

victimization situation is another in which the victim has little opportunity to influence the course of events. In most cases, those who are about to become victims of a surprise attack or who face rape at the hands of a group of perpetrators [F807] also have very few options. In most other sexual offenses an interactive behavioral process is observable, which permits an analysis in terms of individual test-operation steps. [F808] These TOTE-units are part of a multi-variable course schema [F809], in which the behavior of the sexual perpetrator and victim is also influenced by other background factors. This overall context should not be ignored as we -- for the time being -- consider perpetrator and victim behavior in relative isolation.

2. Victim Behavior in Reported and Convicted Sexual Contacts

a. Victim Behavior in the Present Studies

Often, the behavior of sexual victims is categorized only in terms of "defensive," "passive," or "accommodating/initiating" behavior. [F810] As will be shown later, however, this classification system is too crude. Indeed, victims are classified as being "passive" not only when the act is "mutual," but also when the victim had wanted to resist, but was afraid to. Unfortunately, in Study 1, there are only four, crude categories. [F811] But for the purposes of comparing registered victim behavior across the various studies, there are really only three possible groups.

Table 54 shows that of the 7,838 declared sexual victims, 59.9% were registered as having exhibited defensive behavior (Group a)). In the group randomly-selected for the follow-up, 63.3% had exhibited defensive behavior (Group b)). [F812] Column c) shows the results from the same groups that were obtained six to ten years later, using a different questionnaire (RDSV). [F813] The 74 declared

Table 54:

Behavior of Sexual Victims (in %), in:

- a) reported sexual contacts in Lower Saxony (1969-1972, overall total, SST questionnaire, N = 7,838);
- b) reported sexual contacts in Lower Saxony (1969-1972, follow-up group, SST questionnaire, N = 109);
- c) reported sexual contacts in Lower Saxony (1969-1972, follow-up group (1979/1980) who gave a statement about the case via the RDSV questionnaire, N = 74);
- d) reported sexual contacts in Lower Saxony (1969-1972, follow-up group (1979/1980), RDSV questionnaire complemented by data from the SST, N = 109);
- e) convicted sexual contacts in Pfalz (1965-1969, N = 131);

Victim Behavior	Study a) Study 1	Study b) Study 1	Study c) Study 2	Study d) Study 2+1	Study e) Study 3
Accommodating and Actively Participating	6.9	2.8	9.5	7.3	13.0
Passive	33.3	33.9	50.0	42.2	46.5
Resisting (incl. running away)	59.9	63.3	40.5 (16.2)	50.4 (10.9)	40.5
	N=7,838	N = 109	N = 74	N = 109	N = 131

sexual victims in c) are thus a sub-group of the declared sexual victims in column b). These are the 74 persons who were prepared to discuss their victimization in the follow-up study, and therefore gave an answer to question 149 in the RDSV questionnaire. As with perpetrator behavior, in situations where the declared victim no longer wanted to talk about the case, victim behavior data from the original SST questionnaire was used, after performing a plausibility check (column d). In column c), 24.3% of defensive victim behavior consists of "active resistance"; the remaining 16.2% represents attempts to "run away." In column d), 39.5% "actively resisted," and 10.9% attempted to "run away." Column d) probably provides the most reliable statements concerning actual victim behavior

in reported sexual contacts. In addition, column e) lists the behavior of sexual victims who had been involved in sexual contacts which resulted in convictions. Comparing the three essential columns b), d), and e)

with one another, it is first of all apparent that in the reports, approximately two-thirds of declared victims are listed by the police as "resisting" (63.3%). There were 13% fewer in the follow-up study (50.4%). If "running away" is excluded, the latter figure drops to 39.5%. At the moment, it is difficult to say whether "running away" [F814] should also be classified as resisting behavior. Of course, based on the customary "defensive/passive/accommodating" schema, running away probably does belong with "resisting behavior," even though in certain cases, the perpetrator may not have noticed that this had taken place. (Example: A girl turns away, just as she is approaching an exhibitionist.) If running away is put in the category of "resisting behavior," then there is no significant difference between the overall total and the group studied in the follow-up. [F815] When "running away" is classified separately, then the following trend emerges: More declared victims were classified as having exhibited "clearly defensive" behavior when the report was initially filed than was the case in the follow-up. This appears to be related to the fact that often -- especially in nonviolent sexual contacts -- it is not the victim personally (11.9%) but rather members of the victim's family who file the report (54.2%). [F816] As was shown in Study 2, the report was most often made by the father. Presumably, the father was more inclined to classify his daughter's behavior as "defensive" -- even when he had himself treated the punishable sexual contact as a rather harmless and nonviolent act -- when the victim had actually behaved passively. Some of the declared victims who had experienced these kinds of situations were made, by their parents, to feel guilty; they also felt pressured by their parents into stating that they had exhibited "defensive behavior" [F817], even though they had actually been passive (+8.3% in the follow-up) or even accommodating (+4.5%). In Hypothesis₁₀, it was asserted [F818] that only a third of declared victims would have behaved defensively, and that a major portion would have demonstrated passive behavior. Insofar as reported as well as convicted cases are concerned, and to the extent that running away is listed separately, this hypothesis is confirmed. [F819] In convicted cases, victims had not behaved defensively (59.9%) as frequently as they had in reported cases.

It is generally expected that (almost) all sexual victims exhibit defensive behavior during the punishable sexual contact. [F820] As has been shown, this point of view is simply mistaken. It is, however, understandable, given that many people have quite erroneous ideas about the typical sexual offense. The general assumption that most sexual perpetrators are violent [F821] logically leads to the conclusion that most victims must resist. Furthermore, it is frequently assumed that in cases where the perpetrator does not notice the victim's defensive behavior, violent perpetrator behavior will not be exhibited. In reality, however, we frequently find that in rape cases, from the perpetrator's viewpoint, the defensive behavior that actually is shown by the victim -- and will subsequently be so classified -- is not recognized as such. The perpetrator thereby hopes to absolve himself of any responsibility.

The surprisingly [F822] small proportion of sexual victims who offered resistance (40-50%) is probably related to the following:

- Most reported as well as many convicted sexual contacts consist merely of superficial approaches, and do not involve the use of any explicit violence on the perpetrator's part (example: exhibitionism).
- Some sexual victims who found the situation unpleasant nevertheless did not risk resisting it (15.6%). Others who found it unpleasant gave no indication that they felt this way (22.9%). Of course, passive behavior on the part of the sexual victim only rarely means that the contact was actually "mutual" (3.7%) or "truly desired." [F823] Girls' role-education, which encompasses both the female and child roles, obviously has the effect that in some cases, the girl has too little experience with expressing legitimate resistance. Also, many girls do not know how to defend themselves. Schönfelder characterizes this role conflict as follows: She is obliged "on the one hand to say 'no,' which in and of itself, on the other hand, requires violating an essential requirement of her assigned role." [F824]
- Many sexual victims have learned that in these crisis situations, resisting a sexually-stimulated man could be dangerous. The suggestion to rape victims that -- when the situation requires it -- they should simply allow it to happen might actually be good advice. ("Better to be raped once than dead forever.") However, going on the assumption that such advice would have

dangerous, educationally counter-productive side-effects [F825], it will make the victim even more conflicted, as Schönfelder described as early as 1968. [F826] When sexual victims do not defend themselves, it is frequently impossible for them later on to believe they in fact had experienced a violent sexual assault. [F827]

- Additionally, there are even reported cases in which the behavior of the declared victim is defined by other people as "accommodating," even though this was really not the case. [F828]

In order to be able to more precisely verify the factors mentioned above, declared victim behavior as it was assessed at the time the report was filed was contrasted with the way these same victims characterized it six to ten years later.

It is evident from Tab. 55 that there were only nine cases (8.3%) in which the declared victim was classified at the time as having been less resistant than would later be reported via the RDSV. Of these nine cases in which the behavior at the time had been classified as "acquiescent," in five cases, the declared victim now characterized his/her earlier behavior as "resisting"; in four cases, it was now described as "running away." These nine mistaken classifications, which were obviously to the victim's "disadvantage" (the later classification was more negative than the original one) stand in contrast to the 26 mistaken classifications that went in the victim's "favor"; the most divergent classifications

Table 55:

Behavior of the Same Sexual Victims, as ascertained:

- a) at the time the report was originally filed
(Lower Saxony, 1969-1972, SST questionnaire,
N = 109 declared sexual victims) (vertical), and,
b) six to ten years following the initial report
(Lower Saxony, 1969-1972, RDSV questionnaire - 1979/1980,
N = 109 declared sexual victims) (horizontal) [F829]

a) SST \ b) RDSV	Resistance	Acquiescent Behavior	Accommodating Behavior	
Resistance	46	20	3	69
Acquiescent Behavior	9	26	3	38
Accommodating Behavior	0	0	2	2
	55	46	8	109

related to cases in which the victim was originally described as resistant, but the follow-up revealed that -- though the act was experienced as unpleasant -- the victim was nevertheless afraid to defend him/herself (17.4%). Only 3.7% of the victims were actually indifferent to the criminal act. The calculation in Appendix 53 shows that overall, the variant classifications are not significantly different from one another; even over such a long period of time, the victim behavior descriptions remained stable.

b) Cross-Study Comparison of Victim Behavior

These results -- some of which are decades old -- beg the question: Why is it that no more than half of all sexual victims exhibit defensive behavior? Passive and accommodating victim behavior was generally considered to be a symptom of neglect: This impression was formed primarily by cases tried in court, which are class-selective; children with low social status





and disturbed social backgrounds appear before the court relatively frequently as victims of/witnesses to sexual offenses. Observed passive and accommodating behavior was frequently seen as being related to their social origin. These victims are then considered sexually delinquent. Sometimes, these observations and interpretations were seen as a delinquency syndrome, or even as consequences of the punishable sexual contacts.

3. Sex Differences in Victim Behavior

For the purposes of evaluating gender differences in victim behavior, the only data that could be used was from Study 1 (SST questionnaire); this is because the proportions of male victims in Studies 2 and 3 were too small to permit any reliable conclusions to be drawn. Moreover, most of the known studies [F831] have male victim proportions that are too small to permit valid, general statements to be made about this group of persons. [F832] In a more recent work specifically dealing with cases involving older perpetrators, Körner analyzed court records which contained statements regarding the behavior of 268 male and 680 female victims. [F833] Consequently, these figures are probably large enough to yield gender-specific differences.

Table 57:

Behavior of Female and Male Victims, in %;

- a) in Study 1 (Lower Saxony, 1969-1972, cases involving N = 7,838 declared sexual victims), and,
 b) from Körner's study (Frankfurt/Main District Court, 1960-1969, N = 948 victims) [F834]

Victim Behavior	a) Study 1		b) Körner	
	female	male	female	male
Rejecting/Defensive	61.8	43.9	35.7	26.8
Passive	31.2	49.9	30.9	34.7
Active/Accommodating	7.0	6.1	33.4	38.4
	N=6,991	N=847	N=680	N=268

In Study 1, the difference between male and female victim behavior is significant [F835]; as was already noted, due to the expectations of adult family members, the answers to this item in the SST questionnaire [F836] were obviously somewhat skewed. Thus we can only tentatively conclude that a larger proportion of female victims had behaved defensively (61.8%). This was true for only about 44% of the male victims. Körner describes a similar sex-specific difference (35.7% vs. 26.8%), albeit of a lesser magnitude. It was made clear earlier [F837] that older perpetrators are seldom violent, and that victims therefore rarely feel threatened by this perpetrator group. Based on the specific perpetrator group Körner was aiming for, it was to be expected that fewer victims would have resisted; his sample actually comprised a relatively large number of active victims. And once again, this was especially true for boys (38.4%). Nearly half of the boys from Study 1 had behaved "passively," which obviously means that in many cases, they had either encountered an exhibitionist or had more or less consented to the sexual contact. The sex-specific difference here is clearly smaller in Körner, though it is in the same direction. All in all, we can safely say that for both declared sexual victims generally as well as cases involving older perpetrators, girls and women more frequently behave defensively, whereas boys are more often passive and accommodating.

