiently considered the possible consequences of using particular prevention and defense techniques. One gets the further impression that implicit in some of the advice provided is an assumption that those who put themselves in certain situations are 'asking for it.' (Example: "A woman should not be out on a dark street all alone.") [F1149] With such strongly-worded tips, women are already restricted in what they can do before a rape ever occurs. Finally, many of these tips predominantly engender fear, contribute virtually nothing to actual safety, and are in fact likely to harm potential victims even further. This whole approach avoids

having to mention the issue of dangerous perpetrators from within the victim's own social circle. Therefore, pieces of advice such as the following are highly questionable: [F1150]

- A woman who lives alone should see to it that her doorplate or mailbox does not indicate her gender.
- A woman who lives alone should see to it that her first name does not appear in the telephone book.
- The entryway to the home of a woman who lives alone should have masculine items in plain view (i.e., clothing laid out).
- When a strange man comes to the door of a woman who lives alone, she should have a loud exchange of words with a "phantom man" inside, in order to give the impression that a man lives with her.

In these examples, the woman who really lives alone is supposed to pretend that she lives with a man. In some individual cases, such tricks can make the difference. But as general advice to women who choose to live alone, it is surely an imposition. A woman who actually heeded such advice would run the risk of being labeled a neurotic. Certainly she would have a decreased degree of confidence in her own abilities. [F1151]

Safety chains, peepholes, and similar doorway devices are quite common, and probably do contribute to home safety. But they only protect strangers, who are deemed to be the (potential) perpetrators. They provide virtually no protection from the large group of violent perpetrators who come from victims' own known and related circles.

The three essential elements of defending against a sexual attack in a conflict situation are:

- potential victims' confidence in their own abilities,
- perceiving, at the earliest possible point in time, that an attack is occurring, and,
- being able to effectively make use of adequate (psychological and physical) defensive measures.

Women who, for example, have taken self-defense courses report similar experiences again and again. Their instructors teach them that successful self-defense requires confidence in their own psychological strength, in their own physical prowess,

the above considerations. Although "getting out" of a situation that suddenly feels dangerous always requires moral courage, the earlier the potential victim makes the attempt, the easier it will be. With increasing entanglement, getting out of it,

as a rule, becomes ever more difficult. There are too many situations that could potentially lead to rape to be able to enumerate all of them here. Generally, it is better when women recognize the possibility of victimization as early as possible.

There are devices and products on the market which are designed to protect against (sexual) attack. The disadvantage of all of these means of defense was already indirectly addressed earlier. They generally remain unused; and a defensive weapon in the hands of a fearful, clumsy victim can bring additional risks. These devices do not change the attitudes of potential victims and perpetrators; moreover, they have the disadvantage of having to always be carried around. Psychologically, they actually foster insecurity among many victims, who come to see their safety as being dependent upon such devices. Almost all of these devices have the disadvantage that the victim must first allow the perpetrator to get close to her. One cannot expect fearful, clumsy victims to be able to be so calculating. These devices are often purchased by persons who are afraid. Moreover, such devices usually have disadvantages for the victim; and using them successfully requires a sure footing.

Such devices and products include:

- α) Noise Devices, such as (Trill-) Whistles, so-called "Shrill Alarms," etc.

The "Shrill Alarm" is a type of pocket alarm, consisting of a replaceable pressure cartridge (aerosol gas; length: 7.2 cm, diameter: 2.3 cm) with a valve upon which a signal-head can be placed. With it the device measures about 10 cm long; it looks like a small spray bottle, and at the touch of a button, produces a very high, shrill sound. Close to the ear, the sound is slightly painful (ca. 110 dB). The device can have a large range, or, when covered with something, can be quite limited. The maximum duration of the alarm (tone duration) is about ninety seconds; but even after that, 30-60 short bursts may still be emitted. The device only works in the upright position, and in setting with minimal background noise.

Sound devices may startle the attacker. Whether this could be of help to someone depends very much on the attitude of the person using it, and on her degree of familiarity with the sound of the alarm. Most passers-by nowadays probably do not make an association between the long sound of a shrill alarm and a "cry for help." The sound of a shrill whistle would be more likely to attract attention.

