

**E. Working Research Hypotheses [F272]****I. Gender of Declared Victims and the Accused**

When one consults the various studies [F273] as well as police-gathered criminal statistics [F274], it becomes apparent that the gender distribution of persons who have become known as sexual victims is approximately 70-90% female, and 10-30% male.

The declared victims of reported sexual acts are, therefore, predominantly girls and women. [F275]

The accused are, almost without exception, men. [F276]

Typical constellation: A male person is accused of having had sexual contact with a girl.

For reported sexual contacts involving declared sexual victims under 21 [for females] or 15\* [for males] years of age in Lower Saxony during the years 1969-1972, it is expected that nearly all of the accused will be men. It is estimated that approximately 85% of cases will involve heterosexual contact with female declared victims, and about 15% of cases will involve homosexual contact with male declared victims.

---

\* The actual text here indicates "below...13." As was the case at the beginning of Section D, this appears to be a typographical error. Though it gives me pause that what I have ascribed as an "error" has now taken place twice, this nevertheless still appears to be a mistake. Again, both the English and German summaries indicate a male cutoff age of 14 (that is, up to and including 14).

**Hypothesis<sub>1.1</sub>:**

The accused in the reported sexual contacts are, almost without exception, men.

**Null Hypothesis<sub>1.1</sub>:**

The gender of the accused is randomly distributed.

**Hypothesis<sub>1.2</sub>:**

The declared victims in the reported sexual contacts are predominantly female. A smaller portion are male.

**Null Hypothesis<sub>1.2</sub>:**

The gender of the declared victims of reported sexual contacts is randomly distributed.

**Hypothesis<sub>1.3</sub>:**

The reported sexual contacts are predominantly mixed-gender. A smaller portion is same-gender.

**Null Hypothesis<sub>1.3</sub>:**

The distribution among reported same- and mixed-gender sexual contacts is random.

**II. Criminal Law Classification of Reported Sexual Contacts**

With the help of special statistical methods, it is predicted that approximately three-quarters of all reported sexual criminality in the German State of Lower Saxony will involve victims under 21 [for females] and 15\* [for males] years of age. [F277] The sexual contacts registered herein will be predominantly distributed among the criminal situations covered by §176:1:3, §183, and §177 of the Laws and Statutes of West Germany; a smaller portion will be distributed between §§173 and 174. [F278] The following distribution, which is based on Police Criminal Statistics, is therefore predicted:

- |  |               |
|--|---------------|
| - Sexual Abuse of Children             | - approx. 30% |
| - Exhibitionistic Acts                 | - approx. 45% |
| - Rape                                 | - approx. 15% |
| - Sexual Abuse of Subordinates         | - approx. 5%  |
| - Sexual Intercourse Between Relatives | - approx. 5%  |

It is predicted that nearly all of the victims of sexual contacts covered by §§173, 174, and 177 will be female.

---

\* The text again says "under...13 [for males]" (see above). It may be that Baurmann was merely basing his hypotheses on this age limit, only later realizing once he began collecting the actual data that, in fact, data for males up to age 14 would be included in the analyzed records.

### III. Age of Declared Victims

The age of declared victims being lower than that of the accused (see pg. 68 ff *supra*) is considered by some authors to be an objective sub-criterium for pedophilic contacts. Thus Schorsch [F279], following the examples set by Fetscher [F280], Mohr [F281], Haddenbrock [F282], Wille [F283] and others, distinguished between different types of pedophilic contacts based on victim age and gender. [F284]

The criminal law's use of age limits, such as fourteen for example, has of course had a considerable influence on the age distribution of victims of reported sexual contacts.

Initially, the frequency of sexual contacts increases as a function of the ages of the participants. But then later on, approximately between the ages of 20 and 30, the curve reverses itself, accelerating in the negative direction.

Reported sexual contacts are merely a small cross-section of normal and deviant sexual behavior as a whole. Therefore, with certain exceptions, similar distributions would be expected.

These exceptions include:

1. One essential limitation concerns the criminalization of some sexual contacts with persons under fourteen years of age. It is furthermore predicted that the number of declared sexual victims will be greatest just below this age limit.
2. The age limit of sixteen for seduction is predicted to not have any substantial influence, because only a few cases are reported under this criminal law provision.
3. For male victims, the essential age ceiling is eighteen. From this age on, the younger homosexual partner is no longer a legally-protected victim. Because men are not protected by the rape paragraphs, and also because, for obvious reasons, men rarely experience bodily, sexual rape (one exception: forced anal intercourse; i.e., among

prisoners), they do not play an important numerical role relative to adolescent declared victims.

4. Rapists themselves predominantly seek out female victims who are already pubertal or post-pubertal. Accordingly, it would seem that the victim age would go up to about twenty five, after which, victimizations would slowly trail off. What the corresponding distribution curve for all victims of sexual violence looks like [F285] is quite unclear. Presumably, the smaller curve for extra-marital rape victims [for those over 25] is offset by a corresponding increase in marital rape within this age group. This would mean that some persons begin committing punishable acts prior to marriage, on younger victims. Unfortunately, these presumptions cannot be verified in the present study.

Given the aforementioned limitations, it is predicted:

- a) that older children and teenagers are more likely to become known as sexual victims, and,
- b) that children who have just entered the wider social environment (i.e., who are just starting school), as well as youth who have just entered puberty, are over-represented as declared victims.

#### **Hypothesis<sub>3.1</sub>:**

Children just beginning school are more likely to become declared victims of reported sexual contacts, relative to this group's share of the overall population.

#### **Null Hypothesis<sub>3.1</sub>:**

Children just beginning school become declared victims of reported sexual contacts in proportion to their distribution in the overall population.

#### **Hypothesis<sub>3.2</sub>:**

Pubertal youth are more likely to become known as victims of reported sexual contacts, relative to this group's share of the overall population.

#### **Null Hypothesis<sub>3.2</sub>:**

Pubertal youths become known as victims of reported sexual contacts in proportion to their distribution in the overall population.

**Hypothesis<sub>3.3</sub>:**

Young women, beginning at puberty and continuing up until the average age of marriage, are more likely to become known as victims of reported, violent sexual contacts.

Null Hypothesis<sub>3.3</sub>:

The age distribution of declared victims of reported, violent sexual contacts is analogous to the age distribution of cases in the overall population.

#### IV. Age of the Accused

Contrary to what has been reported in earlier works [F286], it is predicted that only very rarely will the accused be an elderly person. Even in cases involving child victims, it would seem that the "dirty old man" is actually quite rare.

Most of the accused are expected to be between fourteen and forty years of age, which is related to the fact that this is also regarded as the most sexually active group in the overall population.

Hypothesis<sub>4</sub> parallels the wording of Hypothesis<sub>1.1</sub>:

In reported sexual contacts, the accused are predominantly from the age group encompassing fourteen to forty year-old males (teenagers, adolescents, and young adults).

Null Hypothesis<sub>4</sub>:

The age distribution of the accused in reported sexual contacts is analogous to the distribution of ages in the overall population (adjusting for the age of criminal responsibility).

#### V. Age Difference Between Declared Victims and Accused

Sexual contacts involving small age and developmental differences (i.e., sexual contacts between children and teenagers) can be distinguished from those involving considerable age and developmental differences. [F287]

In public, one is again and again warned about the lustful old man, who sexually violates little children. According to sexological and criminological studies, old men are rarely the accused in this offense area [F288], especially in those cases in which the accused has acted in a threatening or violent manner.

**Hypothesis<sub>5.1</sub>** is formulated contrary to the common-sense hypothesis:

An age difference of ten years or less is predicted to be more common among declared sexual victims and accused than would be the case between two randomly-selected members of the general population.

**Null Hypothesis<sub>5.1</sub>:**

The age difference between declared victims of reported sexual contacts and accused corresponds to the theoretical average that would be expected among any two randomly-selected members of the general population.

**Hypothesis<sub>5.2</sub>** concerns those sexual contacts which contain some aspect of violence:

Threatening and violent behavior on the part of the accused occurs with relatively greater frequency in those reported sexual contacts in which the age difference between the declared victim and the accused is less than eleven years.

**Null Hypothesis<sub>5.2</sub>:**

Reported sexual contacts for which the age difference between declared victims and accused is less than eleven years contain violent aspects in proportion to their share of reported sexual contacts as a whole.