4. Behavior of the Accused and the Declared Victim

Using the TOTE-model [F838] and the theoretical course of the sexual offense [F839], it was explained that the sexual victim's and perpetrator's behavior are mutually dependent upon one another. To this extent, there is likely to be a great deal of interest in examining victim and perpetrator behavior simultaneously. Moreover, it should not be overlooked that only questioning one participant about the behavior of both could make it seem as if there were a shared view of each person's behavior at the time of the event itself, when the truth might be that a common perception was arrived at only subsequently, or never. The optimal procedure would therefore be to interview each of the participants in the perpetrator-victim constellation separately, as was first attempted in Weber's pilot study. [F840] If the intent is to further explore the psychodynamics between perpetrator and victim, separate questioning of victims and perpetrators must, in future, be pursued. In the present study, there was no subsequent interview of the suspected

perpetrators; therefore, a complete examination of the psychodynamics between suspected perpetrator and declared victim could not be carried out.

Tab. 58 shows the various "pairings" of suspected perpetrator-declared victim behaviors as described in each individual perpetrator-victim constellation. Most of the descriptions come from the declared victims.

Table 58:

Behavior of Suspected Perpetrators (vertical) and Declared Victims (horizontal) (Lower Saxony, 1969-1972, cases involving N = 7,840 perpetrator-victim constellations)

Behavior of Suspected Perpetrator	Behavior of Declared Victim	Accommodating Behavior and Active Participation	Passive Behavior	Defensive Behavior	
Other Behavior	516 / 426	2,327 / 2,062	3,359 / 3,713	6,202	
Threatening Behavior	14 / 35	191 / 172	312 / 309	517	
Violent Behavior	9 / 77	89 / 373	1,023 / 671	1,121	
	539	2,607	4,694	7,840	

chi-square = 562.49297; df = 4; $p < .01$; $CC_{cor.} = .32$

The contingency table shows that there were only a few fields where substantial disconnects existed between perpetrator and victim behavior (figures in bold -- 0.3% of all cases). It furthermore becomes clear that on the perpetrator side, almost three-fourths of all reported perpetrator-victim constellations (72.5%) consisted of nonviolent and non-threatening behavior, which is paired on the victim side with either passive (29.7%) or defensive (42.8%) behavior (bordered in bold). This means that in most of the reported sexual contacts in which the victim had behaved in a rejecting, defensive, or passive manner, the perpetrator had not used physical violence or threats. These 72.5% of cases from Study 1 also constitute a large group in (follow-up) Study 2. (Concerning this, see Tab. 59.) In the follow-up study, which was based on declared victims'

retrospective statements, 62.4% of the perpetrator-victim constellations shared this characteristic. A comparison of the two groups using the

results from the initial SST questionnaire [F841] showed that they do indeed appear to be quite homogeneous; here, data from the RDSV questionnaire has been subdivided into various sub-groups.

Table 59:

Behavior of Suspected Perpetrator (vertical) and Declared Victim (horizontal), based on victim statements from 1979/1980 follow-up study (Lower Saxony, 1969-1972, cases involving N = 109 perpetrator-victim constellations)

Beh. of Susp. Perps. / Vic. Beh.	V.'s, idea, curi, fun	indif.	runn. away, other	unplst., but didn't shows it	wtd. to resist, but was afraid	def.	
friendly, P. and V. friends	3	1	1	3	4	3	15
promises, gifts	1	-	2	1	2	-	6
stood there, oth. beh	3	3	7	17	-	20	50
P. drunk drunk	1	-	-	-	-	1	2
insist.	-	-	1	2	-	-	3
threats	-	-	-	2	5	4	11
violence	-	-	1	-	6	15	22
	8	3	12	25	17	43	109

} 62.4%

Of the 62.4% perpetrator-victim relationships of the type described above, no fewer than 43.1% consisted of the suspected perpetrator "just standing there"; while the declared victims sometimes reacted with indifference, they more often found it unpleasant or even resisted it.

Furthermore, there is the sub-group of constellations which, though the victims did indeed feel the suspected perpetrators had been friendly to them [F843], they nevertheless either resisted, or had wanted to do so (8.3%). Looking at the columns in Tab. 59, the similar-sounding answers "I found it unpleasant, but I didn't show it" and "I wanted to resist, but was afraid to" [F844] nonetheless appear to differ substantially from one another. Whereas the first description has more to do with nonviolent constellations, the second is more applicable to violent sexual offenses. Along with defensive acts, this was by far the most frequent victim reaction to sexually violent situations. This means that most victims of sexual violence (33 cases) either ran away (1 case), found the event unpleasant but didn't show it (2 cases), wanted to resist but were afraid of the consequences (11 cases), or openly resisted (19 cases). Cases involving violence are not experienced as pleasurable by victims, despite some men's repeated assertions that many women find this amusing. At the same time, there in fact were declared sexual victims who stated that they had enjoyed the punishable sexual contact, that the contact had been their idea, or that they were curious. Moreover, these cases did not involve any violence, threats, or even insistence on the part of the perpetrator. Authors who assert that sexual violence is pleasurable for victims [F845] should take another look at the statements of women who have been effected by it. At most, this might be true in a negligible number of cases. Comparing Tabs. 58 and 59, it becomes clear that the proportion of cases involving the use of violence on the perpetrator side and defensive behavior on the victim side remained constant (13.1% in the first study; 13.8% in the second study). When threats are included, these cases respectively make up 17.0% and 17.4% of all perpetrator-victim constellations. The constancy of these values likely means that these cases are quite unequivocal. Together with the above statements concerning the rarity of false rape and sexual coercion accusations [F846], we may conclude that victims who report having experienced such clearly violent situations take doing so very seriously. It is also noteworthy that among the cases studied, there were more violence and threat constellations reported (17% up to a maximum of 30%) than there were corresponding cases in the categories of "rape" and "sexual coercion" (14.6%).

Other characteristics that relate to victim behavior are discussed further below. [F847] For the time being, we can safely say that in both reported and convicted sexual contacts, only about 20%-40% of declared victims behave in a defensive manner. This is partly because many sexual offenses either don't involve violence, or preclude even the possibility that defensive behavior will be demonstrated (exhibitionism). There are other punishable sexual contacts that victims more or less consent to, but which are nevertheless legally prosecuted because, for children and teenagers, the ability to consent and the possibility of sexual self-determination are largely precluded by law. [F848] In some punishable sexual contacts between children and adults, the erotic or sexually-tinged relationship between the two persons develops in much the same way as it does in what are deemed 'normal' relationships between two adults. These have already been quite accurately described by -- among others -- Thea Schönfelder and Harald Körner: "Using a series of examples, Schönfelder [F849] has now shown that manipulative seduction tactics are frequently nowhere to be seen, on the part of either the perpetrator of the actively-involved victim. On the contrary, the very concept of the perpetrator becomes ever more unstable as the act-initiating victim gradually eases into intimate situations, little by little finding his or her way towards ever more intensive sexual contacts." [F850]

Among those cases where the victim did not openly resist there are of course cases in which the victim did find the sexual act to be unpleasant, but nevertheless did not express this feeling to the perpetrator. This behavior certainly has a lot to do with female/child role education. In addition, there are cases in which the victim did not dare resist, because he or she feared (further) aggression from the perpetrator. Sexually violent situations predominantly involve female victims. As a rule, when women report that the perpetrator had used threats or violence, and that they had defended themselves (or had been afraid to), we are clearly talking about violent offenses. This offense group constituted up to approximately 30% of all reported sexual contacts, which is larger than the "Rape and Sexual Coercion" group. Obviously, in situations involving incest and the sexual abuse of children and dependents, there are constellations which have more in common with the area of sexual violence. To this extent, we can expect that a maximal 15% of the aforementioned will need to be separately classified in this way.

XI. Type of Reported Sexual Contact

1. Hierarchical Organization of Descriptions of Punishable Sexual Behaviors

In our description of the different degrees of acquaintance that can exist between victim and perpetrator, we discussed the necessity of establishing an ordinal degree of acquaintance scale. [F851] Only with the help of this quasi-objective ordinal scale was it possible to properly understand and classify the social closeness that existed between victim and perpetrator prior to the punishable sexual contact. Describing sexual contacts regarding which reports had been made posed an analogous methodological problem. Authors usually describe somewhere between three and ten types of sexual acts, placing them in a subjective sequence ranging from "harmless" up to "serious/intensive." This evaluation then yields the most serious sexual act that can take place between a perpetrator and a victim. When one critically examines these classifications in the literature, one very quickly realizes that almost none of them are subdivided to a sufficient extent [F852]; many also contain faulty sequencing. Thus, for example, it would probably be quite difficult to decide which one of the following two sexual acts is the more serious one:

- "Adult and child/youth touch each other's bare genitalia with their hands," or,
- "The adult sexually satisfies himself in front of the child."

a. Questioning Experts for the Purpose of Establishing a Hierarchy of Punishable Sexual Acts

The problem of classifying degree of acquaintance was addressed above by questioning 80 randomly-selected persons. Their answers were mathematically averaged, so as to compensate for any faulty individual classifications. To solve the analogous problem of evaluating degrees of seriousness of sexual acts, 46 experts were called on for assistance. This group of experts consisted of 23 criminalists and criminologists and 23 sex educators and sex researchers. It was assumed that experts from both of these groups would be readily able to evaluate the degree of seriousness/intensity of sexual contacts. The way this was conducted was comparable to the establishment of the degree of acquaintance hierarchy [F853]; it therefore need not be explained again here. A sample questionnaire, including instructions and descriptions of behaviors, is printed in Appendix 55.

The experts were asked to rank-order the described sexual acts from 1 to 23; they were also requested to plot their severity on a continuous scale (right side of the questionnaire in Appendix 55). As with the degree of acquaintance questioning, this two-fold evaluation served both as a control as well as a way of ascertaining the differences in severity evaluations between the two groups. The results from the criminologists/criminalists group and the sex educators/sex researchers group were first analyzed separately, in order to look for any group differences. Later on the results were combined.

The graphic (Fig. 12) shows how the two groups of experts rated each individual sexual act, in terms of rank location (vertical) and degree of seriousness (horizontal). Squares mark the criminalists'/criminologists' classifications, and circles indicate the sex educators'/sex researchers' assessments. The numbers correspond to the final rank-locations of the sexual acts, after the results from the two groups were combined. Comparing the two sets of evaluations, it becomes clear that the two groups of experts classified sexual act No. 11 ("The adult sexually satisfies himself in front of the child") quite differently. This was also the case with sexual contact No. 3 ("The adult has lewd, sexual conversations with the child/teenager").

* [Actually, there are no squares at all in Fig. 12; moreover, the circles correspond to the criminalists'/criminologists' assessments. In fact, the only data plotted in Fig. 12 relates to the latter -- sex educators'/sex researcher data is not plotted. This appears to be an oversight/error that occurred in the editing process. Fig. 12 (next page) will be plotted as was intended; i.e., with the sex educator/sex researcher data.]