- β) Strong-Odor Materials, such as so-called "Artificial Skunk Oil"

An American firm has put a small plastic device on the market (1.4 cm X 4.4 cm X 6 cm) which contains two glass capsules embedded in soft plastic. One is a "stink capsule"; the other is a "neutralizing

capsule." The stink capsule has a clip similar to that on a ball-point pen, and can therefore be firmly attached to clothing. When a woman feels that she is under attack, she crushes a "stink capsule" -- which for example she might be carrying on her collar -- and a nebulizing agent (a thioalcohol) disperses an unpleasant, pungent odor. The intensity of the gas is temperature-dependent; in higher concentrations, it can be harmful. The smell permeates clothing; the manufacturer considers it possible that it might help to identify a fleeing perpetrator. The victim is supposed to use the "neutralizing capsule" to rid clothing of the smell. To do this, the item should be placed, along with the neutralizing substance, in a plastic bag.

The synthetic skunk oil has the advantage of really not being seen by perpetrators as an aggressive weapon. At the same time, it has the disadvantage that the perpetrator does not immediately realize where it is coming from; consequently, he does not know where to run away from. It has the further disadvantage that the victim also must bear the stench; and if she uses public transportation following the attack, she will encounter further problems. Different people react to the odor very differently; but it cannot really be characterized as "sickening." Many people say it is an order that "gets on ones nerves, like an unpleasant sound"; others react with relative indifference. It is conceivable that a perpetrator might be irritated by the smell and leave the victim alone; but it is also possible that the perpetrator will simply ignore the odor. Obviously, the device is also a lot of trouble for victims. Although the device is not likely to increase the perpetrator's aggressive behaviors, it cannot be said with certainty how different persons will react. It is not beyond the realm of possibility that a perpetrator who is familiar with the device might try to rip it off of the victim's clothing. The device could also negatively impact the victim's social life.

Y) Pepper, Irritating Gas in spray-doses, gas pistols, etc.

The use of these devices probably is interpreted by the perpetrator as clear and aggressive resistance. This means that an unsuccessful or only partially successful defense runs the risk of provoking the perpetrator to murderous violence. When the victim points the device against the direction of the wind, she might be pointing the weapon against herself. In addition, this device has a very short range; therefore, the victim must be calculating enough to wait until the perpetrator is within one-half to two meters of her. In an ensuing scuffle, these devices are no longer able to be accurately aimed. Moreover, because the use of such devices by potential victims is generally not advisable, their value is quite limited. Often, those who possess such devices have more confidence in them than is warranted.

8) Electro-Shock Devices,
such as so-called "Shock Time"

An American manufacturer has put a device on the U.S. market that resembles a wrist watch. The device uses a battery to produce a strong electric shock, which disperses over the entire contact area. The device

has to make contact with the attacker's skin. He receives a jolt of electricity. This device, which is not allowed in Germany, would probably also cause some perpetrators to escalate their violent behavior. Using the device -- that is, establishing electrical contact -- is also relatively complicated, and the victim must first allow the perpetrator to get quite close to her. The strength of the current is probably not sufficient to cause perpetrators to abandon their original intentions.

In summary, we can safely say that the sensibility of such advice, techniques, and devices for defending against aggressive perpetrators must always be verified by posing the following essential questions:

- In what situations should it/they be employed?
- What is the later course of the conflict situation when it is employed? Could it also hurt the victim?
- Would employing it lead to a greater sense of personal security for the victim, or would it be more likely to produce "dependency on the device" and a stronger sense of insecurity?
- Does the means of defense (intentionally or unintentionally) reflect a prevention philosophy that expands victims' freedom of movement and decision-making ability, or limits it?
- Is it easy to use? Should its use be widely encouraged? Is it likely that further training will be necessary?
- Is it reliable or unreliable?
- Can it be used in quite different situations?
- If needed, will it be quickly and easily at the victim's disposal? [F1152]
- Is it targeted to the lifestyle of the target group? [F1153]