## **VI. Time of Reported Sexual Contacts**

Up until now, when the time of reported sexual contacts has been described in criminological works, it has predominantly been discussed in terms of the year, the month, and the day of the week in which the alleged incident took place. Sexual offenses appear to increase during warmer times of the year. Furthermore it seems that reported, genitally-oriented and violent contacts are more likely to occur on weekends.

Aside from the day of the week, the particular time of day in which the reported sexual contact took place should certainly also be examined. It is predicted that sexual contact types will vary according to time of day.



In cases of children as declared victims, it is predicted that -- particularly when there is no use of force -- these sexual contacts will increase during the period of time between the end of the school day (about 11:00 a.m.-1:00 p.m.) and the start of evening television programs (about 6:00-7:00 p.m.).

In cases of violent sexual contacts likely involving older victims, it is predicted that punishable sexual contacts are more likely to take place during the period of time between the end of the work day and late evening.

Therefore, in both cases, the time of the act is dependent upon potential victims' normal schedule and route through their social environment. Accordingly, it is also predicted that few women will become sexual victims after midnight.

**Hypothesis<sub>6.1</sub>:**

Reported, non-violent sexual contacts occur predominantly in the time between the end of the school day and the start of evening television programs.

**Hypothesis<sub>6.2</sub>:**

Reported, violent sexual contacts are most likely to occur between the hours of 8:00 p.m. and 12:00 a.m.

**Null Hypotheses<sub>6.1</sub> and <sub>6.2</sub>:**

The time of day in which reported sexual contacts take place is randomly distributed.

**VII. Degree of Acquaintance Between Declared Victims and Accused (Perpetrator-Victim Relationship) [F289]**

Relying on Hess [F290], here, the "degree of acquaintance" is understood to include the intensity of the social relationship (the closeness of the relationship) which had already existed between the accused and the declared victim prior to the reported sexual contact. Social closeness, in the sense for example of the accused's bringing about of the declared victim's victimization (according to Hess' "implementational relationship") falls not under the heading of degree of acquaintance, but rather among those actions preparatory to the commission of the act itself.

On one hand the degree of acquaintance between potential victims and potential suspects has a quite decisive influence on the opportunity for -- and thus on the possibility of -- a sexual

contact actually taking place, and on the other hand, it also has a very decisive influence on the intensity (type, frequency, and duration) as well as the effects of the sexual contact. The harm done to victims is thus expected to vary based on whether the perpetrators are strangers, known to them, or related to them. However, there is no consensus in the scientific discourse as to the nature of the relationship between degree of acquaintance and offense severity as well as the harm to victims. [F291]

Experts on the subject generally agree that sexual victims who previously were unknown to the victim seldom do significant damage, whereas perpetrators who come from the victim's own familiar and familial circle are probably likely to cause harm. Therefore, warnings about "evil strangers" would be useless, if not actually risky. [F292]

#### **Hypothesis<sub>7.1</sub>:**

In reported sexual contacts, the sexual acts between the declared victims and the accused are more extensive in those cases where the parties were previously acquainted with one another.

#### **Null Hypothesis<sub>7.1</sub>:**

In reported sexual contacts, there is no significant correlation between:

- a) the degree of acquaintance between declared victims and accused, and,
- b) the intensity of the sexual acts.

#### **Hypothesis<sub>7.2</sub>:**

In reported sexual contacts, the accused themselves frequently behave in a more threatening and violent manner when they had previously been acquainted with the declared victim.

#### **Null Hypothesis<sub>7.2</sub>:**

In reported sexual contacts, there is no significant correlation between:

- a) the degree of acquaintance between declared victims and accused, and,
- b) the extent to which the accused employed violence.

### VIII. Place of Initial Meeting and Place of Sexual Contact

[F293]

There is a general assumption that an accused will establish contact with the victim on the street, in a playground or in some other public place, and that the sexual contact itself will then take place in that same location. Though this may well be the case for many exhibitionistic acts, it only holds true for a small portion of other types of sexual contacts. Except for exhibitionistic encounters, it is expected that the place of initial contact and the location of the sexual act itself:

- a) will be geographically located close to where the victim and/or the accused reside(s), and that,
- b) such sexual acts are most likely to take place in locations near to, or especially, in, the residence of the accused and/or of the declared victim.

#### Hypothesis<sub>8.1</sub>:

Exhibitionistic acts which become known take place, for the most part, in outdoor locations.

#### Null Hypothesis<sub>8.1</sub>:

If one were to classify reported sexual acts by act location, then the declared sexual acts themselves would be found to be randomly distributed among "outdoor" and "indoor" locations.

#### Hypothesis<sub>8.2</sub>:

When exhibitionistic acts are excluded, more reported sexual acts will be known to occur indoors than outdoors.

#### Null Hypothesis<sub>8.2</sub>:

If one were to classify reported sexual acts by act location, excluding exhibitionistic encounters, the remaining sexual acts would be randomly distributed among "outdoor" and "indoor" locations.

### IX. Behavior of the Accused

Criminologically and sexologically speaking, it is necessary to distinguish between the popular image of the brutally violent sexual contact, and those in which -- though they are indeed prosecuted by the criminal law -- the participating partner had in fact been agreeable to the act. [F294] Declared

child sexual victims appear to be especially unlikely to experience violent behavior on the part of the accused. "The use of violence, such as that which is assumed by public opinion to be a constant concomitant of sexual contacts with children, is in reality, fortunately an extremely rare exception." [F295]

In the individual case, distinguishing between the application of physical and psychological force, as well as determining which acts truly were agreed upon, are not always simple matters. From the victimological perspective however this distinction is especially meaningful, because the extent of harm to the victim likely depends on the extent to which violence was employed against the victim. And yet at the same time, it is difficult to get a grip on the problem that the mere existence of an age difference between the accused adult and the child victim may in and of itself be experienced as a power imbalance. This can -- but does not have to -- lead to the abuse of power.

For the time being, in order to be able to verify our hypotheses, a universally-applicable definition of violence must be established: The feelings experienced by the victim him or herself will determine whether the behavior exhibited by the accused will be characterized as threatening, violent, or in some other manner. Only later on, with a discussion of the results, will it become necessary to make an attempt at a more objective definition of precisely what constitutes violence in punishable sexual contacts.

First of all, it is assumed that a coerced sexual contact in and of itself constitutes a violent offense [F296], in that it traumatizes the already sensitive realm of human sexuality. Through rape, many perpetrators obviously practice a kind of desexualized [F297], mechanistic, contemptuous coitus, which is designed both to subjugate the victim and as an aggressive abreaction to, or self-confirmation of, 'macho' status. The sexual aspect appears to be overwhelmed by the aggressive aspect. Rape victims apparently experience the act as a deprecating and profound violation of their sexual-emotional being, if not quite a complete shattering of it. Simultaneously they frequently report a feeling of helplessness as well as a fear of impending death. Thus we are obliged to accept the fact that, for the victim, a rape is actually experienced as an attempted murder, with the simultaneous abrogation of emotional well-being that entails. Accordingly, specific injuries must be expected to occur to the rape victim, which are due to the effects of physical and psychological violence as well as to the fusing of sexuality with violence. Therefore, rape should be regarded principally as an offense of violence; its classification alongside other sexual offenses under the heading "criminal acts against the right to sexual self-determination" is thus unfortunate, in that this would appear to minimize its true severity.

Special attention should therefore be paid to finding out more about violent sexual contacts as a group. Here, the accused are predominantly expected to be those in the 18-40 year old age range. It is furthermore predicted that women between sixteen and twenty years of age are frequently raped by men of a similar age or developmental stage; thus, they are expected to be no more than ten years older than the declared victim.

The accumulated occurrences of violent sexual contacts between similar-age persons suggests that men in this age group consider -- due to their socialization -- the use of sexual violence to be a standard mode of sexual communication.

#### **Hypothesis<sub>9.1</sub>:**

In reported sexual contacts, the accused rarely exhibits violence towards the declared victim.

#### **Null Hypothesis<sub>9.1</sub>:**

The accused in reported sexual contacts are just as likely to be violent as are the accused in other samples of declared sexual contacts.

#### **Hypothesis<sub>9.2</sub>:**

Except for reported exhibitionistic encounters, teenage and adolescent declared victims of reported sexual contacts are more likely to experience violent or threatening behavior on the part of the accused than are younger children.