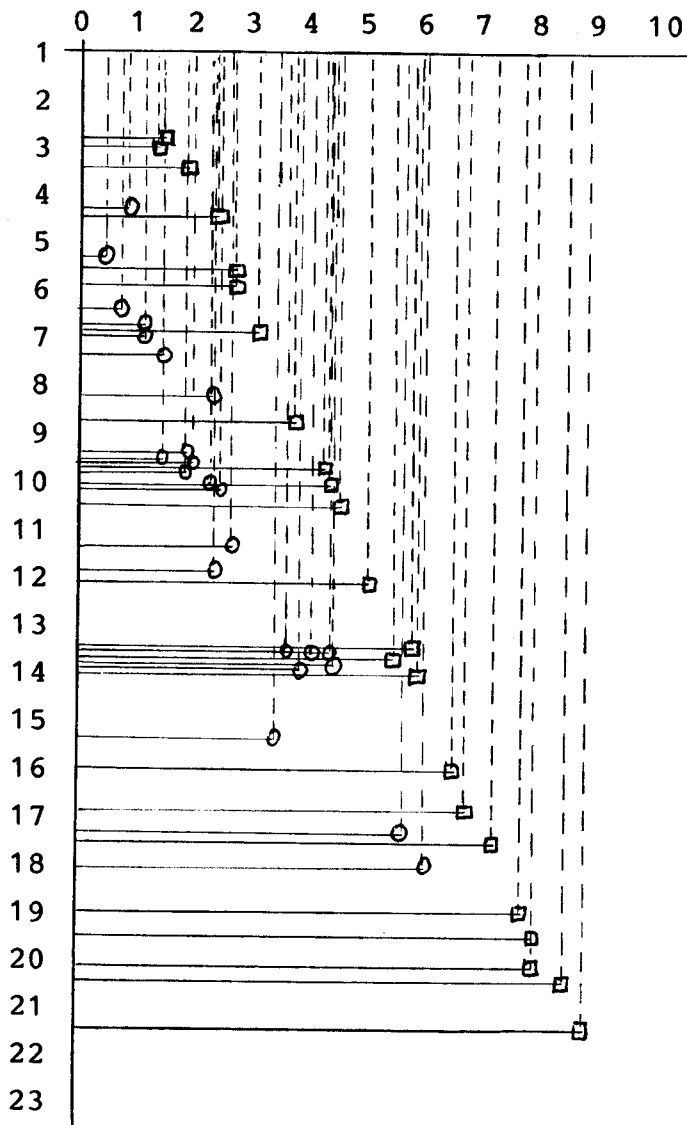
When one looks at the results from the two groups more closely, one comes to the conclusion that the criminalists'/criminologists' assessments are more uniform and homogeneous. This is reflected arithmetically by smaller deviations [F854], and is clearly expressed graphically as a slight curve closely approximating a straight line. It furthermore became clear that although the established rank-orders of the two groups did strongly resemble one another [F855], and the numerical orders were thus very similar, the two groups' degree of seriousness assessments were nevertheless substantially different. [F856] The sex educators and sex researchers always rated the same sexual contacts as being less harmful than the criminalists/criminologists did. Moreover, the sex educators and sex researchers held less uniform views, as is reflected in their higher sigma values. [F857] Sex educators' and researchers' degree of seriousness assessments were, on average, about half those of the criminalists and criminologists. But it should not be overlooked that the violence aspect was not explicitly addressed in the questionnaire.

Furthermore, it was discovered during questioning that many sex

educators/sex researchers were quite reluctant to make such abstract classifications; some were very creative in bypassing the questions, so that they could then make what they saw as proper

Fig. 12:

Classification of Punishable Sexual Contacts from "Harmless" up to "Serious/Harmful," by 2 x 23 = 46 Experts (vertical: rank-order; horizontal: intensity/degree of seriousness)



- P. has lewd convers. w/ V.
- P. looks at V.'s genitals
- P. shows V. nude photos
- P. touches V. lewdly w/ hand, but not on genitals
- P. shows genitals to V.
- P. asks V. to perf. indec. act on him
- P. touches V.'s bare genitals
- P. touches V.'s bare genitals
- P. sex. satis. self front of V.
- P. & V. touch each's gens. w/ hands
- P. has V. touch own gens. w/ hand
- P. & V. have mutual genital contact
- P. & V. sex. satis. selves w/ hands
- P. & V. have interfemoral inter.
- P. has V. sex. satis. him w/ hand
- P. touches V.'s anus w/ genitals
- P. performs oral sex on V.
- P. zātemp₂s coitus on V.
- P. has V. ~~perf. oral sex on him~~ *ok*
- P. attempts ~~anal sex on V.~~ *ok*
- P. and V. ~~both perform oral sex~~ *ok*
- P. has coitus w/ V.
- P. performs anal inter. on V.

assessments. One item that they addressed repeatedly was children's and teenagers' right to sexual self-determination. Some sex educators and sex researchers thought that the degree of seriousness and harmfulness of such acts would largely depend on whether the adult used violence, whether the child or youth had consented to the contact, and whether the younger partner had sustained physical or psychological injury. These criteria would have been more useful than sexual contact type considered in isolation. Thus, a sexual act that initially seemed harmless could -- if the adult used violence or psychological pressure -- in fact be quite serious and harmful to the child. Notwithstanding these objections, the sexological experts set aside the question of violence and attempted to classify the various acts. [F858]

The values from the two groups as well as the final rank-order which was derived by combining them are presented in Tab. 60.

b. Critique of the Punishable Sexual Acts Hierarchy,
as a Basis for the Classification of Criminal Acts

As was already addressed further above, (what are still called) "instinctual crimes and other sexually-motivated acts" [F859] are classified by a hierarchical arrangement of sexual acts that is seriously flawed. Under "Lewd Acts With or Against Children," the following act types are listed: [F860]

- "a) having indecent conversations, showing lewd pictures
- b) exposing oneself
- c) lewd touching of the victim (with hands, mouth, etc.)
- d) having the victim touch him
- e) intercourse-like acts or sexual intercourse
- f) other."

Beginning with item C. in Appendix 47, additional, often quite exotic sexual or sexually-motivated acts are described. As was done for the categorization of victim and perpetrator behavior, for the time being it is advantageous to set up a common hierarchy of behavioral descriptions applicable to all sexual offenses (i.e., based on Tab. 60), with which we will then be able to classify all sex offenses. Furthermore, it must be said that the above-cited hierarchy is very poorly organized, and is not defined sufficiently clearly. "Having lewd conversations" was given a rank-order of 3 (RO 3) by the experts questioned, whereas "showing lewd pictures" was classified as less harmful (RO 1). Overall, these constituted approximately 1.8% of the cases in Study 2. "Exposing oneself"

Table 60:

Mean Assessments of Punishable Sexual Contacts by 46 Experts
(23 criminalists/criminologists, 23 sex educators/sex researchers)

(RO = rank-order (from "harmless" up to "serious/harmful");
Intens. = intensity/degree of seriousness (0 = harmless,
10 = extremely serious/harmful); d = deviation)

Type of Punishable Sexual Contact	All Experts (N=46)	Criminals. + Criminols. (N=23)		Sex Edus. + Sex Rsrs. (N=23)	
	final RO	RO (d)	Intens. (d)	RO (d)	Intens. (d)
Adult shows child/youth nude photographs.	1	3.5 (3.4)	1.9 (2.0)	4.3 (5.8)	0.9 (1.7)
Adult looks at child's/youth's genitals.	2	3.0 (2.1)	1.4 (1.7)	5.3 (5.1)	0.4 (0.4)
Adult has lewd, sexual conversations with child/youth.	3	2.9 (1.5)	1.5 (1.3)	6.9 (6.0)	1.2 (1.7)
Adult touches child/youth indecently with hand, but not on on genitals (i.e., on the bottom, breast)	4	4.6 (3.2)	2.3 (2.1)	6.6 (5.4)	0.8 (1.1)
Adult shows his genitals to child/youth.	5	5.7 (2.1)	2.8 (1.8)	7.4 (3.5)	1.5 (1.0)
Adult touches child's/youth's covered genitalia (perhaps through underpants).	6	6.9 (3.3)	3.2 (2.0)	7.1 (5.2)	1.2 (1.3)
Adult asks child/youth to participate in lewd sexual act (whether or not it takes place).	7	5.9 (3.5)	2.8 (1.9)	8.2 (6.7)	2.3 (2.4)
Adult touches child's/youth's unclothed genitals.	8	8.8 (2.4)	3.9 (2.0)	9.4 (4.4)	1.9 (1.5)
Adult and child/youth touch each other's unclothed genitals with their hands.	9	10.1 (3.0)	4.4 (2.1)	9.6 (5.0)	1.5 (1.0)
Adult has child/youth touch him with his/her hand.	10	10.5 (2.3)	4.6 (2.1)	9.8 (6.0)	1.9 (1.4)
Adult sexually satisfies himself in front of the child.	11	9.8 (2.3)	4.4 (2.0)	11.3 (6.6)	2.7 (2.3)

(table continues on next page)



Type of Punishable Sexual Contact	All Experts (N=46)	Criminals. + Criminols. (N=23)		Sex Edus. + Sex Rsrs. (N=23)	
	final RO	RO (d)	Intens. (d)	RO (d)	Intens. (d)
Adult and child/youth touch each other with their unclothed genitals.	12	12.1 (3.0)	5.1 (2.1)	10.5 (4.8)	2.3 (1.5)
Adult and child/youth satisfy themselves with their hands.	13	13.4 (3.9)	5.9 (2.5)	9.6 (5.3)	2.0 (1.5)
Adult and child/youth lie together such that one's genitals rub against the other's thighs ("interfemoral inter.")	14	13.7 (4.2)	5.5 (2.4)	10.2 (5.2)	2.5 (1.7)
Adult has child sexually satisfy him with his/her hand.	15	13.9 (2.0)	6.0 (2.0)	11.8 (4.9)	3.4 (2.2)
Adult touches child's/youth's anus with his genitals.	16	16.0 (2.7)	6.6 (2.0)	13.8 (7.4)	4.5 (2.5)
Adult performs oral sex on child/youth.	17	16.9 (3.0)	6.8 (2.4)	13.4 (5.2)	3.7 (2.9)
Adult attempts coitus with child/youth.	18	17.6 (3.3)	7.3 (1.9)	13.4 (7.1)	4.4 (2.6)
Adult has child/youth perform oral sex on him.	19	19.0 (2.7)	7.8 (2.1)	13.4 (6.4)	4.1 (2.6)
Adult has coitus with child/youth.	20	20.5 (1.8)	8.5 (1.4)	13.9 (6.6)	3.9 (3.0)
Adult and child/youth perform oral sex on each other.	21	20.2 (2.9)	8.0 (2.3)	12.4 (6.8)	3.5 (3.1)
Adult attempts anal intercourse with child/youth.	22	19.6 (1.7)	8.0 (1.7)	17.4 (7.0)	5.7 (3.1)
Adult has anal intercourse with child/youth.	23	21.5 (1.7)	8.9 (1.3)	18.1 (8.3)	6.1 (3.2)

is imprecisely defined. [F861] The experts gave "exhibiting the genitals" an RO of 5. But if the perpetrator also ejaculates, the same act is then given an RO of 11! Depending on the interpretation of the officer taking the report, very different acts could be classified as belonging to the same group. Overall, 52.7% of the cases in the follow-up were filed under this overly-broad category. This in turn means that some information has been lost. The same is