4. Protection and Support of Victims [F1154]

a. The Crime Victim's Situation, Yesterday and Today

Originally, infringements of rights were deemed to be private matters, and were handled directly between the perpetrator and the victim. With the support of his or her inner social circle, the victim took revenge and obtained redress in some form or another. This informal process gradually gave way to a system of negotiations, whereby the victim would be materially compensated. The Babylonians, Greeks, Romans, and Germanic peoples laid down detailed rules as to what the perpetrators of particular offenses needed to do, in terms of both punishment as well as victim compensation. [F1155]

The rising power of rulers allowed crimes to be treated as offenses against public order. Because the ruler had the authority that comes with being the most powerful, he had the right and the duty to ensure internal and external security; he also assumed the right to intercede in cases involving criminality. Therefore, above all, the perpetrator had to "pay a price" to the ruler. Though the victim was given some compensation by the state, the governmental authority took almost all of the fines levied as "punishment," effectively giving the victim no further assistance. [F1156] The restoration of rights and therefore also of social accord between individual victims and individual perpetrators was increasingly neglected. Schneider, agreeing with Ferri (1896) and Garafalo (1914), quite rightly characterized this development as "rather absurd." [F1157] All in all, it must be said that the criminal prosecution process de-personalizes both victims and perpetrators. Today, the affected persons are assigned pre-determined roles. The previous system of civil resolution gave way to a requirement for crimino-legal punishment, in which the victim got the short end of the stick. Kirchhoff,

Kirchhoff, and Dussich summarized this development as follows: The victim fell "from the status of an autonomous individual with his/her own response to the event, to merely a means of providing evidence -- to the status of witness. Only the state -- not the victim personally -- would decide how and when he or she would become an active participant in the process. [F1158] It has degenerated into an exercise in cynicism when, for state imposes a fine, and the victim then tries to make the perpetrator pay for what he did by bringing a civil suit; once he is arrested, any chance of compensation disappears." [F1159]

Today, we know that effective victim protection requires both crime prevention as well as a possibility of re-socialization for the perpetrator; at the same time, we have realized that too often, the victim's interests fall by the wayside. The victim's "re-socialization" (re-integration into his/her social environment) is increasingly seen as necessary for restoring social order. Movements toward the re-privatization of social conflicts between perpetrators and victims are, however, still quite sporadic.

b. Harm to Sexual Victims

Generally speaking, the harm suffered by victims plays a special role in their re-socialization and re-integration. Particular attention should be paid to victims' subjective assessments of the harmful psychological effects (for example, psychological insecurity vis-a-vis other people, following a severe assault that took place in one's immediate surroundings, or even in one's own home). In contrast to financial and bodily harm, victims' psychosocial problems are often ignored or overlooked. The present work has reported, in great detail, the harm that can occur to sexual victims. [F1160] An especially significant result was that violent experiences accounted for most of the harm, and that sometimes, harm is a result of negative environmental reactions subsequent to the offense. The large group of declared victims of sexual contacts in which violence was, in fact, not employed rarely reported harm. In addition to the purely physical injuries that the sexually violent perpetrator inflicts upon the victim, he also causes further primary harm in the psychological sphere. Raped victims frequently describe a very strong fear of sexuality and of men in general, sexual disturbances, fear of pregnancy, depression, brooding and feelings of guilt, sleep disturbances, distrust and timidity, as well as family difficulties, as substantial after-effects. These injuries to rape victims frequently have a duration of several years. Besides these primary injuries, which are caused by the perpetrator's behavior or

his act, many victims also report so-called secondary harm, usually of a psychological nature, which is the result of the negative behavior of relatives and official agents. The rape victim could even find herself in a dangerous position where the probability of primary harm being compounded by secondary injury is very high. Rape victims are thus victimized a second time by their families and agents of the state. The seriousness of this situation might be better illustrated by visualizing it in terms of a serious traffic accident. Hardly anyone would think of trying to demean or reproach the victim of a traffic accident. (Example: "They only have themselves to blame; they should have known how dangerous it is to ride in a motor vehicle!" "Maybe they wanted it to happen!") On the contrary, it is customary for us to want to help severely injured traffic accident victims. Especially on a psychological level, such victims often receive sympathy, assistance, and support from their environment. People are also frequently ready and willing to lend a sympathetic ear, if the victim wants to discuss the accident. Such helpful conversations following a rape are quite rare. In order to minimize any secondary harm, the unsatisfactory situation faced victims of sexual violence has to change.