#### **Null Hypothesis<sub>9.2</sub>:**

(With the exception of reported exhibitionistic contacts:)  
In reported sexual contacts, children are just as likely to be declared victims of violence or threats on the part of the accused as are teenagers and adolescents.

### **X. Behavior of Declared Victims**

The victim's conduct prior to and during the reported sexual contact may be subdivided into "defensive," "passive," and "initiating" behaviors.

Generally, girls and women who are victims of sex offenses are thought of as 'holding a heavy pair of scissors': [F298]

- 1) - In the course of their socialization -- particularly in institutionalized as well as in unofficial modes of sexual

education -- girls find out that passive sexual behavior  
is considered appropriate to their role.

- Children are brought up to show respect and be subordinate to adults, above all those who are members of their inner circle of friends and family.
  - Female sexual victims have often been advised in advance that they should behave passively in sexual attacks, so that the perpetrator will not be provoked into committing sexual murder.
- 2) - In contrast, it is assumed by agents of criminal prosecution authorities -- as well as general public opinion -- that only those who demonstrably resist can be truly said to be victims of an interference with their right to sexual self-determination. Typically, the victim has to prove that he or she put up such resistance by pointing to physical (not psychological!) injuries that had been caused by the perpetrator.

In the area of criminal acts against the right to sexual self-determination involving children, Potrykus and Wöbcke offer the following hypothesis: The child victim in reported sexual contacts "proceeds primarily from a socially-conditioned foundation (i.e., social stability), to conclude that sexual contacts with adults represent the only means by which human relationships can be established." [F299]

In those cases in which the child seeks emotional warmth, albeit in the sphere of punishable sexuality, defensive behaviors on the part of the child would hardly ever be expected to occur.

It is generally expected by the public, however, that all "genuine" sexual victims will have demonstrably defended themselves against such behavior. However based on the numerous studies of such situations that have already been carried out, the following hypothesis must instead be made: [F300]

#### **Hypothesis<sub>10</sub>:**

Only about one-third of declared victims of reported sexual contacts will have exhibited defensive behaviors, whereas the major portion will have behaved passively.

#### **Null Hypothesis<sub>10</sub>:**

The numerical distribution of declared victims of reported sexual contacts is, based on the presence or absence of the criteria:

- a) resisting behaviors,

b) passive behaviors, and,

c) initiating behaviors

is purely random.

## XI. Nature of Reported Sexual Contacts

By nature of the sexual contact, one generally means the type of discrete or continuous act, counting the most serious of those acts which successively take place. [F301]

Among the public, it is assumed that the majority of reported sexual contacts consist of sexual intercourse or similar acts. This however obviously does not correspond to actual reality.

For one thing, there is the large group of exhibitionistic encounters. It is definitively laid down in the criminal law that this consists almost exclusively of presentations of the penis. Contrary to a widespread but mistaken view, this perpetrator group is obviously also not inclined to increase the intensity of their sexual acts. Exhibitionists are frequently (and almost exclusively) recidivists in their own offense area.

With sexual acts covered by §176, one must distinguish between seemingly different types of acts, which seldom occur together. On the one hand this heterogeneous group comprises some rather superficial, tender kinds of touching, and on the other hand there are sexual acts which, though they undoubtedly were violent and genitally-oriented, they nevertheless -- in the opinion of the police -- could not be classified as rape; thus, police officers may develop a false presumption that violations of §177 are less serious than violations of §176. Consequently these cases are deemed child sexual abuse, even though what occurred was in fact a rape, coercive sexual act, or rape-like assault upon the victim.

"There is little doubt that the great majority of adults who seek sexual contact with children -- including those who as a result of their sexual makeup are in fact pedophiles -- limit themselves to caresses, touching of the body and genitals, masturbation, and other contacts with which the child is generally already familiar. Actual coitus with girls or anal intercourse with boys is practiced by only a very small percentage." [F302]



There are similar problems in reported cases of the sexual abuse of subordinates and dependents.

On the other hand, reported cases of rape would appear to be relatively unequivocal.

**Hypothesis<sub>11.1</sub>:**

Most reported sexual contacts are exclusively visual and aural encounters as well as superficial sexual touches.

**Null Hypothesis<sub>11.1</sub>:**

The frequency distribution of reported types of sexual contacts is random.

**XII. Frequency of Reported Sexual Acts**

The term used by Lange in the course of criminal proceedings to refer to discrete sexual events, "individual acts," has now entered the general discourse: "First of all, it is indeed still used to refer to a given aspect of a continuous act. In the tenor of the verdict at any rate, this appears to refer to a single act, albeit possibly also part of a larger, ongoing act. Consequently, it then became a term which could no longer differentiate between the number of continuous acts, and the number of discrete acts which in fact constitute any one of the continuous acts. One then proceeds to arrive at a total number of acts which -- as has been demonstrated -- does not remotely correspond to the true number of perpetrated pedophilic acts. And there is yet another reasons why this state of affairs has been permitted to develop. That is, that the several discrete acts (individual acts) which comprise a continuous act are not only temporal and chronological, but also, to a certain degree, are always varying based on offense type, in such a way as to lead to different permutations, so that one is no longer able to say which act is the continuous one." [F303]

The subdivision of sexual contact types into individual acts or separate sexual activities is, however, useful for the purposes of the present study, because through this, we are able to gain a qualitative and quantitative understanding of the relative proportions of various sexual acts based on their degree of seriousness. Contrary to what might be expected, many accused appear to have had only one sexual contact with the declared victim. This too had already been made clear by the many victimological studies focusing on cases which resulted in conviction. [F304] If one exclusively studies reported cases, thus also including the many exhibitionistic acts involving (obviously) known victims but

unknown perpetrators, then the proportion of reported criminal acts relative to the number of one-time sexual contacts is likely to increase quite significantly.

Exhibitionistic encounters, virtually by definition, occur only once between any two given persons. Furthermore, reported sexual contacts are often (through the intentions manifested by the declaration itself) merely attempted acts. In contrast, the 'dark number' would more often be expected to include continuous acts, which never -- or only later on -- become known.

Presumably, when the more serious reported sexual contacts are evaluated in terms of the frequency of individual acts, they will comprise a larger proportion than would be the case if sexual contact types alone were analyzed. That, concretely: It is presumed that intensive sexual contacts involving the same victim are more likely to be repeated than are superficial contacts involving the same victim, as is the case for example in exhibitionistic acts. Rape by surprise attack would likely be an exception to the rule.

#### **Hypothesis<sub>12.1</sub>:**

The majority of reported sexual contacts involving children as the declared victims consist of one-time contacts between the declared victim and the accused.

#### **Null Hypothesis<sub>12.1</sub>:**

The frequency distribution for the number of individual sexual contacts involving children as the declared victims is a normal one. This normal distribution is bounded on one side by few or no cases involving one act, and on the other side by few or no cases involving multiple acts.

#### **Hypothesis<sub>12.1</sub>:**

When reported sexual contacts involving children as the declared victims are evaluated not only by act type but also in terms of the number of acts involving a given victim (number of sexual occurrences or individual acts), then the frequency distribution itself will shift in the direction of "more serious sexual acts."

#### **Null Hypothesis<sub>12.1</sub>:**

The difference between the frequency distributions for

- a) Type of Continuous Sexual Contact and
- b) Occurrences or Individual Acts

For our purposes, "duration" or "time period of the sexual acts" refers not to the time period required for completion of one sexual act, but rather, the period of time over which sexual contacts continue to occur between the declared victim and the accused. Sometimes such sexual relationships will continue over a period of months or even years.

The lion's share of reported sexual contacts are one-time events (see Hypothesis<sub>12.1</sub>). To this extent it is also expected that the majority of sexual contacts which do get reported have continued over a longer period of time than is typically the case for sexual contacts overall. (Analogously, Section XII of this inquiry must also be qualified, inasmuch as it too is probably based on an especially selective 'dark number.')

The intensity of a sexual relationship can thus be best described using a composite of the following three characteristics:

- a) Type of Sexual Act
- b) Number of Sexual Contacts, and,
- c) Duration of the Relationship

Reported sexual contacts are frequently unwelcome contacts which, because they were unwelcome, got reported and were consequently broken off, thus also constituting merely one-time acts. In these cases, the criteria "number of contacts" and "time duration" are virtually identical.