true for the category "lewd touching of the victim." The experts obviously felt that touching (ROs 4, 6, and 8) (of the victim's clothed genitals? Bare genitals? Other body parts?) was qualitatively different from oral sex. (Does this mean cunnilingus or fellatio?) The latter was given an RO of 17! Overall, 8.1% of the cases belonged to the heterogeneous class c) (pg. 330). The following class ("having the victim touch him") is also poorly described [F862], and in any event should probably precede item c). This could (as in b)) lead -- because of this faulty hierarchy -- to punishable sexual acts being classified as less harmful than they really were, which is precisely what did happen in about 7.2% of the followed-up cases. Thus, based on the given criteria, a police officer would probably classify such different sexual contacts as "both satisfy themselves" (RO 13), "interfemoral intercourse" (RO 14), "attempted coitus" (RO 18), "coitus" (RO 20), and "anal intercourse" (RO 23) as "intercourse-like acts or sexual intercourse." In their degree of seriousness evaluations, the experts assigned "anal intercourse" a value of 7.5, whereas "both satisfy themselves" was given a significantly less harmful rating of 4.0. Combining such different punishable acts into one group makes little sense. (About 20.5% of the follow-up cases were so classified.) A criticism that was already made further above bears repeating here: Faulty classification leads to a faulty understanding of phenomenology, as well as -- in a vicious circle -- to errors in prevention, control, and criminality statistics. It is absolutely essential that punishable sexual contacts be described in a way that more closely reflects actual reality. For purposes of the significance calculation [F863], the punishable sexual contacts were arranged in a meaningful way based on the experts' ratings. To calculate the contingency coefficient, four groupings were set up. The classification system was based on the experts' assessments (rank-order/degree of seriousness):

- Group 1 - Behavioral descriptions 1-7 (visual and verbal contacts, superficial, erotic touching);
- Group 2 - Behavioral descriptions 8-11 ("petting" contacts and ejaculating in front of the declared victim);
- Group 3 - Behavioral descriptions 12-15 (mutual manual manipulations, perhaps to orgasm);
- Group 4 - Behavioral descriptions 16-23 (sexual intercourse and intercourse-like practices).

This grouping is based on the average rank-order/degree of seriousness for each individual behavioral description, as assessed by the criminalists/criminologists and the sex educators/researchers. If only the first group of experts had been questioned, one would have come to the same result. If one had only questioned the sexological experts, a tripartite grouping would have emerged (1-7, 8-15, 16-23). Obviously,

the sex educators/sex researchers did not find it necessary to subdivide the "petting" sphere into as many parts. We will make another attempt at an empirically-grounded classification system in Section XV.

As with degree of acquaintance [F864], it became clear in classifying by sexual contact type that many behavioral descriptions were assessed as being quite different from one another (greater absolute differences), whereas others were deemed quite similar (smaller absolute differences). In future, when sexual behaviors are listed and described, descriptions with such small absolute differences should be combined. Four of the punishable sexual contact descriptions were rated so similarly to one another that it made sense to combine them: [F865]

"Adult shows child/youth nude photographs." (RO = 3.9; Int. = 1.4)	and	"Adult looks at child's/youth's genitals." (RO = 4.2; Int. = 0.9);
"Adult touches child's/youth's covered genitalia (perhaps through underpants)." (RO = 7.0; Int. = 2.2)	and	"Adult asks child to participate in lewd sexual act (whether or not it actually takes place)." (RO = 7.1; Int. = 2.6);
"Adult and child/youth touch each other with their unclothed genitals." (RO = 11.3; Int. = 3.7)	and	"Adult and child/youth satisfy themselves with their hands." (RO = 11.5; Int. = 4.0);
"Adult touches child's/youth's anus with his genitals." (RO = 14.9; Int. = 5.6)	and	"Adult performs oral sex on child/youth." (RO = 15.2; Int. = 5.3).

2. Type of Sexual Contact in Reported and Convicted Cases

Tab. 61 contains the observed frequencies from Studies 3, 2, and 1 for the hierarchy of punishable sexual contacts set out in Tab. 60.

Comparing punishable sexual contacts across Studies 1, 2, and 3 is not a simple matter; because the categories in Study 1 are too crude and somewhat poorly described, the probability of mistaken classifications is higher

there. Appendices 27a and 27b show that, based on the results from the SST questionnaire (Study 1), there are no significant differences between the overall total from Lower Saxony and the cross-section in the follow-up study.

Table 61:

Percentage Distribution of Reported or Convicted Sexual Contacts in Three Studies:

- a) Study 1: Reported Sexual Contacts (Lower Saxony, 1969-1972, cases involving N = 7,385 declared sexual victims);
- b) Study 2: Reported Sexual Contacts Examined in a Follow-Up Study, Complemented by Data from Study 1 (Lower Saxony, 1969-1972, cases involving N = 112 declared sexual victims);
- c) Study 3: Convicted Sexual Contacts (Pfalz, 1965-1969, N = 131).

Type of Sexual Contact	c) Study 3	b) Study 2+1	a) Study 1
1. Adult shows child/youth nude photographs.	0.8	-	
2. Adult looks at child's/youth's genitals.	0.8	-	
3. Adult has lewd, sexual conversations with child/youth.	0.8	1.8	
4. Adult touches child/youth indecently with hand, but not on genitals (i.e., on the bottom/breast).	9.9	1.8	41.5
5. Adult shows his genitals to child/youth.	2.3	35.7	
6. Adult touches child's/youth's covered genitals (perhaps through underpants).	7.6	6.3	
7. Adult asks child/youth to participate in lewd sexual act (whether or not it actually takes place).	1.5	0.9	
	23.7	46.5	

(table continues on next page)

Type of Sexual Contact	c)	b)	a)	
8. Adult touches child's/youth's unclothed genitals.	26.0	-	} 33.2	} 34.9
9. Adult and child/youth touch each other's unclothed genitals with their hands.	-	1.8		
10. Adult has child/youth touch him with his/her hand.	3.0	6.3		
11. Adult sexually satisfies himself in front of the child.	3.1	17.0		
12. Adult and child/youth touch each other with their unclothed genitals.	7.6	6.3		
13. Adult and child/youth satisfy themselves with their hands.	-	0.9		
14. Adult and child/youth lie together such that one's genitals rub against the other's thighs ("interfemoral intercourse").	3.0	-		
15. Adult has child sexually satisfy him with his/her hand.	-	0.9		
16. Adult touches child's/youth's anus with his genitals.	-	-	} 20.5	} 23.6
17. Adult performs oral sex on child/youth.	0.8	-		
18. Adult attempts coitus with child/youth.	12.2	10.7		
19. Adult has child/youth perform oral sex on him.	-	-		
20. Adult has coitus with child/youth.	16.8	8.9		
21. Adult and child/youth perform oral sex on each other.	-	-		
22. Adult attempts anal intercourse with child/youth.	2.3	-		
23. Adult has anal intercourse with child/youth.	1.5	0.9		

Using the classification schema from Study 1, a comparison of declared victims of reported sexual contacts from the follow-up with convicted cases from Study 3 yields the following:

Table 62:

Type of Reported Sexual Contact (in %), in:

- a) reported sexual contacts in Lower Saxony (1969-1972, overall total, SST questionnaire, N = 8,058);
- b) reported sexual contacts in Lower Saxony (1969-1972, group studied in the follow-up, SST questionnaire, N = 112);
- c) reported sexual contacts in Lower Saxony (1969-1972, group studied in the follow-up (1979/1980) using statements about the case derived from the RDSV questionnaire, N = 74);
- d) reported sexual contacts in Lower Saxony (1969-1972, group studied in the follow-up (1979/1980), RDSV questionnaire, complemented by data from the SST, N = 112);
- e) convicted sexual contacts in Pfalz (1965-1969, N = 131).

Type of Reported Sexual Contact	a) Study 1	b) Study 1	c) Study 2	d) Study 2+1	e) Study 3
Other Acts, No Answer	8.6	7.1	-	4.5	13.8
Genital Exhibition	37.9	39.3	41.1	35.7	2.3
Genital Touching, Mutual Manips., Inter.-Like Acts	31.9	36.7	31.5	40.4	51.1
Attempted Coitus	9.5	8.0	15.1	10.7	14.5
Completed Coitus	12.1	8.9	9.6	8.9	18.3
	N=8,058	N=112	N=74	N=112	N=131

The differences between the two questionnaires (see columns b) and d)) are slightly more significant than the differences between the overall total (a)) and the cross-section (b)). Differences between the initial questioning and the follow-up study are partly due to the fact that the categories in the SST questionnaire are overly broad [F866]; due to unclear descriptions, some of the categories had to be combined. These categories were too broad to provide much information. It is therefore not surprising that the distributions in the first and follow-up studies look quite similar. The category "genital touches, mutual manipulations, and intercourse-like acts" is especially open to interpretation, as Tab. 61 indicates. As a whole, it appears that in the overall total (first study), the officers had a slight tendency to minimize the intensity of the reported sexual acts; this could not, however, be statistically proven using the material available.

There are, however, substantial differences between the results from Studies 1/2 (reported sexual contacts) and those from Study 3 (convicted sexual contacts). Reported sexual contacts with higher degrees of seriousness more frequently result in conviction than do less harmful ones. [F867] This effects more than just the insignificant cases. No less than 35.7% of the cases in Study 2 consisted of exhibitionism; a further 17% involved "ejaculation in front of the victim." Both of these groups combined still only account for 4.6% of the convicted cases. This is obviously related to the fact that many suspected perpetrators in this area remain unknown. Generally, the declared victim does not know the man personally. By contrast, cases involving "mutual (unclothed) genital touching" and "coitus" are more strongly represented among convicted cases than they are among reported ones. Consequently, these cases are more intensive and/or more successfully prosecuted.

In Hypothesis_{11.1} [F868], it was posited that most reported sexual offenses consist_{11.1} exclusively of visual and aural encounters or superficial touches. Behavioral descriptions 1-7 [F869] in the expert survey could probably be considered "visual and aural" encounters. "Superficial touching" probably covers behavioral descriptions 8 through 11 or 15. This means that in order to verify Hypothesis_{11.1}, sexual contact types 1-11/15 need to be combined and then contrasted with the remaining, more serious acts.

Tabled 63:

Type of Reported Sexual Contact (in %),
Combined into Groups [F870]

Groups of Reported Sexual Contacts	Reported, Followed-Up Cases	Convicted Cases
1-11	71.6	55.8
12-15	8.1	10.6
	79.7	66.4
16-23	20.5	33.6
	N = 112	N = 131

Tab. 63 makes clear that in terms of both merely reported as well as convicted cases, Hypothesis_{11,1} is confirmed. Most reported and convicted sexual offenses are therefore of a rather superficial nature. Taking behaviors 1-15 as the relatively harmless group, approximately 80% of all sexual offenses reported to the police consist of superficial sexual acts; it is questionable whether these cause primary harm to victims. A selection process obviously occurs on the way to the courthouse: "only" two-thirds of convicted cases are superficial sexual contacts. If one uses the narrower definition of superficial contacts (Nos. 1-11), they would then constitute 71.6% of reported and 55.8% of convicted cases. Under all conditions, Hypothesis_{11,1} is confirmed.