Outside of the realm of sexual violence, there is a group of criminal acts against the right to sexual self-determination in which explicit violence is not employed. The victims here are predominantly children -- mainly, girls. Aside from a problematic definition of violence in such cases (Does a large age difference between the two sexual partners automatically indicate a power imbalance?), there is another problem specific to this group of 'light number' offenses. Some of these children who do not feel that they suffered primary harm as a result of the sexual act -- for example, it really wasn't a big deal when the exhibitionist exposed himself -- then experience alarming reactions from their environment when the incident becomes known. Horrified parents who fear "the worst," startled teachers with visions of sexual murder, eager police officers who do not sufficiently distinguish between the harmfulness of exhibitionists versus that of rapists, as well as district attorneys and judges who want to hold up the case as an example of the "moral decay" in our society can do serious secondary harm to children by imposing the victim and witness roles upon them. In these cases, adults will often times actually blame the child, implicitly or explicitly. The child often gets the idea that he or she is the one really on trial. In competency evaluations, they are presumed to be (potential) liars. The atmosphere at the various agencies is frequently not child-friendly, which results in an inadequate conversation regarding the incident. For many children, their initial victimization really occurs later on. Precautions should be taken to better protect children from this. In addition, children often develop anxiety and disgust towards sexuality. This can cause long-

term harm to their sexual development. Both in cases involving primary harm as the result of violence, as well as in cases involving secondary harm caused by negative environmental behavior subsequent to the punishable sexual contact, victims are made to feel helpless.

c. Making the Victim Whole to Restore and Ensure Social Order

Even serious psychosocial harm to the victim -- to the extent that he or she actually needs to be made whole following the offense -- is rarely considered. In many cases, compensating the victim financially only addresses a relatively insignificant portion of what ails him or her. This is not an adequate way to restore the legal and social order. Until quite recently, victims had had to live with this negative development, largely accepting it without criticism. The public has gotten the impression that the victim is primarily helped through the apprehension and conviction of the perpetrator. It is no wonder, then, that today, victims are scarcely motivated to participate in the criminal prosecution process, especially when they already have previous experience with it. Because on the other hand most offenses only become known if the victim is prepared to cooperate, in bringing the offense to light, the victim knows there is no going back. Increasingly, victims are losing confidence in the authority of the state. "First of all, in the criminal justice system, victims play the role of witness and the means of providing evidence. One needs the victim to convict the perpetrator, and to provide background details regarding the act; skin samples, traces of semen, and photographs are utilized. Moreover, the criminal justice system is not very victim-friendly. Schwind [F1161] has determined that in Germany, due to the bad experiences they had the first time they turned to the police, when they are victimized a second time, victims will not go to them." [F1162]

Setting right the harm done to victims should always take precedence over punishment. [F1163] "Therefore, making everyone whole is only sensible when it is used as a sanction or in place of a sanction...Reprisal may be counter-productive when the victim him/herself approves of a sanction which is essentially restorative; the day may come when his/her own desire for retaliation -- to the extent it exists -- is shown to be nothing more than externally-directed frustration regarding injuries that were suffered, but were never addressed. Regarding this issue, one might consider Plack, who writes: 'If...those who were harmed were given a voice in deciding what it would take to make things right, those who were not directly effected might be able to see that their own demands for severe punishment are really quite superfluous. When even the injured person is satisfied with a moderate degree of recompense, why does the rage of non-participants still demand "severe

reprisal?" [F1164] Maybe, if all involved could be made whole without any punishment being imposed, it might "serve the greater good".'" [F1165]

Especially following a rape there are attempts, in individual victim-perpetrator constellations, to arrive at some sort of settlement, perhaps also including non-monetary compensation; however, because the victim often does not want to have anything more to do with the perpetrator, this usually occurs within certain limitations. Admittedly, such ideas are not discussed often enough today.

d. Victim Groups Articulate Their Displeasure,
and How the Organs of Criminal Prosecution
Can Better Avoid the Above-Described Problems.