As a rule, the exhibitionistic encounter between a given accused and a given victim occurs only once, and lasts only for the brief moment typically required for such contacts.

This is totally different from the incestuous situation. Moreover, because the sexual act involved here is intercourse, it may occur one time or many times. Sometimes, such relationships evolve over a period of years.

Furthermore, sexual intercourse may itself continue over a relatively short or a relatively long period of time. For a study exclusively on declared victims of incest, the sexual abuse of dependents, or pedophilia, the variable "time duration" must be included. Here, however, this would provide little additional information.

Regarding the relationship between the type of sexual contact (Section XI) and the frequency of individual sexual acts (Section XII), it is expected that:

**Hypothesis<sub>11.1</sub>:**

in reported sexual contacts involving children as declared victims is purely random.

### **XIII. Duration of Sexual Contacts**

The degree of severity of sexual contacts can be determined not only by the type of ongoing act but also by the period of time over which the sexual contacts take place.

than in those cases in which the sexual contacts have been of a superficial nature.

Null Hypothesis<sub>11.2</sub>:

In reported sexual contacts, there is no correlation between sexual contact type and sexual act frequency.

#### XIV. The Victimization Process

Studied cases of reported sexual contacts are viewed as contemporaneous psychodynamic processes, in which numerous variables are continually influencing one another.

In order to be able to graphically depict which variables affect the dynamic process between declared victim and accused in which ways, a simplified prototypical case involving two persons is required. The described model is a hypothetical construct, which can only be verified or falsified incrementally, as individual sub-hypotheses are checked one by one.

In Fig. 5 (see next page), the two persons are represented by pathways (quasi life courses). The vertical path represents the declared victim. He or she comes from a particular social class or milieu (vertically-dashed path), has particular norms and negotiated adjustments (diagonally-striped path), has had particular sexual experiences and has been able to gather a certain body of sexual knowledge (striped-dotted path), and, furthermore, has a particular degree of acquaintance with the (later to be) accused (i.e., stranger, acquaintance, relative; dotted path).

Moreover -- and this is crucial to the later inquiry into causality -- the injury to the declared victim may have occurred prior to the declared victimization, and could -- among other things -- have originated from an earlier sexual contact. However, a possible earlier sexual contact may also have taken place, without having incurred any harm to the person in question. (Both possibilities are depicted in the top black circle, which appears in the pathway of the declared victim.)

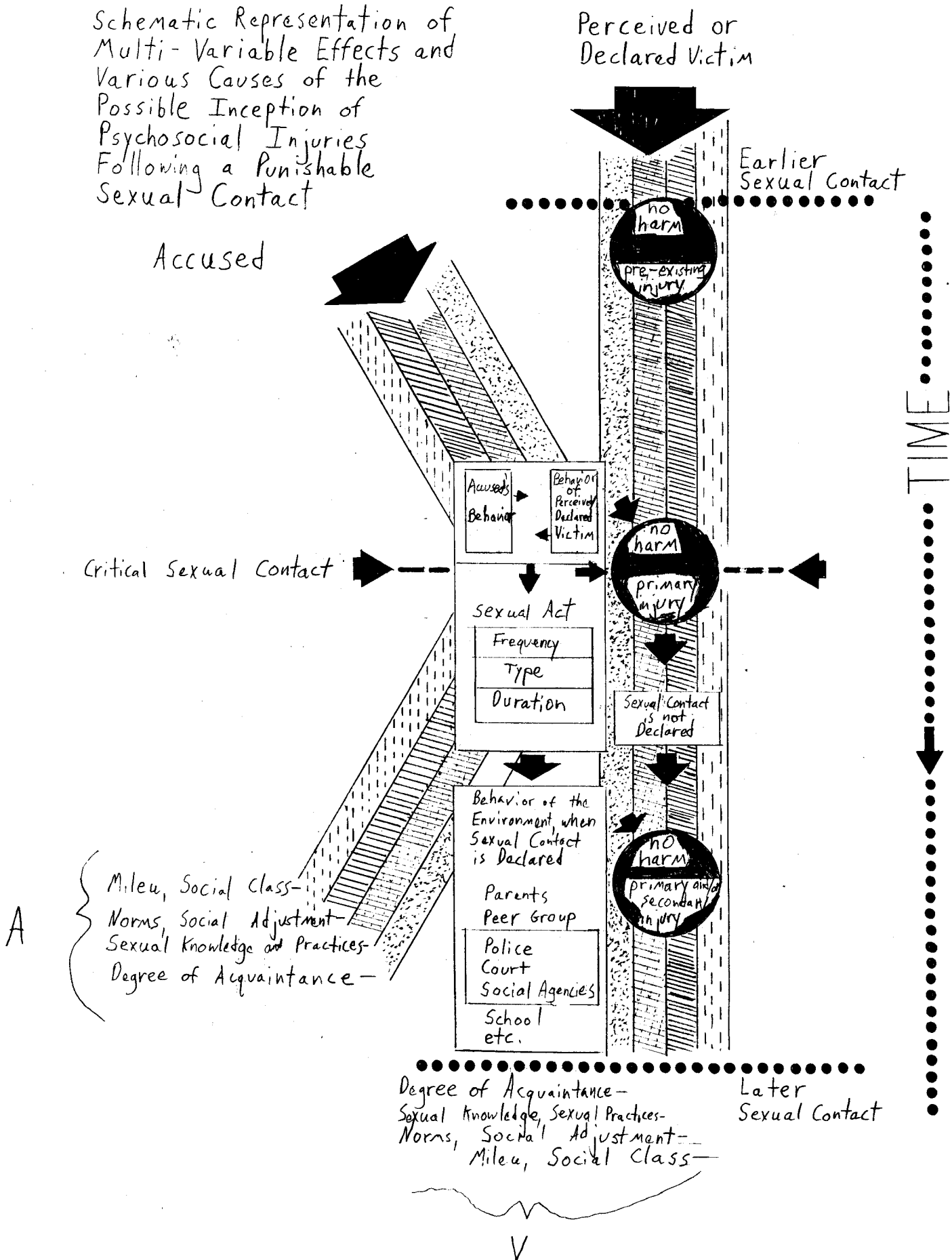
The accused brings analogous social and psychological assumptions into the conflict-situation. Thus an analogous accused-path parabolically approaches the vertical victim-path.

Both pathways, including their prior encumbrances, approach the critical sexual contact. This sexual contact is termed "critical" because this signifies the point at which it was reported. Most of the male accused act in accordance with their male role, whereas declared victims frequently react. This behavior on the part of both persons proceeds according to the above-described TOTE-model (see pg. 38 ff supra), in several fast-paced

In reported sexual contacts, more individual sexual acts take place in those cases in which there have been extensive types of sexual contacts

Fig. 5:

Schematic Representation of Multi-Variable Effects and Various Causes of the Possible Inception of Psychosocial Injuries Following a Punishable Sexual Contact



exchanges. Depending on how the accused and declared victims themselves act, this interaction can, in and of itself, cause a primary injury to the victim (arrow). Also determinative of the nature of this interaction and its effects are the origins, norms and settings, previous sexual knowledge, and previous sexual practices of the victim and the accused, as well as their degree of acquaintance. The resultant interactional behavior simultaneously has effects on the type, frequency, and duration of the sexual contact that occurs between the accused and the declared victim. The now-incipient sexual contact can, in connection with the accused's behavior, cause primary injury to the victim (arrow).

The accused's pathway (parabola) then moves away from the declared victim's. The victim (or some other person) now decides whether to declare the sexual contact or remain silent about it. Either possibility could cause secondary harm to the victim (arrow). In the undeclared case, this can happen within the framework -- psychoanalytically-speaking -- of repression, or in the development of an anti-social attitude.

In declared cases, the parents, other relatives, the peer group, the police, the court, social agencies, and so on will find out about the victimization, at which point these persons or groups may act towards the victim in such a way as to cause secondary harm.

Further along the path, the declared victim may become involved in further traumatizing (sexual) experiences; i.e., subsequent sexual contacts.

As a rule, studies of sexual victims are conducted after these interweaving and complicated pathways have already taken their course. Of course here, they are depicted in an extremely simplified form.