3. Comparison With Other Studies

As was shown in Tab. 9 further above [F871], quite a few German studies have addressed the overall spectrum of criminal acts against the right to sexual self-determination. But oddly enough, a uniform, criminologically-grounded rank ordering of punishable sexual acts is nowhere to be found in these works. Consequently, the numerical distributions of sexual acts can only be compared very cautiously. As was stated earlier, questioning experts enabled the establishment of a meaningful grouping of the different kinds of possible situations. Many other authors' attempts at classification differ quite substantially from the ratings established by the 46 experts here. Thus, for example, Simson, Irning, Wegner, Lange, and Schönfelder [F872] have combined sexual acts 4, 6,

and 8 [F873] to such an extent that discrete analyses are no longer possible. Indeed, based on the expert questioning, only Nos. 1-7 belong to the first group; No. 8 ("Adult touches child's/youth's unclothed genitals") would go in the second group. A similar situation exists for contact type No. 12 ("Adult and child/youth touch each other with their unclothed genitals"), which Irning and Lange [F874] combine with "Adult sexually satisfies himself in front of the child" (No. 11). The boundary between the second and third groups falls right between these two levels. Such problematic classification attempts impede comparisons between different works. Nevertheless, a comparison was attempted here, albeit with considerable reservations; because of the faulty arrangements in some of the works, the following adjustment in classifications -- which is itself less than ideal -- had to be made:

- 1st Group: Situations 1-8 (was actually 1-7);
- 2nd Group: Situations 9-12 (was actually 8-11);
- 3rd Group: Situations 13-15 (was actually 12-15);
- 4th Group: Situations 16-23.

Different authors' systems for classifying punishable sexual contacts differ profoundly in other ways. In addition, the descriptions of these sexual acts are not uniform; sometimes, they're even unintelligible. Given these provisos, Tab. 64 shows the percentage distributions of comparable situations from various German studies.

Table 64:

Type of Sexual Contact (in %), by Group [F875], from Various Studies

Sexual Contact Type	Study	Wegner	Matthes	Simson		Lange	Weiss		Schönfelder	Study 3	Study 1
	Irring			f	m		f	m			
1-8	54.4	42.4	65.0	65.3	49.3	40.5	40.7	29.9	40.0	49.7	46.5
9-12	14.0	22.3		12.2		19.1	14.6	63.4	19.0	13.7	31.4
13-15	(+16,18) 16.2	6.0	2.8	6.5	0.6	19.4	14.9	5.5	41.0	3.0	1.8
16-23	14.7	28.4	32.4	13.1	13.8	18.1	25.1	1.1		33.6	20.5

It is clear that the distribution of sexual practices in convicted cases from Study 3 is very much in line with the distributions of convicted cases in other works. [F876] Even reported cases, which were utilized in Study 1, are similarly distributed. In all of the works, by far the largest share of reported and convicted cases consisted of rather superficial acts (Nos. 1-12/15). Therefore, these results also support Hypothesis_{1,1}. [F877] Considering the fact that many of these works date back to the 1950's, it is surely astonishing how stubbornly the false image of the sexual perpetrator and his act have managed to hang on. [F878] In the following section, we will discuss the relationship between sexual contact type and the number of individual sexual acts.

XII. Act Frequency in Reported and Convicted Sexual Contacts

1. Type of Sexual Contact and Number of Individual Acts

Hypothesis_{1,2} [F879] stated that generally, with increasing intensity of the reported sexual act (degree of seriousness), a greater number of individual acts also take place. Conversely, this would mean that the larger number of harmless and superficial sexual contacts consist of only one act. [F880]

Three quarters (75.4%) of all reported sexual contacts consisted of just a single act. Even as far as the 'dark number' is concerned, we can safely assume that repeated punishable sexual contacts are more likely to involve the same two persons; indeed, Tab. 65 shows furthermore that with increasing degree of seriousness, act frequency also rises. [F881] The large number of exhibitionistic encounters and genital touches predominantly consist of one-time acts. These two types of one-time acts alone make up approximately 56% of all reported sexual contacts.

Now, one might assume that this result was heavily influenced by the large number of one-time exhibitionistic encounters, It would be interesting to see if Hypothesis_{1,2} would still be confirmed if exhibitionistic acts were excluded. To this aim, in Appendix 56b, a corresponding calculation without the

Table 65:

Type of Reported Sexual Contact (vertical) and
 Number of Sexual Acts (horizontal) (Lower Saxony,
 1969-1972, cases involving N = 7,196 declared victims)

Type of Reported Sexual Contact	Number of Sexual Acts	One-Time Act	Several Acts	Overall
Genital Exhibition		2,573	417	2,990
Genital Touching		1,447	547	1,994
Mutual Manipulation		104	129	233
Inter.-Like Acts		124	159	283
Att. Intercourse		616	133	749
Compl. Intercourse		559	388	947
		5,423	1,773	7,196

exhibitionistic encounters was carried out. At the same time, the working hypothesis which said that the number of contacts goes up with increasing degree of seriousness of the sexual act was also confirmed. [F882] Admittedly, the result is no longer as clear-cut.

In summary, this means not only that a larger share of sexual offenses which are reported to the police are rather superficial sexual acts, but also, that most of these declared victims had merely had a brief, one-time encounter with the suspected perpetrator. Because the more serious acts are more likely to occur within the victim's own familiar and related circle [F883], the victim is in greater danger of (repeated) serious sexual assault in his/her immediate social surroundings. Although this result does seem plausible, we must nevertheless ascertain whether the stranger perpetrator actually is again and again the more dangerous one. Or is he really the least harmful?

2. Type of Reported Act and Nature of Discrete Sexual Acts

The extent to which the sexual perpetrator uses violence during the act is likely the most important factor contributing to victim harm. The above-discussed degree of seriousness or intensity of the sexual contact certainly also plays a role. The number of individual acts and the period of time over which they are engaged in likely have an impact as well. So, it is to be expected that a woman who had been raped again and again by her husband over the course of many years will have suffered serious physical, psychological, and sexual harm. It is quite possible that the impact this has on the woman will not be noticeable to others. What are known criminologically and sexologically as "individual acts" are a useful measure of intensity and frequency. [F884] Thus the 73 declared sexual victims who spoke about their victimization for the follow-up study had experienced an overall total of 349 individual, qualitatively and chronologically distinguishable sexual acts. This means that these victims had experienced an average of 4.8 individual acts. The 131 victims whose cases resulted in conviction (Study 3) experienced an overall total of 1,215 individual sexual acts. This means that each of these victims had experienced an average 9.3 individual acts. Consequently, the victims of convicted sexual contacts had experienced about twice as many punishable sexual acts. Conversely, this means that more of the merely reported cases consisted of a single, one-time act. It would be interesting to know which acts were more often repeated. For this purpose, for Studies 2 and 3, the percentage distributions for the different situations and their respective individual acts were compared. The expert-established hierarchy was again used to describe the various sexual acts.

Although cases of "penis presentation" were often reported (Study 2 -- 41.1%), they only made up 22.1% of all individual acts. The situation was similar for attempted coitus (15.1% vs. 8.3%). Both are acts which typically do not involve the same victim and suspected perpetrator. Also, these acts are obviously more seldom combined with other types of punishable sexual contacts. This also applies to convicted cases of attempted coitus (12.2% vs. 3.5%). "Attempted coitus" is obviously frequently resisted by the victim, thus breaking off an act that is not so easy for the perpetrator to repeat. The situation is different for convicted cases of "interfemoral intercourse" (3.8% vs. 10.1%) and "completed coitus" (16.8% vs. 25.5%). When these cases result in conviction, it is obviously more likely that the acts were repeated. It was already stated further above that the more serious sexual offenses more often involve violence, and the perpetrators are more likely to be known or related to the victim.

Table 66:

Percentage Distribution of Situations and Individual Acts
in Reported and Convicted Sexual Contacts:

- a) Study 2: Reported and Followed-Up Sexual Contacts (Lower Saxony; 1969-1972; 1979/1980 follow-up study; cases involving N = 74 declared sexual victims and N = 349 individual acts)
b) Study 3: Convicted Sexual Contacts (Pfalz; 1965-1969; cases involving N = 131 declared sexual victims and N = 1,215 individual acts)

Sexual Contact Type (in %)	a) Study 2		b) Study 3	
	Rptd. Cases	Ind. Acts	Rptd. Cases	Ind. Acts
Adult shows child/youth nude photographs.			1.5	4.6
Adult looks at child's/youth's genitals.		2.3	0.8	0.1
Adult has lewd, sexual conversations with child/youth.	2.7	19.8		
Adult touches child/youth indecently with hand, but not on genitals (i.e., on the bottom/breast).	2.7	3.7	9.9	8.2
Adult shows his genitals to child/youth.	41.1	22.1	2.3	2.0
Adult touches child's/youth's covered genitals (perhaps through underpants).	9.6	7.5	7.6	6.2
Adult asks child/youth to participate in lewd sexual act (whether or not it actually takes place).	1.4	6.0	1.5	0.4
Adult touches child's/youth's unclothed genitals.			25.2	24.1
Adult and child/youth touch each other's unclothed genitals with their hands.	2.7	1.4		
Adult has child/youth touch him with his/her hand.	8.2	9.7	3.0	2.8
Adult sexually satisfies himself in front of child/youth.	5.5	1.7	2.3	0.8

(table continues on next page)

Sexual Contact Type (in %)	a) Study 2		b) Study 3	
	Rptd. Cases	Ind. Acts	Rptd. Cases	Ind. Acts
Adult and child/youth touch each other with their unclothed genitals.			7.6	4.8
Adult and child/youth satisfy themselves with their hands.				
Adult and child/youth lie together such that one's genitals run against the other's thighs ("interfemoral intercourse").			3.8	10.1
Adult has child/youth sexually satisfy him with his/her hand.	1.4	5.4		
Adult touches child's/youth's anus with his genitals.		0.6		0.1
Adult performs oral sex on child/youth.			0.8	0.6
Adult attempts coitus with child/youth.	15.1	8.3	12.2	3.5
Adult has child/youth perform oral sex on him.		0.3		0.8
Adult has coitus with child/youth.	8.2	7.2	16.8	25.5
Adult and child/youth perform oral sex on each other.				
Adult attempts anal intercourse with child/youth.			2.3	3.0
Adult has anal intercourse with child/youth.	1.4	0.3	1.5	0.2
Other Contacts		3.7		0.3
	N=74	N=349	N=131	N=1,215

For Study 2 (the follow-up), an additional assessment was made of how many individual sexual acts each victim had experienced. Acts type was evaluated as well, always counting only the most serious act listed.

Table 67:

Number of Sexual Acts Experienced by Declared Victims
(Lower Saxony, 1969-1972, 1979/1980 follow-up study,
N = 112 declared victims involved in N = 258 individual acts)

Number of Individual Sexual Acts	Declared Victims	%	cum. %
1	86	76.8	76.8
2	9	8.0	84.8
3	6	5.4	90.2
4	1	0.9	91.1
5	4	3.6	94.6
9	1	0.9	95.5
14	1	0.9	96.4
19	1	0.9	97.3
20	1	0.9	98.2
50	2	1.8	100.0
Total	112	100.0	

A good three-fourths of the declared victims experienced just a one-time act. The two cases that consisted of fifty repeated acts mostly involved less harmful situations, such as "having sexual conversations." There were a few more serious sexual acts among them, which were sometimes repeated prior to the report being made.