aa. The Women's Movement, Citizen Initiatives,
and Self-Help Groups

A logical response to the awkward situation faced by victims of criminality was the formation of various kinds of citizen-initiated groups to address the interest of victims. [F1166] These include organizations and initiatives for particular groups of victims (i.e., American [>E] Rape Crisis Centers (RCC) [<E], which are analogous to the helplines for raped women in Germany, initiatives by the Child Protection League for the protection of abused children (and their helplines), and shelters for battered women and children), as well as advocates for crime victims in general (e.g., "The White Ring"). [F1167]

Because the problems faced by rape victims following the act are especially difficult to come to grips with, women -- first in the United States -- began meeting to discuss their daily fear of rape as well as their feelings of helplessness both during the rape and afterwards. Originating in the U.S., the women's movement internationally then began -- initially by establishing contacts through telephone hotlines -- to form self-help groups for women who had been raped, later going on to work towards broader goals. Some offered victims psychotherapeutic assistance; many provided organizational assistance to victims following the rape, and others turned their focus to politics. There were also many hybrids of these various

approaches. Typically, these centers are staffed exclusively by female activists from the women's movement. As a rule, such persons are highly committed; these organizations usually function in quite unconventional ways, which may also explain why they are frequently so effective.

The [>E] Rape Crisis Centers (RCC) [<E] that sprang up offered a whole range of services that had not been previously available. They informed and advised victims, referred them to other organizations and agencies, accompanied them on their rounds to different agencies, helped them with crisis management techniques, and took care of their immediate social needs such as accommodations and shelter. [F1168]

From their inception in the 1970's, RCC's spread throughout the United States, and then into Canada, Australia, Holland, Scandinavia, Italy, France, and West Germany. In the United States, the women's movement's critique of how rape victims were treated was already so powerful, that the problem had ended the public consciousness. Politicians, if they wished to be re-elected, were forced to respond to their demands. ?

entered? In addition to the approximately 200-300 independent centers set up by the women's movement itself, there were also many similar, publicly-run programs. In many cities, for example, so-called [>E] "Victim/Witness Assistance Centers" [<E] were established. These are places where, for example, police, district attorneys, and courts work in concert with social and self-help organizations that are, in some way, involved in assisting victims. A primary goal of these "Victim/Witness Centers" is the proper treatment of victims and witnesses by the various agencies. One would hope that these centers would also help ensure victims' own self-confidence as witnesses. Certainly, "Victim/Witness Centers" should also respect a victim's desire to suspend criminal proceedings, even though these centers are frequently run by the courts or even the police. It has become clear in the United States that, through their overall efforts, such centers make a substantial contribution both to the betterment of the victim's situation and to the restoration of social and legal order, simply because victims are now taking their own situation as victims more seriously. All of these centers critique victim-hostile structures, make suggestions for improvement, and engage in campaigns for the reform of laws, regulations, and institutional practices. Consequently, these centers also play a considerable role in prevention. [F1169]

The goals of these centers that have been established by the women's movement (hotlines, battered women's shelters), the child protection movement (hotlines), and Victim/Witness Centers in the United States coincide with the general public interest. Therefore, institutions which are "officially" concerned with victims of sexual violence

should try to work towards these common goals in a positive and cooperative manner. In the following, recommendations are made regarding how to achieve this cooperation, while of course continuing to respect the autonomy of the individual institutions.

bb. Overlapping Working Areas and Goals

There is a range of issues that could be better addressed by social and youth services, medical institutions, the police, district attorneys, and the courts if they would work in concert with victim support centers:

- Up until now, the way that so-called official agencies have dealt with victims of sexual violence has been inadequate. On the one hand, they need to have a realistic view of the limits of their own expertise. The above-mentioned institutions are scarcely able to look after victims in a meaningful social and educational way. The work of witness-oriented and victim support institutions can complement one another. On the other hand, individual institutional agents do need to learn how to deal with victims in more suitable ways.
- Institutions should listen to critical feedback, so that they can better their own practices.
- In this way, confidence in the work of such institutions can be enhanced. The victim will then have less fear of reporting, will receive better psychological support, and will be a more reliable witness in court.
- With this kind of overall concept in place, our approach to sexually violent acts will have improved greatly (preventive aspect).