Because the harm to the declared victim which was intimated, observed, or measured may have various origins, the inquiry into causality must take into account all of the possible explanations.

Up until now, when this model has been spoken of, only two potentialities, "harmed" and "unharmed," have ever been considered, thus omitting the possibility of beneficial sexual contacts; therefore, what has been done so far has been conducted within a crimino-legal framework. Obviously, those interactions which are said to result in "no harm" also contain sexual contacts in which there were advantageous effects for the so-called victim. This is conceivable in cases in which the "victim" him/herself felt respected, accepted, embraced, loved, supported, and so on.



For this purpose, the (presumably) essential variables of "age difference," "behavior of the accused," "behavior of the declared victim," "intensity of the sexual contact," and "degree of acquaintance" will be added to and compared with the other variables. Moreover, for the time being, we will go on the assumption that "association" merely connotes "mutual behaviors." These cannot be used to make automatic statements concerning causal relationships.

**1. The Relationship Between the Age Difference  
Between the Declared Victim and the Accused, and:**

- the location of the initial contact, and,
- the location of the sexual contact

Parents and educators generally believe that children should not go anywhere with strange men whom they might encounter in their immediate social surroundings. One presumed that it is far from home [F305] that the dangers to children lurk. Moreover, the impression is created that virtually all punishable sexual contacts take place "out of doors." But children certainly can become victims of sexual assault in their own local area. Indeed, if one excludes exhibitionistic contacts, which in any event are unlikely to cause harm, then sexual contacts between older and younger persons are probably most likely to occur in the surrounding area; that is, frequently in the child's immediate social environment.

**Hypothesis<sub>14.1</sub>** accordingly states that:

Aside from exhibitionistic contacts, reported sexual contacts involving declared child victims generally take place in an enclosed area, frequently in the home of the declared victim and/or of the accused.

**Null Hypothesis<sub>14.1</sub>:**

Aside from exhibitionistic contacts, the act locations for reported sexual contacts involving declared child victims are randomly distributed among "outdoor" and "enclosed" areas.

**2. The Relationship Between the  
Accused's Behavior and Other Variables**

For the time being the accused's behavior will be considered in isolation, because in many cases, it functions as a release mechanism for the following internal conflict. [F306] This would appear to be especially determinative of the behavioral

Proceeding on the basis of this path-model, we are obliged to propose the following hypotheses regarding the relationships among the essential variables in these interactional situations.

substantial and extensive data relating to accused simply was not collected.

Public opinion supposes that boys and girls are sexually attacked in similar or more severe ways than women are. However when one examines the few methodologically satisfactory studies that have been conducted, one will then come to the conclusion that the persons at particularly high risk of becoming victims of sexual aggression are actually young women.

Boys on the other hand hardly ever experience sexual violence; and likewise, it also appears that young girls are far less likely to become victims of sexual violence than women are.

When sexual victims speak of having experienced sexual violence, it would then appear necessary to determine exactly what they mean by "violence." It is possible that they link their definition of violence to their own defensive behavior during the conflict-situation. This would mean that sexual victims experience and define sexual violence individually; that is, in terms of their own capacity to express their refusal by means of defensive behavior. Considering role-specific socialization processes, such a link would not be at all surprising.

Notwithstanding the problem that the violence-concept is difficult to define objectively, and of course is based primarily on the subjective feeling that one has been sexually victimized, we are nevertheless obliged to propose the following hypotheses.

In reported sexual contacts, violent or threatening behavior on the part of the accused will be associated with the following characteristics:

**Hypothesis<sub>14.2.1</sub>:**

rejecting or defensive victim behavior,

**Hypothesis<sub>14.2.2</sub>:**

post-pubertal female declared victims, and,

**Hypothesis<sub>14.2.3</sub>:**

an age difference of less than eleven years between the post-pubertal female victim and the accused.

**Null Hypothesis<sub>14.2.1-14.2.3</sub>:**

In reported sexual contacts, the relationship between violent or threatening behavior on the part of the accused and the variables listed in Hypothesis<sub>14.2.1-14.2.3</sub> is purely random.

interactions in sexually violent situations. Admittedly, because the present study is victimologically-based, only a few of the relationships between the behavior of the accused and other variables were able to be verified here;

### 3. The Relationship Between Victim Behavior and Other Variables

There are additional reasons why the behavior of different declared victims may vary greatly during the reported sexual contact:

- So-called sex offenses are themselves a very non-homogeneous group of criminal acts. They extend from the consensual, tender sexual contact, to the quickest of exhibitionist acts -- in which the declared victim scarcely has the opportunity to manifest any behavior of his or her own -- on up to dramatic rapes. [F307]
- Since the declared victims are predominantly female children and youth, and the accused are almost exclusively male and older, the declared victims may themselves be negatively affected during such contacts by learned role behaviors. Thus in such situations, girls may not actually articulate their refusal, even though they may feel they have done so via their attitude. Many girls are also afraid to defend themselves -- a condition which is exacerbated if they have also been deprived of an adequate sexual education.
- Sexual behavior is of course still largely considered to be undesirable behavior. It is frequently disputed that children have any sexual needs. Therefore, for declared child victims, there are situations where they are undoubtedly interested in a sexual or erotic contact, but know that their environment expects them to demonstrate an abhorrence of the idea.
- Declared sexual victims know that if they are to fit into their victim-role, they have to have felt disgusted about what occurred. It is also expected that they will have defended themselves. If declared sexual victims are unable to verify that they had unequivocally opposed the commission of the act, they will then find that they have fallen into a moral twilight zone. Moreover, many declared victims of reported sexual contacts appear to be ambivalent.

In public opinion as well as among many representatives of formal social control authorities, there is an attitude that "genuine" victims are expected to have demonstrably rejected or even warded off the perpetrator's behavior. When this mistaken assumption is combined with the sexual victim's above-described, frequently ambivalent role, the consequences for various areas would seem to be considerable.

Therefore, we are obliged to attempt to construct several hypothetical variables relating to defensive behavior on the part of the victim.

In reported sexual contacts, defensive or rejecting behavior on the part of declared sexual victims, towards the accused, is expected to be associated with the following characteristics:  
[F308]

**Hypothesis<sub>14.3.1</sub>:**

relatively more female declared victims compared to the cross-section as a whole;

**Hypothesis<sub>14.3.2</sub>:**

relatively young accused compared to the cross-section as a whole;

**Hypothesis<sub>14.3.3</sub>:**

accused are frequently less than eleven years older than the declared victim;

(combining Hypothesis<sub>14.3.1</sub> with Hypothesis<sub>14.3.3</sub>.)

**Hypothesis<sub>14.3.4</sub>:**

relatively more female declared victims compared with the cross-section as a whole; when combined with the characteristics: Accused are more frequently less than eleven years older than the declared victims;

**Hypothesis<sub>14.3.5</sub>:**

declared sexual victims are from a higher social class compared with the cross-section as a whole;

**Null Hypothesis<sub>14.3.1-14.3.6</sub>:**

In reported sexual contacts, the relationship between defensive or rejecting behavior on the part of declared victims and the variables listed in Hypothesis<sub>14.3.1-14.3.6</sub> is purely random.

**4. The Relationship Between the Intensity of the Reported Sexual Contact and Other Variables**

When talking or writing about reported sexual contacts, we rarely mention particular types of sexual contacts. Certainly this is due in part to our reticence to discuss the subject of sex (see pg. 47 ff supra). Therefore, false impressions concerning which sexual acts really are critical have been permitted to become entrenched.

People have their own particular ideas about which sexual acts

are considered superficial and which are considered extensive.  
But surely, this still allows for the construction of something  
like a representative hierarchy, by which evaluations might  
be made.

Heterosexual intercourse, or heterosexual or homosexual anal intercourse, would be expected to be classified extremely high up in this hierarchy. On the other hand, sexual talk or superficial sexual touches outside of the genital area itself would not be considered to rank very high.