3. Age of Declared Victims and Number of Sexual Acts

In Hypothesis_{12.1} [F885], it was asserted that the majority of reported sexual contacts involving children are one-time acts. Of the 7,663 reported cases from Study 1 for which both the age of the victim as well as the number of individual acts were known, 6,365 involved child victims. Of these, 4,845 (76.1%) consisted of one-time acts. The hypothesis is thus confirmed. More than three-fourths of all reported perpetrator-victim constellations consisted of merely a one-time act.

Admittedly, the significance calculation [F886] performed on this showed that there was no substantial difference between the experiences of child victims and those of adolescents and adults. But it turned out that child victims themselves needed to be further subdivided into the age groups of 0-5, 6-11, and 12-14. [F887] Whereas pre-school children were five times more likely to have experienced one-time as opposed to repeated contacts (a factor of 5.2), this was only true for 6-11 year-olds by a factor of 2.3. For 12-14 year-olds it rose again, to 3.1. This means that the number of punishable multiple contacts increases when children begin school, and then -- based on the age regulations in the sexual criminal law [F888] -- decreases from age fourteen on. From a sex pedagogy perspective, it is presumed that with the beginning of school as well as increasing age generally, three substantial changes take place which can lead to children experiencing multiple sexual contacts:

- With the entry into school, the opportunity for such "unsupervised" sexual contacts suddenly rises.
- With increasing age, children appear more attractive to many suspected perpetrators.
- With increasing age, children's own sexual interests are more developed. They can be declared to be victims even if they had actively participated in the punishable sexual contact.

To the extent that these contacts are nonviolent (cases involving child victims generally are [F889]), situations in which the "victim" age is fourteen or above rarely come within the purview of the criminal law. Persons over fourteen who become known as victims are mainly raped or coerced women, who are seldom assaulted more than once by the same perpetrator. For children who become known as victims of repeated sexual acts, with increasing degree of seriousness, the frequency of the acts certainly increases as well. To put it another way: A perpetrator who has sexual intercourse with a child is more likely to repeat the act with that same child [F890] than is a perpetrator who has shown the child his penis. [F891] Therefore, Hypothesis_{12.1} [F892] is confirmed.

In summary, it may be said that the number of individual punishable sexual acts a victim experiences at the hands of the same perpetrator is heavily dependent upon both act opportunity as well as the degree of seriousness of the sexual contacts. Obviously, even punishable sexual contacts are

more likely to be repeated by familiar and related perpetrators; these acts are frequently also more serious. Cases in which the perpetrator abuses, rapes, or sexually coerces his own child, girlfriend, or wife over a long period of time are particularly serious. Moreover, it is alarming that wives are especially poorly protected from these situations by the criminal law, because they cannot report them as rapes.

XIII. Period of Time Over Which the Criminalized Relationship Existed

The period of time over which the individual punishable sexual acts takes place is -- essentially -- information that is supplemental to the number of acts. Presumably, in for example the sexual abuse of dependents, a longer-standing perpetrator-victim relationship is more traumatizing than a shorter one.

In the previous section, it was already stated that in reported cases, three-fourths of the contacts consist of one-time acts. For convicted cases, the figure is 40%-60%, depending on the study. Thus, as would be expected, more convicted sexual offenses consist of perpetrator-victim relationships which continued over a longer period of time. In extreme cases, the victim was involved with the same perpetrator for five to thirteen years. [F893]

Table 68:

Period of Time Over Which the Punishable Sexual Contacts Were Repeated (cumulative percentages)

Study [F894]

Time Period	Lange	Simson	Wegner	Irning	Study 3	Study 2
One-Time	57.1	38.0	42.8	38.7	41.2	76.8
1 week	61.1	42.1	48.2		46.6	87.7
2 weeks ^a	64.1					90.4
1 month	70.4	50.9	60.9		61.2	91.8
3 months	80.3				70.3	93.2
6 months	88.9	77.3	82.6		75.5	95.9
1 year	95.7	87.8	92.0		88.5	97.3
2 years	99.0	93.5			94.6	
3 years	99.5	95.8			96.9	
4 years		97.3			99.2	
5 years	100	98.1				100
7 years					100	
10 years		99.6	100			
13 years		100				

Tab. 68 gives an overview of five studies of convicted cases, as well as the comparable cumulative percentages from Study 2 (reported cases).

XIV. The Victimization Process

In Section XIV [F895] of Chapter E. (working research hypotheses), the course of the sexual offense was expressed in schematic form. [F896] The presumed-to-be essential variables of the victimization process were described there. This was designed to show that looking at the victimization process in terms of only one characteristics -- or even a handful of characteristics considered in isolation from one another -- is obsolete. According to the TOTE-model [F897], victimization is a complex system of communicational interaction between two or more persons, which is also influenced by other variables. We are thus dealing with a complicated, multidimensional course. Precisely because of the multidimensionality and interdependence of individual factors, it is difficult to depict the course graphically. It was decided that in the present study, we would proceed as follows: Firstly, a hypothetical course-model was described. [F898] In a second step, the model was subdivided so that the individual interactions of two or three variables from the existing data could be re-examined. Up to this point, working hypotheses 1-13 have been proven to be correct. In this section on the victimization process, we will verify the relationships among the variables "behavior of the accused," "behavior of the declared victim," "sexual contact intensity," "degree of acquaintance," and "age of the declared victim," as well as those between several additional variables, as posited in Hypotheses_{14.1-14.5.5}. [F895]

1. Relationship Between Age of Declared Victim and Act Location

In Section VIII [F899], it became clear that in the bulk of reported sexual contacts, the place of initial contact does not differ substantially from the later act location. Therefore, for our purposes here, only the act location will be used. For the cases from Study 1 in which both the age of the declared victim as well as the act location were known (N = 6,756), Table 69 shows the following distribution.

Merely reported perpetrator-victim relationships seldom last longer than two weeks, and consist almost exclusively of one-time acts.

Table 69:

Age of Declared Victim (vertical) and Act Location (horizontal)
 (Lower Saxony, 1969-1972, cases involving
 N = 6,756 declared sexual victims)
 [Left and right-most columns are labeled in English.]

	COUNT ROW PCT COL PCT TOT PCT	Act Location					ROW TOTAL
		Home of D.V. and/or S.P.	Other Bldg.	Mot. Veh.	Park, Forest, Play- ground	Street, School Route	
Age of Declared Victim	1-5 years	147 32.6 8.6 2.2	89 19.7 14.4 1.3	6 1.3 1.8 0.1	128 28.4 6.0 1.9	81 18.0 4.1 1.2	451 6.7
	6-11 years	714 20.8 42.0 10.6	331 9.6 53.4 4.9	95 2.8 28.6 1.4	1,230 35.8 57.4 18.2	1,065 31.0 54.3 15.8	3,435 50.8
	12-14 years	496 28.9 29.2 7.3	135 7.9 21.8 2.0	81 4.7 24.4 1.2	490 28.6 22.9 7.3	514 30.0 26.2 7.7	1,716 25.4
	over 14 years	344 29.8 20.2 5.1	65 5.6 10.5 1.0	150 13.0 45.2 2.2	293 25.4 13.7 4.3	302 26.2 15.4 4.5	1,154 17.1
	COLUMN TOTAL	1,701 25.2	620 9.2	332 4.9	2,141 31.7	1,962 29.0	6,756 100.0

chi-square = 394.79394; df = 12; sig. = 0.

Relatively many of the punishable sexual contacts took place indoors or even in the home of the declared victim and/or the suspected perpetrator. Summarizing declared victim age by act location yields the following distribution:

Table 70:

Act Locations for Child vs. Older Declared Sexual Victims
 (Lower Saxony, 1969-1972, cases involving
 N = 6,756 declared sexual victims)

Age of Declared Victims \ Act Location	Indoors	Mot. Veh.	Outdoors	Overall	
0-14 years	1,912 (34.1%)	182 (3.3%)	3,508 (62.6%)	5,602 (100%)	83.9%
over 14 years	409 (35.4%)	150 (13.0%)	595 (51.6%)	1,154 (100%)	17.1%
				6,756	100.0%

This comparison shows that the act locations for child versus older victims differed the most in the categories "motor vehicle" and "outdoors." Children were rarely victimized in an automobile. Only 3.3% of acts involving child victims took place there. Anyone who might then aver that many children were probably brought to the act location in an automobile would be quite surprised to learn that there were only 36 cases (0.6% of all cases involving child victims) in which the child had initially encountered the suspected perpetrator in a car. This means, once again, that the warning that are frequently given only apply to a microscopically small number of cases. Consequently, the general warning that children should "Never get into a stranger's car!" would only be able to help prevent 0.6% of all reported sexual contacts.

Furthermore, as Tab. 70 shows, the majority of reported sexual encounters involving child victims take place outdoors (62.6%) or in a motor vehicle (3.3%); only 34.1% occur indoors. In Hypothesis_{14.1}, it was posited that -- excluding the less harmful exhibitionistic contacts -- most cases involving child victims take place indoors, frequently in the home of one or both of the participants. [F900] Tab. 71

shows the cases in which both victim age and act location were known, excluding the 2,602 exhibitionism cases.

A comparison with Tab. 69 (distribution excluding exhibitionism) shows that the figures for those over fourteen years of age hardly changed at all. This means that the approximately 2,600 exhibitionistic encounters make up more than half of all cases involving child victims; consequently, the situation depicted in Tab. 70 remains largely the same.

In summary this means that, excluding exhibitionistic encounters, most children are sexually victimized indoors (54.1%); just 40.5% (N = 1,222) of these contacts took place in the home of the suspected perpetrator and/or victim.

Table 72:

Act Location for Child vs. Older Declared Sexual Victims,
Excluding Exhibitionistic Encounters (Lower Saxony,
1969-1972, cases involving N = 4,154 declared sexual victims)

Age of Declared Victims	Act Location	Indoors	Mot. Veh.	Outdoors	Overall	
0-14 years		1,632 (54.1%)	117 (3.9%)	1,268 (42.0%)	3,017 (100%)	72.6% 27.4%
over 14 years		404 (35.5%)	149 (13.1%)	584 (51.3%)	1,137 (100%)	27.4%
					4,154	100.0%

Working Hypothesis^{14.1} is thereby verified. These results mean that the warnings directed towards children are based on false assumptions. Children are very seldom taken by car from the place of initial contact to the act location; by the same token, automobiles are rarely the act location in reported sexual contacts involving child victims. Excluding the typically less harmful exhibitionistic encounters, children are most frequently sexually victimized indoors. Moreover, 40.5% of the time, it happens in the victim's and/or perpetrator's home. It was already mentioned further above that the more serious cases, involving more intensive sexual acts [F901] and the use of force [F902], more frequently take place in these familiar locations. On the other hand, older girls and women are relatively frequently victimized in a car or out-of-doors (64.5% combined). Consequently, prevention efforts must be tailored according to victim age group, offense type, and act location.

2. Behavior of the Accused Relative to Other Variables

The behavior of the accused in reported and convicted cases was described in detail further above. [F903] Here, we discuss its relationship to other variables in greater detail.

a. Behavior of the Declared Victim

In Tab. 58 and its corresponding calculation [F904], it was shown that in most of the cases where the suspected perpetrator had exhibited violent behavior, the declared victim had defended him/herself. This result verifies Hypothesis_{1,4,2,1}. [F905] Of the cases from Study 1 in which the suspected perpetrator was listed as having exhibited threatening or violent behavior, 81.5% of the declared victims had exhibited defensive behavior. In the follow-up study, this figure increased to 97.4%. This means that in reported cases, aggressive perpetrators usually face resistance. Consequently, it appears that the problem is not so much that sexual victims fail to indicate their refusal but rather, if anything, that they are unable to do so early or clearly enough. Apparently, however, the biggest problem is that many sexual perpetrators either don't recognize when the victim is resisting, or don't wish to recognize it. It is frequently argued on the perpetrator side that the victim really hadn't resisted. Consequently, the victim's defensive behavior may then be characterized as "Vergewohltätigen." * In ~~this~~ connection, it is striking that very many rapists show little understanding of the wrongfulness of their actions. To understand this, one has only to acknowledge that the use of sexual violence is -- tacitly -- structurally legitimized and tolerated. This is evidenced by the subject matter of so-called "male humor," which makes light of sexual violence against women, if not actually glorifying it. Future public education efforts should make it clear that rape and sexual coercion are no longer seen as 'gentlemanly' offenses.