Admittedly, one should not have an expectation that such cooperation will reduce the number of reported sexual offenses in the short-term. The opposite would actually be more likely, because:

- there would be increased sensitivity with regard to sexual violence;
- as a consequence, willingness to report would increase;
- the establishment of assistance institutions and models based on general social-educational experience usually also leads to increased demand.

cc. The Many Institutions That Victims of
Sexual Violence Can Turn To

In West Germany, there are a large number of competent agencies that work specifically with victims of sexual violence; there are many additional institutions which, though indeed not specifically geared towards sexual victims, are nevertheless potentially capable of handling them properly.

In larger cities, the great number of locations that provide various services to victims can initially be quite bewildering to the uninitiated. (Fig. 18 attempts to graphically depict the confusing array of more or less competent agencies available to victims.) Whether or not the victimized person eventually lands at an agency that handles his/her situation optimally is thus -- based on the individual case -- basically a matter of luck.

Based on the above-stated problems, and the present findings concerning psychosocial harm to victims of sexual violence, it would appear that an improvement in the situation of the victim of sexual violence subsequent to the offense is urgently needed. For one thing, the public is still not sufficiently aware of how urgently necessary it is that attitudes toward the use of (sexual) violence change. Furthermore, training and continuing education measures have to be stepped up. Finally, existing institutions must strive to cooperate with one another in as victim-friendly a manner as possible.

From the present research project, it has become clear that, from a criminological perspective, sexually violent acts have more in common with violent offenses than they do with other sexual offenses, that improper environmental reactions can cause harm to victims, and that sexual victims who already knew the perpetrator prior to the act are especially likely to suffer harm. Therefore, the following target groups should receive top priority in victim outreach efforts:

- rape victims;
- victims of sexual coercion;
- sexual victims who already knew or were related to the perpetrator, and victims who were sexually coerced by a spouse or partner;
- other sexual victims who have striking reactions to the offense;
- other sexual victims, whose environments can be expected to react in extreme ways (i.e., when it is obvious that parents will react in a very strong manner when they learn their child had an exhibitionistic experience); and,
- victims of criminologically similar offenses (i.e., battered and abused persons).

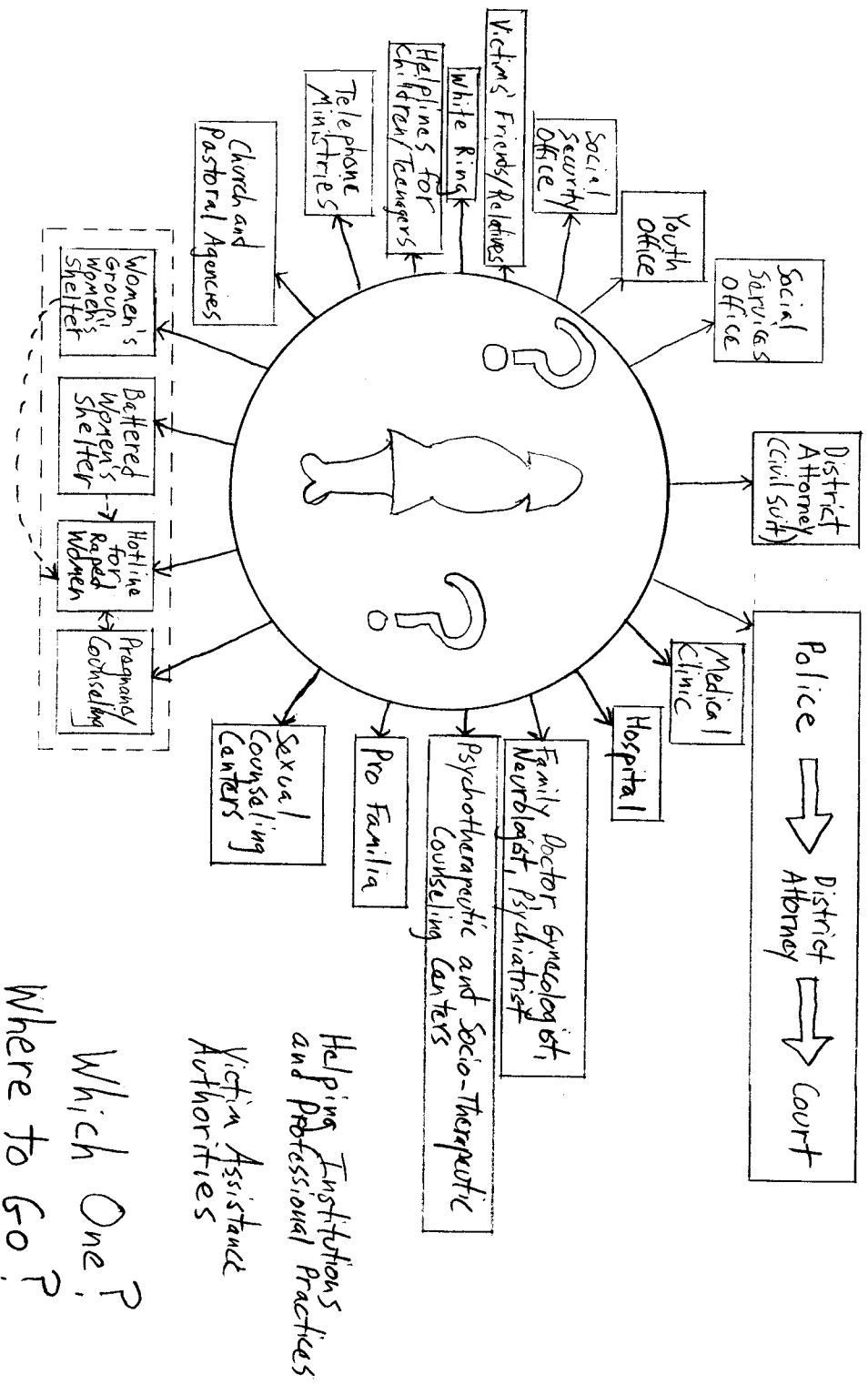
Artificially sub-dividing these groups of victims who -- criminologically speaking -- have a lot in common works to victims' disadvantage.