As was described in point XI (pg. 149), because the average citizen generally assumes that most reported sexual contacts consist of sexual intercourse and analogous acts (and working Hypothesis<sub>11.1</sub> was proposed in opposition to this bias), it is thus further expected that in relation to the more extensive sexual contacts which in fact are reported, there are yet other false assumptions. The following, partly self-contradictory working Hypotheses<sub>14.4.1-14.4.6</sub> relative to sexual contact type are, therefore, proposed:

In reported sexual contacts, the more extensive (intensive) kinds of sexual contacts are associated with the following characteristics:

**Hypothesis<sub>14.4.1</sub>:**

relatively more frequent threatening or violent behavior on the part of the accused, prior to or during the reported sexual contact, as compared with the cross-section as a whole;

**Hypothesis<sub>14.4.2</sub>:**

(with the exception of exhibitionistic contacts:)  
relatively older declared victims, compared with the cross-section as a whole;

**Hypothesis<sub>14.4.3</sub>:**

smaller age difference between the declared victim and the accused, compared with the cross-section as a whole;

**Hypothesis<sub>14.4.4</sub>:**

the location of the act is more often an enclosed area, compared with the cross-section as a whole;

**Hypothesis<sub>14.4.5</sub>:**

a smaller degree of acquaintance between the declared victim and the accused, compared with the cross-section as a whole;

**Hypothesis<sub>14.4.6</sub>:**

relatively more conversations by the declared sexual victim with other persons concerning the event, compared with the cross-section as a whole;



## 5. The Relationship Between the Degree of Acquaintance Between the Declared Victim and the Accused and Other Variables

The degree of acquaintance between declared victim and accused, also frequently known as the perpetrator-victim relationship -- already addressed in detail on pg. 143 ff -- would appear to be a variable that is essential if one is to understand sexual delinquency.

As was the case with sexual contact type, there is among public opinion a basic assumption which is probably false, and which also contradicts working Hypothesis<sub>7,1</sub> in the following ways: The accused is more likely to be someone from the victim's own known and related circle than he is to be a stranger. The further predictions made herein likewise stand in opposition to popular opinion.

### Hypotheses<sub>14.5.1-14.5.5</sub>:

In reported sexual contacts, it is expected that a heightened degree of acquaintance -- as already existed prior to the reported sexual contact -- is associated with the following characteristics:

#### Hypothesis<sub>14.5.1</sub>:

relatively more female victims, as compared with the overall cross-section;

#### Hypothesis<sub>14.5.2</sub>:

relatively more frequent passive behavior on the part of declared victims, as compared with the overall cross-section;

#### Hypothesis<sub>14.5.3</sub>:

relatively young declared victims, as compared with the overall cross-section;

#### Hypothesis<sub>14.5.4</sub>:

the location of the act is more often an enclosed area, as compared with the overall cross-section;

#### Hypothesis<sub>14.5.5</sub>:

declared victims often come from a lower social class, as compared with the overall cross-section;

Null Hypotheses<sub>14.5.1-14.5.5</sub> would then be:

In reported sexual contacts, the relationship between the "degree

Null Hypotheses<sub>14.4.1-14.4.6</sub>:

In reported sexual contacts, the relationship between the intensity of the sexual act and the variables listed in Hypotheses<sub>14.4.1-14.4.6</sub> is purely random.

## XV. Types of Sexual Victimization

As was explained in the section covering victim typologies (see pg. 33 ff supra), today, victim and perpetrator typologies are criticized on principle. They no longer suit the knowledge-level of modern social science, including when -- from time to time -- attempts are made to bring about a renaissance in typologization. The primary shortcoming of criminological typologies is that they focus only on the (oftentimes precarious) personality characteristics of one of the participants, thereby intending to explain the offense-situation's overall communication pattern. We must, as Stephan emphasized [F309], delve into and analyze the criminalized conflict-situation as a whole, and attempt to include in this analysis as many variables as possible. And yet, even when it is situations that are typologized -- which simply represents particular cases writ large -- there is still the problem that especially exotic individual cases will remain unclassifiable. Thus in his (of course, perpetrator-oriented) typology of pedophiles, Schorsch offered the following basic caveat: "If the following 'types' of pedophiles are to be proposed, then one must make allowance for two different kinds: In the first place, it is obvious that such types always connote a schematization \* \* \* that such classifications can themselves overlap in many manifold ways \* \* \* More importantly, there is yet another restriction \* \* \* that, by no means can each and every pedophilic act be pigeon-holed into a certain 'type' \* \* \* "

"In the literature, the characterization 'pedophile' is generally based on perpetrator age: Young perpetrators are contrasted with middle-aged and mature perpetrators, thus demarcating the two pedophilic age groups." [F310] Here, we will proceed from the premise that the studied, reported sexual contacts are not simply pedophilic contacts, but in fact represent many quite different kinds of interactions.

### Hypothesis<sub>15</sub>:

These interactions -- even when only perhaps ten to twenty variables are used -- in fact do permit typologization, such that a distinct pattern will emerge from which useful, practical information may be garnered.

Null Hypothesis<sub>15</sub> would then correspondingly state:

Individual reported sexual contacts are so unique that it is impossible to arrange them by groups or types.

In the following, using only eight essential variables, an attempt is made to construct three hypothetical interactional groupings (including sub-groups; see Tabs. 6a, 6b, and 6c). (Also see the course-pattern for the victimization process as depicted on pg. 154 ff.) A further attempt was made to estimate each group's percentage share of the overall cross-section.

of acquaintance" -- as it already existed between declared victim and perpetrator -- and the variables listed in Hypothesis 14.5.1-14.5.5 is purely random.

**Tab. 6a:**

**Presumed Relationship Groups in Reported Sexual Contacts  
(hypothetical construct):**

**Group 1: Exhibitionistic Contacts (approx. 35%)**

* male accused	
* female declared victim	
* no defensive victim-behavior	
* no violence on the part of the accused	
* accused is a stranger	
* no disturbed social features in the life history of the declared victim	
* harm to the declared victim is rare	
* greater age difference	* smaller age difference
approx. 30%	approx. 5%

(Tabs. 6b and 6c follow on pgs. 164 and 165 respectively)

When these presumptions are assembled, it will be hypothesized that reported cases will comprise three basic constellations, which must be handled differently:

- Group 1: Exhibitionistic Contacts
- Group 2: Sex Play Between Teenagers and Children  
and Petting Contacts with Adults
- Group 3: Violent Sexual Contacts and Relationships  
Relationships Involving the Abuse of Power

Tab. 6b:

Group 2: Sex Play Between Teenagers and Children and Petting Contacts (approx. 30%)

<ul style="list-style-type: none"><li>* male accused</li><li>* no violence on the part of the accused</li><li>* accused and declared victim knew each other previously</li><li>* declared victims had, in part beforehand, shown some disturbed social features</li><li>* harm to declared victims is rare</li></ul>			
* smaller age difference		* larger age difference	
* male declared victim	* female declared victim	* female declared victim	* male declared victim
* accomodating victim-behavior	* defensive or ambivalent victim-behavior	* defensive or ambivalent victim-behavior	* accomodating victim-behavior
approx. 10%	approx. 5%	approx. 10%	approx. 5%

Tab. 6c:

Group 3: Violent Sexual Contacts and Relationships Involving the Abuse of Power  
(approx. 35%)

<ul style="list-style-type: none"> <li>* male accused</li> <li>* female declared victim</li> <li>* harm to declared victims is common</li> </ul>			
<ul style="list-style-type: none"> <li>* greater age difference</li> <li>* closer degree of acquaintance</li> </ul>		<ul style="list-style-type: none"> <li>* defensive victim-behavior</li> <li>* violence on the part of the accused</li> <li>* no previous, striking social features in the declared victim's history</li> </ul>	
<ul style="list-style-type: none"> <li>* no defensive victim-behavior</li> <li>* no explicit violence</li> <li>* victims were previously ready socially disturbed</li> </ul>	<ul style="list-style-type: none"> <li>* defensive victim-behavior</li> <li>* no explicit violence</li> <li>* ?</li> </ul>	<ul style="list-style-type: none"> <li>* closer degree of acquaintance</li> <li>* accused is a stranger</li> </ul>	
approx. 10%	approx. 5%	approx. 5%	approx. 10%
approx. 15%		approx. 20%	
<ul style="list-style-type: none"> <li>* greater age difference</li> </ul>		<ul style="list-style-type: none"> <li>* smaller age difference</li> <li>* greater age difference</li> </ul>	
approx. 10%	approx. 5%	approx. 10%	approx. 5%

## XVI. Etiology of Harm to Declared Sexual Victims

Up until now, in establishing working hypotheses for the present study, we have kept ourselves to relatively familiar terrain. When, on the other hand, we propose to examine the harm to declared victims and its causes, we now move into empirically uncharted territory. Therefore, in order to establish adequate working hypotheses, we must to a certain extent begin anew; in addition to describing the victimization process itself (see pg. 154 ff supra), we will also discuss the results of previous harm studies.