[* See Footnote 845, Translator's Note]

b. Sex of the Declared Victim

As was already mentioned, criminal acts against the right to sexual self-determination are predominantly offenses committed by men "in the prime of life," almost exclusively against girls and young women. [F906] Looking at reported violent sexual contacts separately -- as was done in Fig. 7 [F907] -- clearly shows that, in both relative and absolute terms, violent sexual contacts begin to increase at a victim age of twelve. Of the twelve-year-old victims, 86 girls (10.5% of this age group) reported threatening or violent behavior. By comparison, 227 (72.8%) of the 17-year-old

and 97 (75.2%) of the 19-year-old female victims had experienced sexual violence. Obviously, with the onset of puberty, young women are increasingly the target of sexual attacks; on the other hand, male declared victims seldom report threatening or violent perpetrator behavior. [F908] Therefore, working Hypothesis_{14.2.2} is also confirmed. [F909]

c. Age Difference Between Declared Victim and Accused

Hypothesis_{14.2.3} posited that violent or threatening behavior is especially likely to be experienced by post-pubertal female victims at the hands of similar-age suspected perpetrators. "Similar-age" is defined as a victim-perpetrator age difference of less than ten years. The corresponding tables and significance calculations are presented in Tab. 28b [F910] and Appendices 38a and 38b; they are discussed on pg. 239 ff. Moreover, it was stressed that perpetrator-victim constellations with smaller age differences are more common than would be the case with randomized age-pairs [F911], and that these constellations more frequently involve threats and violence compared with those with greater age differences. Therefore, working Hypothesis_{14.2.3} is likewise confirmed. Of all of the cases in which the man had exhibited threatening or violent behavior, no less than 48.3% consisted of constellations in which a male suspected perpetrator between 16 and 30 had been involved with a female declared victim between 12 and 20. The importance of age variables on the victim side may be succinctly summarized as follows: Sexual victims are either female or male children who experience no violence or threats (72.4% of all cases), or they are young women who do experience violence or threats (11.6% of all cases). This description covers no less than 85.5% of all reported sexual contacts from Study 1.

The three relationships described in points a), b), and c) are already able to be integrated into the victimization process course schema laid out in Fig. 5. They state that the approximately 20% of sexually violent cases predominantly involve young women being victimized by men who are not much older than they are. Moreover, whereas most women do put up resistance or try to refuse, the perpetrator presumably does not define the victim's behavior this way. ("Of course she really wanted it. Women say 'no' and mean 'yes'." ...)

3. Behavior of the Declared Victim Relative to Other Variables

a. Sex of the Declared Victim

Further above, under item 3 of the results presentation in Section X, male and female victim behavior during the sexual act

was described. [F912] Moreover, Hypothesis^{14.3.1}, which said that female victims more often exhibit defensive behavior, was also confirmed. [F913] Because it is impossible under the criminal law for boys and men to be raped, one might initially assume that this result is just an artifact. However, when the table in Appendix 54 is examined more closely, it becomes apparent that, independent of criminal act type, male victims exhibited or needed to exhibit defensive behavior less often than female victims (43.9% vs. 61.8%). Male victims were much less likely to have experienced threats or violence. [F914] On the one hand, this leads to the conclusion that reported homosexual contacts are less likely to be aggressive than heterosexual ones. It could be that older homosexual men take the younger partner's right to sexual self-determination more seriously than heterosexual men do. It may be that potential male sexual victims are more experienced at defending themselves. Many consciously allow themselves to get involved in punishable sexual contacts. Lastly, it does indeed seem that heterosexual ideology still encompasses the notion that women must be "conquered." [F915] Obviously, it is more in the nature of heterosexual roles for men to "take" women against their will; in any event, men too often become brutal perpetrators.

b. Age of the Accused

If there is a relationship between the age of the suspected perpetrator and the behavior of the declared victim, as was posited in Hypothesis^{14.3.2} [F916], then the intervening variable would probably be the "behavior of the suspected perpetrator." In plain language, this means that: Younger perpetrators are more inclined to be sexually violent. Therefore, younger perpetrators are more likely to meet resistance from sexual victims.

The corresponding contingency tables and calculations are presented in Appendices 60a and 60b. According to them, the results from Study 1 indeed are significant, though not entirely clear. It is true that declared victims defended themselves relatively frequently when the suspected perpetrator was between sixteen and thirty years of age. When the suspected perpetrators were even younger, active and passive victim behaviors were listed relatively frequently. In (follow-up) Study 2, the results are no longer interpretable ($p > .10$).

In order to be able to better evaluate this relationship, exhibitionistic acts were excluded in Tab. 73; this was done because, though exhibitionism also frequently elicits defensive behavior on the part of declared victims, it rarely causes great alarm.

Table 73:

Behavior of Declared Victim (vertical) and
Age of Suspected Perpetrator (horizontal)
(Lower Saxony, 1969-1972, cases involving
4,499 declared sexual victims,
excluding exhibitionistic encounters)
[Left- and right-most columns are labeled in English.]

COUNT ROW PCT COL PCT TOT PCT		Age of Suspected Perpetrator (years old)					ROW TOTAL
		1-15	16-20	21-30	31-40	> 40	
Beh. of D.V.	Accommo- dating	29 7.0 7.6 0.6	98 23.6 11.5 2.2	111 26.7 8.9 2.5	82 19.7 8.1 1.8	96 23.1 9.6 2.1	416 9.2
	Passive	144 8.5 37.6 3.2	213 12.6 25.1 4.7	429 28.8 34.2 9.5	415 24.5 40.8 9.2	494 29.1 49.5 11.0	1,695 39.7
	Defen- sive, Reject- ing	210 8.8 54.8 4.7	538 22.5 63.4 12.0	713 29.9 56.9 15.8	520 21.8 51.1 11.6	407 17.0 40.8 9.0	2,388 53.1
	COLUMN TOTAL	383 8.5	849 18.9	1,253 27.9	1,017 22.6	997 22.2	4,499 100.0

chi-square = 137.04567; df = 8; sig. = 0.

When exhibitionistic acts are excluded, 61.2% of the cases in which the declared victim had resisted involved suspected perpetrators who were under 31 years of age; and yet, this age group only constituted 55.3% of all reported sexual contacts. Sexual victims were obviously more alarmed by attacks from this age group than by others.

c. Age Difference Between Declared Victim and Accused

In working Hypothesis^{14, 3, 3} it was asserted that defensive victim behavior would be more likely to be exhibited in reported sexual contacts which involved a smaller age difference between the declared victim and the suspected perpetrator. [F917] This hypothesis assumes that these cases more frequently involve threatening or violent behavior on the part of the suspected

perpetrator [F918], which is therefore more likely to induce defensive behavior on the victim's part. The numerical distribution in Tab. 74 (next page) also appears to support this assumption. However, the significance calculation shows that the numerical distribution is not substantially different from that which would have been theoretically expected. Consequently, working Hypothesis^{14, 3, 3} must be rejected, thus confirming the corresponding null hypothesis. [F919]

Table 74:

Behavior of Declared Victim (vertical) and Age Difference Between Declared Victim and Suspected Perpetrator (horizontal)
 (Lower Saxony, 1979/1980 Follow-Up Study,
 cases involving N = 96 declared sexual victims)
 [Left- and right-most columns are labeled in English.]

	COUNT ROW PCT COL PCT TOT PCT	Age Difference (years)		
		1-14	> 14	ROW TOTAL
Behavior of Declared Victim	Accom- dating, Passive	3 25.0 10.0 3.1	9 75.0 13.6 9.4	12 12.5
	Defensive, Rejecting	27 32.1 90.0 28.1	57 67.9 86.4 59.4	84 87.5
	COLUMN TOTAL	30 31.3	66 68.8	96 100.0

Corrected chi-square = .02771; df = 1; sig. = .8678.

Presumably, as has been mentioned many times further above, victim-described perpetrator behavior is obviously a clearer criterion for evaluating the violent nature of the offense situation, as opposed to the victim's own behavior. Put simply: When the victim reacts in a defensive or rejecting manner, this does not automatically mean that the suspected perpetrator had acted in a violent or threatening way. That this is so has already been suggested by the distributions in Tab. 73 (cases excluding exhibitionism) and the analogous table in Appendix 60a (cases including exhibitionism). Excluding the 2,652 exhibitionistic cases in Appendix 60a from Tab. 73, it became clear that no less than 1,878 of them fell into the "defensive behavior" category. This means that 70.8% of declared victims of exhibitionism had exhibited defensive behavior. Because of their large number and uniform act-course, the group of reported exhibitionistic encounters has such a strong influence on the overall distribution that -- without a further subdivision -- a statement regarding all reported cases cannot be made. On the other hand, the number of cases in Study 2 (Tab. 74) does not allow for any further subdivisions to be made.

In our description of exhibitionistic contacts, it should also be noted that whereas on the one hand violent perpetrator behavior is seldom seen here [F920], on the other hand, even in these cases, relatively many victims reported having behaved in a defensive or rejecting manner.

Table 75:

Behavior of Declared Victim (vertical) and
Type of Reported Sexual Contact (horizontal)
(Lower Saxony, 1969-1972, cases involving
N = 7,197 declared sexual victims)

Type of Reported Behavior of Declared Victim	Sexual Contact	Genital Display	"Petting," Sexual Manip.	Intercourse and Inter.- Like Acts	
Accommodating Behavior	92	92	162	253	507
	208	208	159	141	
Passive Behavior	776	776	1,039	613	2,428
	407	407	761	673	
Defensive, Rejecting Behavior	2,077	2,077	1,055	1,130	4,262
	1,744	1,744	1,336	1,182	
	2,945	2,945	2,256	1,996	7,197

chi-square = 720.59252; df = 4; CC = .30; CC_{max.} = .99; CC_{corr.} = .30.