dd. A Model for Testing Out Models for Public Programs,
Continuing Education, and Cooperation Between Various
Institutions Working in the Area of Sexually Violent Offenses
(Information and Coordination Agencies) [F1170]

The American model for victim support institutions (information
and coordination agencies) should be tried out in Germany.
In this model, institutions

Fig. 18:

Private Initiatives, Social Agencies, Professional Practices, and Authorities in Germany Where Victims May Be Able to Receive Assistance Following a Sexually Violent Offense. (Only a few of these institutions have sufficient working contact with one another.)



are obliged to function as information and coordination agencies for the problematic area of sexual violence victims. Such agencies cannot and should not offer therapeutic and psychological counseling; the various institutions that constitute this collaborative effort should really concentrate on their own areas of expertise. Indeed, the strength of such a model lies in a constructive and cooperative exchange among the different institutions. Such victim support and information agencies should target the following groups:

α Victims of Sexual Violence;

β Potential Victims;

γ Institutions and Persons Who are Confronted with Victims or Possible Victims of Sexual Violence, such as:

- Doctors, psychotherapists,
- Police Officers
- Judges/Attorneys
- Various Consulting Agency Staff (Independent, Associated, and Church-Sponsored Consulting Agencies, Pro Familia, Hotlines, etc.),
- Educators (School, University, Vocational, etc.),
- Parents/Legal Guardians
- Social Workers/Care Programs (Youth Centers, Leisure Time Institutions, etc.), and,
- Pastors.

Such information and coordination efforts for each of the target groups might be carried out as follows:

α. For Victims of Sexual Violence

A comprehensive source for information (i.e., brochure) should be provided that covers available consultative agencies as well as their functions and means of operation. This would help to orient those effected and assist them in deciding which of the various options would best help them deal with the victimization experience. Moreover, such information agencies could provide initial information about existing self-help groups and self-defense courses. Though the distribution of information could take place in direct conversations between providers and those effected, it would primarily occur via various sorts of public campaigns (handbills, brochures, etc.). This should also include educational materials for potential victims regarding how to learn to spot a sexual attack as early as possible, and how to defend themselves against such violent acts. Furthermore, so that victims of violence can be spared further humiliation, they should be directed to the right place (e.g., a "Hotline for Raped Women").