### 1. Status of Research

There are, in the scientific discourse, some rather contrasting views concerning harm to declared sexual victims. First of all, these works may be presumed to reflect the spirit of the time in which they were published; a brief overview of the status of research in this field will show that the prevailing views of a given era may directly contradict those that were dominant just a few decades earlier; a coherent theory has yet to be established.

At least as far as sexual violence is concerned, the prevailing view is a properly unanimous one: Rape victims generally suffer serious physical and above all psychological injuries, which often continue to effect them far into the future. Women are harmed by structural sexual violence, both by the offense itself (primary harm) and by the behavior of the environment subsequent to the offense (secondary harm). At the same time, there is of course also the view that in many individual cases, raped women's victim-role is disputed. Furthermore, a profound discrepancy exists between what is heard publicly ("Raped women are seriously harmed") and what is said about specific cases ("Perhaps it wasn't so bad," or, "Maybe she wanted it"). Even more complicated is the situation of punishable sexual contacts which do not involve the explicit use of force. These cases predominantly involve children as the declared victims.

As early as the turn of the century, there were critical voices who questioned whether all penalized sexual contacts caused actual harm to their declared victims. Furthermore, the issue of causality began to be discussed. In November of 1905, Karl Kraus published, in the "Torch," the article: "The Child-Lover -- Written for the Case Brought Against the Vienna University Professor Dr. Theodor Beer. He was accused of having -- in his photography studio -- enlightened two boys -- both lawyer's sons -- as to sexual matters, of having asked them to masturbate, and of 'lewdly touching' them, and was sentenced to a jail term of three months." [F311]

Interestingly, both William Stern and Sigmund Freud were called



upon to provide expert psychological opinions. Stern's expert opinion comes to the conclusion, "that neither the origin and course nor even the nature of any psychological change in the young boys could

with certainty be attributed to this unique shock, and therefore, there is no objective evidence that it had a major impact on their character." [F312] Kraus describes in detail how the fathers' lust for punishment, the police investigative activities, and the court's handling of the case was damaging to the boys, and recommended to the fathers that, with reference to the pedophile: "Fathers should not report him. Settling such affairs in the criminal forum constitutes a sin against the interests of the young; they must be protected from this, because it will only magnify the harm already caused by the act itself." [F313] The fact that the inquisitive intellectual and keen observer stand in contrast to the widely-held scientific view is exemplified by a contribution to the Handbook of Legal Medicine from that same year. In it, Haberda himself expressed the view that "the sickness conditions are consequences of the sexual abuse" [F314], and described the harm to sexual victims as being predominantly the consequence of the (violent) sexual act committed by the criminal sexual perpetrator.

Psychoanalysis was born around the turn of the century; in the twentieth century, it slowly began to establish itself, eventually becoming the prevailing doctrinal view. Many pre-existing scientific perceptions were thrown into question by the concept of infantile sexuality and the idea that (small) children have sexual needs. The concept of children's innocence as well as the seduction hypothesis began to crumble. Many psychoanalysts expressed the opinion that sexual contacts with children provided a release for the younger participants. [F315] Moreover, what was discussed was almost exclusively the consequences of nonviolent sexual contacts. However, one must bear in mind that children's sexual activities were still an enormous taboo at that time.

Thus, at first, Freud [F316] believed that the sexual seduction of children caused the development of neuroses. But later on [F317], Freud saw that the actual effect of sexual seduction was merely to accelerate the sexual development which had already been going on. [F318]

Abraham [F319] shared the view that the effects of sexual seduction in childhood are very vague and nonspecific, and that, moreover, they are not as traumatic as other childhood experiences. Melanie Klein [F320] believed that sex play among siblings was widespread, and that sexual contacts of this type generally have a positive effect on later development. [F321] But her appraisal of those cases in which children had been seduced or raped by adults was quite different: [ >E] "If her sexual relations with another child serve to confirm her deepest fears -- either because her partner is too sadistic or because performing the sexual act arouses yet more anxiety and guilt in her on account of her own excessive sadism -- her belief in the harmfulness of her introjected objects and her own [ ] will become stronger, her super-ego will grow more severe than ever, and as a result, her neurosis and all the defects of her sexual and characterological development will gain ground." [ <E] [F322]

Susan Isaacs [F323] looked at the effects on the child of violent sexual acts in exactly the same way. In addition, she feared that even those children who had been seduced without the use of sexual violence would end up excessively masturbating themselves. [F324] The consequences of incestuous relationships were seen as being especially serious.

By contrast, as early as 1932, Ferenczi [F325] pointed out that it was the criminal prosecution which caused harm to children who had been sexually victimized by adults. The adults who are involved in the criminal prosecution themselves come to unconsciously identify with the accused; thus, within them there originates a sense of guilt, which is then passed on to -- and negatively affects -- the child victim.

Likewise, Ruth Eissler [F326] has also detected cases of secondary victimization, in which the mother, trying to repress her own sexual wishes and guilt feelings, used the child victim as a scapegoat. At the same time, the child -- propelled

by his/her own id -- had actively participated in the seduction (not rape!), and thereby, among other things, is now secondarily harmed.

Rabinovitch [F327] above saw repeated genital contacts as the real danger to children's healthy development, whereas he did not consider isolated sexual contacts to be harmful. [F328]

Burton's comprehensive critique of the psychoanalytical works, and her description of the value of such results, are quite applicable to the scientific discussion in general: [>E] "It must be stressed that all the foregoing conclusions are at best tentative. They were derived from intensive analytic examination of small, selected samples of patients, and have never been subjected to wide-scale empirical investigation. I have included them as theoretical suggestions worthy of more careful consideration in the present study. I do not view them as proven facts." [<E] [F329]

Though psychoanalysis -- which of course from its very inception has been more concerned with children's sexual development than any other field -- has expressed some quite different (if also sometimes contradictory) views on the question of the damage that sexual activity does to children, the prevailing opinion in other scientific and pseudo-scientific publications has, fairly unanimously, continued to cling to the idea that children suffer harm whenever they experience their own or others' sexuality. It is very odd -- in scientific reviews of sexuality done so far -- how seldom these champions of pure, asexual childhood have even acknowledged psychoanalytic observations which challenge their position, and how uncritically and flatly they themselves have warned again and again of the dangers posed by the sexual seduction of children.

Along with this disproportionate emphasis, a lack of concern with actual sexual violence was also frequently tolerated. This even went so far that, in the Third Reich, there was a widespread view that rapes produced particularly strong and hearty children, which served the interests of the aryan race.

The many expressions of concern for the protection of children from sexual seduction probably originated -- and continue to originate -- from a sense that this is critical to the maintenance of a "sound society." In particular, authors who wish to enlighten parents and children concerning the danger of "indecent offenses" again and again seize on seemingly scientific statements, in order to legitimize their own personal views. Such "scientific" evidence, however, generally lacks any empirical basis.