This also agrees with the results from Tab. 58 [F921], where in 54.2% of the 6,202 cases overall (Study 1), despite the absence of violence or threats by the suspected perpetrator, "defensive victim behavior" nevertheless was exhibited. Moreover, it becomes clear that exhibitionists' behavior, which usually constitutes just "standing there," showing his penis, and perhaps masturbating, is frequently unequivocally rejected by the victim, and that it is also easier for victims to express their rejection of this

type of perpetrator. And there is one more problem specific to the exhibitionistic situation that should be addressed. As a rule, the exhibitionist wants his phallus to engender either admiration or shock. Consequently, a desire to shock is frequently reflected in the way he carries out the act. [F922] This behavior, combined with misinformation in the public and within sex education itself [F923], yet again leads to many victims and potential victims having the (mis-)perception that these acts are somehow associated with capital crimes. But the exhibitionist has already accomplished his goal. Therefore, victims' displayed and described defensive behavior is actually indicative of their own misunderstanding of the situation. Ironically, these fear-laden defensive reactions frequently are precisely what the exhibitionist "lives for." They often help him to achieve orgasm. This of course then gives him a feeling of phallic potency. [F924]

d. Sex of Declared Victim and Age Difference Between Victim and Accused

In Hypothesis^{14.3.4}, it was posited that girls and young women are more likely to exhibit resistance in reported sexual contacts when the suspected perpetrator is only a little older than they are. [F925] This statement clearly describes the typical sexually violent situation quite well. And yet, in the preceding section Hypothesis^{14.3.3} was rejected, because sexual victims' defensive behavior can obviously have quite different or multi-dimensional motivations. Because the preceding hypothesis on which it is based had to be rejected, there is no need to try to verify Hypothesis^{14.3.4}. It may also be regarded as false; consequently, in its current form, it must be rejected.

e. Declared Victim's Social Class and Grade Level

In the victimological literature on sexual offenses, it is often asserted that victims from the lower social classes seldom resist. Authors frequently use this statement in an attempt to describe neglect * phenomena seen in sexual victims. This is the context within which we will try to verify Hypotheses^{14.3.5-14.3.6} in the present study. [F926]

[* Translator's Note: The term used throughout this section is "verwahrlost." In addition to neglected, it can also mean uncared-for, unkempt, deteriorated, running wild, and degenerate. These multiple meanings should be borne in mind throughout.]

The above-mentioned findings from other publications are mostly based on the special group of convicted sexual offenses. It was asserted earlier that various selection filters are also at work on the victim side throughout the course of the sex offense prosecution. It is thus assumed that incest cases among the higher classes are rarely reported [F927], that members of the middle and upper classes are more likely to be in a position to assess whether legal proceedings would be helpful or harmful to the child, and that they are less likely to continue to participate in the criminal process when other important family interests are at stake.

Besides this selection factor, some works that deal with this issue make the methodological error of using the type of school the victim attends as the sole criterion for determining intelligence or social class. As was already pointed out, for reported sexual contacts, there is no selection by school type. [F928] Moreover, it was also made clear that the extremely important variable "victim age" is frequently overlooked. Due to criminal law determinations, it is predominantly children of primary school age who become known as sexual victims. This led many authors to the mistaken conclusion that high school students rarely become sexual victims. It was generally implicitly assumed that they act more intelligently and morally in sexually dangerous situations.

Many works also found that, among victims of convicted sexual contacts, there were a large number of girls who had been neglected. And yet, what was meant by "neglected" was seldom defined in any kind of clear way. Meanwhile, the problem with the quite extensive literature on neglect was its penchant for labeling girls -- in contrast and yet at the same time analogous to how boys were designated 'criminals' -- as "neglected" persons, who are subsequently institutionalized. [F929] It is especially tragic when the term "neglected" is used as a way of excusing a sex offender's behavior. In court proceedings for rape offenses, defense lawyers often employ such strategies in an attempt to exonerate their clients. The sexual victim's history of neglect is typically still seen as a victimogenic factor. And yet at the same time, neglect is also deemed to be a consequence of the sexual offense. This obviously leads to the notion of victim "defilement," which says that sexual victims are somehow lessened by the act. Today, the concept of neglect should be approached more cautiously. We should at least arrive at a precise definition before using the term. This could be a non-problematic way of allaying the suspicion that this is frequently an ideologically-laden term.

Accordingly, assumptions such as "lower class sexual victims are more likely to willingly participate in deviant sexual behavior" and "sexual victims are frequently more willing to participate in criminal sexual acts when they have already experienced them previously" need to be analyzed herein as working hypotheses.

First of all, there were relatively many primary school children among the declared sexual victims. [F930] Furthermore, these victims exhibited passive and/or active/initiating behavior more frequently than the high schoolers did. [F931] One is initially tempted to interpret this result as confirming the working hypotheses. But when the relationship between suspected perpetrator behavior and victim educational level is examined, one is obliged to reconsider. [F932] In line with the results in Appendix 61a, a trend observable in Appendix 61b ($p = .0269$) indicates that victims with higher educational levels experienced more violent sexual contacts. Typically, declared victims with higher educational levels are past primary school age. It is assumed that, simply because of their age, declared victims who for example were still attending primary school at the time of the reported sexual act will seldom have experienced rape. [F933] Consequently, categorizing declared victims by school type is similar to categorizing them by age. Admittedly, a further cross-table, in which sexual contact type was compared with school type [F934], actually showed that declared victims with higher educational levels reported relatively more exhibitionistic encounters, whereas special education students and non-schooled victims were more likely to be victims of punishable intercourse and attempted intercourse. Therefore, the results from these three tables appear to be quite contradictory. On the one hand, because of the age at victimization, relatively many of the victims with high educational levels would presumably have been raped; at the same time on the other hand, because of certain attitudes regarding exhibitionism, a relatively large number of these high schoolers would also have become known as victims of exhibitionists. Moreover, it would then be presumed that the large number of reported exhibitionistic contacts here would influence the distribution so heavily that in the table in Appendix 61c, the over-represented rapes among high schoolers would no longer be noticeable.

Unfortunately, in Study 1 there was no measure -- independent of age -- that could be used to assess what grade the declared victims were in. In Study 2, retrospective questions were asked about the victim's educational level, the parents' educational level, the head of household's occupation both at the time as well as

currently, and the chief wage earner's gross monthly income. [F935] From these, grade level and social class were able to be determined. [F936] First of all, it should be understood that the social classes of reported sexual victims were not significantly different from those of the overall population of West Germany. [F937] It may well be that the distribution of convicted cases is different; but that needs to be investigated more closely. In any event, the type of school attended by the victim does not allow us to make statements concerning sexual victims' class-specific characteristics. If these suppositions are to be verified, additional, well-grounded studies will have to be carried out.

In Study 2, declared sexual victims' social classes were compared with suspected perpetrator and declared victim behavior. Neither comparison yielded significant results ($p = .58$ and $.29$, respectively). [F938] This means that declared victims from the middle and upper classes were no more likely to have either resisted or experienced sexual violence. Hypothesis_{14.3.5} must therefore be rejected. [F939] By the same token, the corresponding null hypothesis -- which says that there are no significant differences between the behavior of victims from the various social classes -- is confirmed.

f. Declared Victims' Previous Sexual Knowledge

Hypothesis^{13, 4, 6} posited that declared sexual victim who had more sexual knowledge at the time of the reported sexual offense were more likely to exhibit defensive behavior. [F940] This hypothesis is based on two assumptions:

- Victims who experience sexual violence are typically older; due to their higher ages, they generally have more knowledge about sexual matters. Because these older victims experience violence more frequently than younger ones do, they also more frequently exhibit defensive behavior.
- Sexual victims with more knowledge of sexual matters also have more knowledge/experience regarding their own sexual self-determination and are therefore better able to resist if and when someone bothers them. In any event, this is what some sexual educators hope.

Unfortunately, in Study 2, declared victims' sexual knowledge at the time of the act could only be assessed retrospectively. [F941] Therefore, the declared victims' statements may be somewhat imprecise. Each declared victim's answers to question 72 in the RDSV questionnaire were compared with their age at the time. This established the declared victims' extent of sexual knowledge at the time of the reported sexual contact. Appendix 64a demonstrates that there is no significant relationship between victim behavior and contemporaneous sexual knowledge. Although it is true that victims with greater sexual knowledge more often experienced sexual violence [F942], this statistical relationship most likely just reflects the fact that both of these variables are age-dependent.

Lastly, we even examined the possibility of a connection between declared victim behavior and the age at which the declared victim had his/her first steady romantic relationship. This was designed to see whether so-called "precocious" youth are more likely to resist victimization. The significance calculation in Appendix 64c, however, does not permit any such interpretation.

Overall, the study was not able to verify the existence of any relationship whatsoever between declared victim behavior and sexual knowledge. Consequently, working Hypothesis^{14.3.6} was also shown to be incorrect. [F943]

To summarize these three sections describing the victimization process, we may conclude that victim behavior is much more difficult to assess than perpetrator behavior, even when it is described by the victim him/herself. Victim behavior apparently encompasses quite different dimensions.

When exhibitionistic cases are excluded, a very clear relationship between victim behavior and perpetrator behavior emerges. As soon as perpetrators begin exhibiting violent behavior, victims typically exhibit defensive or rejecting behavior. This constellation is frequently experienced by female victims; it's rarer in males. Neither age difference between victim and perpetrator nor victims' social class or sexual knowledge have any significant connection with victim behavior.

4. Intensity of Reported Sexual Contacts Relative to Other Variables

In Section XI of the results presentation, the construction of a hierarchy of punishable sexual contacts was explained in detail. [F944] Moreover, the criterion for classifying the various behavioral descriptions was the intensity, degree of seriousness, or harmfulness of the sexual act described. Due to a lack of empirical reliability in the design of the SST questionnaire, the results from Study 1 could not be used to validate this hierarchy; however, the classification system used in the follow-up was able to do so. [F945]

Table 76:

Behavior of Suspected Perpetrators (vertical) and
Type of Reported Sexual Contact (horizontal)
(Lower Saxony, 1969-1972, cases involving
N = 7,364 declared sexual victims)
[Left- and right-most columns are labeled in English.]

COUNT ROW PCT COL PCT TOT PCT		Type of Sexual Contact			ROW TOTAL
		Genital Exhibition	"Petting," Sexual Manips.	Inter. and Int.- Like Acts	
Beh. of Susp. Perps.	Other Behavior	3,009 51.8 98.5 40.9	1,863 32.0 81.6 25.3	942 16.2 46.5 12.8	5,814 79.0
	Threats, Violence	46 3.0 1.5 0.6	419 27.0 18.4 5.7	1,085 70.0 53.5 14.7	1,550 21.0
	COLUMN TOTAL	3,055 41.5	2,282 31.0	2,027 27.5	7,364 100.0

chi-square = 1998.72447; df = 21 sig. = 0; CC = .46; CC_{cor.} = .65.

a. Behavior of the Accused

It has already been stated many times in this volume that the three overall groups of sexual practices (exhibitionism, petting and erotic/sexual touching, an attempted or completed sexual intercourse) involve very different proportions of violent behavior. Working Hypothesis^{14.4.1} says that with increasing sexual act intensity (exhibitionism >>> petting >>> sexual intercourse), threats or violence are more frequently used by the suspected perpetrator. [F946]

Tabs. 76 and 77 show the relationship between type of reported sexual contact and suspected perpetrator behavior for the cases from Study 1

Table 77:

Behavior of Suspected Perpetrators (vertical) and Type of Reported Sexual Contact (horizontal) (Lower Saxony, 1979/1980 Follow-Up Study, cases involving N = 107 declared sexual victims) [Left- and right-most columns are labeled in English.]

		Type of Sexual Contact		
COUNT ROW PCT COL PCT TOT PCT		Genital Exhibition, "Petting," Sex. Manips.	Intercourse and Inter.- Like Acts	ROW TOTAL
Behav. of Sus. Perps.	Friendly	19	2	21
		90.5	9.5	19.6
		22.6	8.7	
		17.8	1.9	
He Stood There	46	93.9	3	49
		54.8	6.1	45.8
		43.0	13.0	
			2.8	
Threats, Violence	19	51.4	18	37
		22.6	48.6	34.6
		17.8	78.3	
			16.8	
COLUMN TOTAL		84 78.5	23 21.5	107 100.0

chi-square = 24.91198; df = 2; sig. = 0; CC = .43; CC_{cor.} = .61.