β. For Potential Victims

Educational efforts should address the overall phenomenon of violence (structural violence, sexual violence, victim and perpetrator behavior, forms of sexual violence, etc.). Vehicles for these educational efforts could include informational events in schools, continuing education classes, associations, women's organizations, teaching faculties, parent's groups, and the like. The goal should be a multiplier effect via each participant's social circle, within which many potential victims and perpetrators may be found. Preventive steps should be taken that help reduce prejudices through the distribution of information, diminish risky behaviors, and show the various support options available if victimization does occur. One may expect a general preventive effect when the public begins to take sexually violent acts more seriously, and a more specific effect when special preventive efforts are undertaken with potential groups of victims.

γ. For Institutions and Persons Who are Confronted with Victims or Potential Victims of Sexual Violence

Educational efforts focusing on (sexual) violence are urgently needed in this sphere. It would also be helpful to analyze the behavior of victims of sexual violence. Institutions and groups working in this area should try to cooperate; and the cooperation that currently does take place should be improved and stepped up. Institutions and persons who work with victims of sexual violence should encourage feedback. In order to attain these goals, continuing education events should be held for particular groups of persons (i.e., police, attorneys, doctors, teachers, parents, counselors), and specialized training programs should be developed. But before these events take place, observations of the day-to-day work of the corresponding groups of persons should be carried out (i.e., observing ~~proceedures~~ proceedings and interviews).

Furthermore, attempts should be made to establish more coordinated working groups, constituted of representatives from the various institutions. The goals of these working groups might include:

- Representatives of victim support institutions and groups should develop an adequate awareness of victim-related problems.
- Prejudices among the various institutions and groups should be diminished.
- Because many individual staff members in particular institutions and groups (i.e., experts) have, up until now, received little information regarding the effects of their positive or negative actions on victims, feedback channels should be developed.
- Such feedback should be a positive learning experience for persons who have regular contact with victims.

- All of the institutions and groups involved should have a designated contact person, so that,
 - in case of emergency, a positive contact with a competent person can be established, and,
 - in emergencies, contacts can be utilized more quickly.
- Therefore, in order to minimize the potential for mistrust and criticism, these contacts should be established as directly and rapidly as possible.
- Different institutions -- especially those within the working group -- could offer various forms of continuing education.

Moreover, information agencies need to work with popular science publications to respond to any criticisms that may be made. Overall, public programs need to highlight the causes and consequences of sexual violence, as well as the necessity of and options for assisting victims of sexual violence.

The general aim of information and coordination agencies should be the betterment of the situation faced by victims of sexual violence. This can be attained through the establishment of cooperative contacts among the corresponding institutions, groups, and persons that work with victims and other effected persons. On the organizational level, it would probably be a good idea to establish a kind of neutral [>E] "round table" [<E], which is constituted of as many -- or even all -- of the above-mentioned institutions as possible. The top priority of such a committee should be to improve the situations of victims of sexual violence; at the same time, victims' needs, recovery, and continued good health should be the major focus. The information and cooperation agencies must be staffed by women trained in social pedagogy, and who already have experience working with the above-named institutions and groups. An important principle when establishing such a model is to avoid duplicating the work of any of the existing institutions. On the contrary; the work of existing institutions should be supported, in order to enhance the positive impact of their efforts and bring their representatives to the table. Moreover, it would be a good idea to study the workings of such models close-up. At the same time, traditional empirical studies must avoid mistreating their "subjects" (victims and their data). Therefore, scientific representations of such models would be appropriate to the type of act or activity being studied. This work should always be carried out in a victim-friendly manner, as opposed to the typically impersonal nature of scientific research.

It will take approximately three years to establish such cooperative models and see whether they are able to improve the critical situation of victims of sexual violence in West

Germany. Based on previous experiences with establishing such models of information and coordination in the area of sexually violent offenses, it should be possible to change German attitudes in a way that will help improve victims' situation. Perhaps when that point is reached, we will have come a sufficiently long way such that the social conflict

engendered by criminal events between perpetrators and victims can be worked out, maybe even in a way that leads to a greater focus on psychosocial conflict resolution strategies for the individuals and groups effected. Conflict resolution techniques which are based on the needs of those involved in the conflict will surely lead to greater social tranquility.