Thus, among many others', the work of Erika Geisler is frequently a troubling example of such outlooks. Based upon sexual victims who have been taken to her clinic, she has stated that:

"We have encountered only a few children who have assimilated -- or at least, so far, pushed aside -- sexual events, such that they have not produced any disturbances." [F330] From her own selective, individual cases, she generalized to the situation of all sexual victims: "Girls whose introduction to the sexual sphere consists of punishable acts experience nothing but lasting injury and pain; this was made obvious to us by the female patients we treated in our clinical setting." [F331]

Similarly, Kröniger, quoting Spranger, placed particular emphasis on the danger that sexual victims may become fixated on deviant behavior: "As far as the frequency and duration of sexual relationships are concerned, it would be assumed that repeated offenses against the same victim could lead to an awakening of still immature sexual urges, and thus 'have the tendency to themselves determine the structure of the sexual experience sphere and to define the overall future course of the sexual drive in a lasting way.'" [F332]

One gets the impression -- which the authors of the Speijer Report [F333] also corroborate -- that many of the statements concerning the dimensions and causality of harm to sexual victims have simply been plagiarized over and over again. These seemingly scientifically-based statements, however, most likely reflect nothing more than the personal opinions of their authors. The following quotation is typical of this: "Indeed we ourselves, thanks to discoveries made through sound psychological methods, have become aware that many children who have been made the objects of sexual attacks suffer psychological injuries which are manifested later on." [F334]

Such views then go unexamined, in an accumulation of so-called educational brochures. The following "enlightening" outcry also belongs in this category: "Defense against sexual abuse! On the other hand, also at stake is the protection of children and teenagers from sexual abuse by deviant adults and the developmental disturbances this entails -- to save them from physical and emotional injury." [F335] Furian, in an even more specific contribution concerning long-term consequences, goes on to make a remark which suggests his views as to the seriousness of harm done to victims of non-violent, punishable sexual contacts: "We could continue to cling to the idea that the risk of children becoming victims of indecent assault is great. It is indeed greater than statistics and news stories would indicate. But this begs the question as to what the possible consequences for

the victims actually are. At the same time, we must distinguish between immediate and future consequences. As is well-known, indecent offenses result in murder only in rare cases. There undoubtedly are cases which again and again make clear that there is some risk to the population of especially severe -- or even deadly -- brutalization; however, the public is likely misled as to the number of acts by which children's -- above all, mental -- health is seriously damaged." [F336]

Because the empirical study of the consequences of non-violent as well as violent punishable sexual contacts has not yet been very extensively developed, such unproven assertions are able to be made over and over again. Upon a closer examination of the literature, it certainly becomes clear that only isolated attempts have been made to investigate the scope and causality of harm to sexual victims using objective methods. Obviously, hardly any such works have been produced in the last twenty years.

As early as 1926, however, a study was published by Goroncy which -- obviously for the first time -- attempted to empirically investigate the problem of long-term harm to sexual victims. [F337] Goroncy studied 24 women between the ages of 20 and 32 who, as children, had experienced a rape. [F338] His major findings were that:

- Many of the women said they had forgotten about the experience.
- "The lewd acts were not observed to have led to a premature awakening of sensuality." [F339]
- "In her subjective evaluation," the victim "herself, with very few exceptions, considers the indecent attempt during childhood to have been of little consequence." [F340]

"The relationship between childhood experiences and adult psychogenic illnesses cannot be deduced from these cases." [F341]

Thus, even in the 1920's, this study by Goroncy had already pointed out the methodological course that must be taken, if we are to be able to make valid statements concerning the origin of injuries to sexual victims. Unfortunately, up to now, only a few scientists have allowed themselves to become inspired by the methodological framework prescribed in this work.

In 1932, Moses took issue with Goroncy's study. [F342a] He studied sixty girls who had become known -- through a state youth bureau welfare counseling center -- as sexual victims. "From our observational materials, we selected sixty cases of sexually striking and active children, in which girls between the ages of four and fourteen had become victims of sexual incidents consisting of completed, attempted, or foiled rapes -- as well as lewd touching and exhibitionistic acts -- in order to study the psychological and sexual-psychological consequences of such experiences." [F342b]

For the sixty studied, declared sexual victims who had either sought out or had been referred to the welfare counseling center, he was able to ascertain the following injuries: [F343]

**Table 10:**  
Type of Attack and Consequences

Type of Attack	Consequences				preoccupation with		
	none	neuroses	masturbation	sexual matters	sexual activity		
Rape	15	6	4	4	11	= 40	
Foiled Rape	4	1	-	2	1	= 8	
Lewd Acts	4	-	1	1	4	= 10	
Exhibition	-	1	-	1	-	= 2	

Two girls came down with gonorrhoea following the assault, and three became pregnant.

This study is frequently cited as an early example of the extensive damage which is done to sexual victims. But it is generally overlooked that here, persons were studied whose role as sexual victims had already become well-known; namely, and strikingly, as patients in a counseling center.

In 1934, Rasmussen took a different route. [F344] She obtained records of attempted sexual contacts, which included court-ordered expert medical opinions. Except for these selection criteria -- as Rasmussen puts it -- "the material is not selective; there are children of every age and, moreover, depending upon where they appear in the material [F345],

there are, likewise, indecent crimes of every kind. Originally, my intention was to utilize only of those cases which were of a more extensive nature, and to concentrate, in the follow-up studies, on those cases where the crime occurred in its purest form; it became apparent, however, that the number of such cases was just too small." [F346] "In all, 77 criminal cases were gone through; because in 22 of the cases the perpetrator had offended against more than one child, these 77 records encompassed some 105 children. Forty-five of these records contained 105 pieces of helpful information. In ten cases, the records material did not provide any leads for the follow-up study; and in the remaining 41 cases, answers to some of the questions asked were either not provided, were only partially provided, or the affected person was simply unknown."

Rasmussen was able to establish the presence of serious bodily injury in only one of the cases she studied. As for psychological harm, she summarized her findings as follows: "Lastly, there is a set of children who may have been morally corrupted, thanks to the ease with which they permitted the crimes to be repeated; there is a danger of them remaining stuck in this sexual mode. The follow-up studies (thus, in 54 cases) showed that, in general, children who have made this a habit -- following the criminal case bringing these sultry matters out into the open -- adjust quite well to the outside world, without manifesting any psychopathology. Pathological mental life effects could not be detected in these materials; likewise, it appears that such affairs rarely cause harm in any other way: however, it must be borne in mind that one cannot say what importance they may have had -- or still have -- for those affected." [F348]

Lastly, Rasmussen tackles the yet greater difficulty which all victimological studies must come to grips with; namely, what harm to which sexual victims will be examined: "I myself am aware of a weakness in my work, that only a small number of those directly affected have been identified. Because I have not undertaken any in-person investigations, this study had a different basis. In the first place, I was afraid that touching on such painful subjects could stir things up or even do damage, if those affected were to be suddenly examined by a stranger who had tracked them down for this very purpose. Moreover, to me personally, the subject was certainly of such a nature that it seemed to require the most discreet approach possible. In addition to this, there was the practical problem posed by the fact that these people were spread out in various regions of the country." [F349]

Bender and Blau [F350], and later Bender and Gruett [F351], attempted to carry out a panel-study of



sixteen persons (11 girls, 5 boys) who, as declared sexual victims, had been taken to Bellevue Hospital. Many of these children, who were between five and fourteen years of age, had come down with sexually-transmitted diseases. Therefore, the studied group would be considered to be an extremely selective one.

Unfortunately, because the study does not explain the methods it employed, and because the sixteen case descriptions [F352] are therefore not well-systematized, the intensity of the sexual contacts as well as the extent to which force was used are not readily discernible. Among the cases there is even an incestuous relationship between mother and son [F353]; formerly, this kind of case hardly ever got reported.

Bender and Blau had ascertained -- shortly after the punishable sexual contact had occurred -- that several of the declared victims had played either an active or facilitative role in the contacts, and that the children were far less shocked and anxious than the adults thought they would be. The parents obviously expected that their children, who had become victims, had to have suffered a great deal. And yet, this damage presumed by adults to have occurred was scarcely ever observed. By contrast, it seemed that much of the harm was a result of the criminal prosecution itself. [F354] In the declared victims, many behavioral disturbances were observed which had quite obviously already existed prior to -- and independent of -- the punishable sexual contact. [F355] All in all, Bender and Blau arrived at results similar to those found by Gerchow. [F356] It appears that for most of the children, the punishable sexual contact had a minimal impact on their pre-existing condition. Some had experienced the contact positively: [ >E ] "The experience of the child in its sex relationship with adults does not seem always to have a traumatic effect . . . Secondly, the experience offers an opportunity for the child to test out in reality [F357], an infantile fantasy . . . their emotional reactions were remarkably devoid of guilt, fear or anxiety regarding the sexual experience. There was evidence that the child derived some emotional satisfaction from the experience." [ <E ] [F358]

In the follow-up study by Bender and Grugett, [F359] from eleven to sixteen years following the reported sexual contact, they found that nine of the fourteen formerly-declared sexual victims had achieved satisfactory social adjustments, and four, based on their already pre-existing intellectual deficits, had social difficulties. One victim had, in the intervening years, begun to exhibit psychotic symptoms.

Bender and Grugett conclude from their observations that children who have non-violent sexual contacts with adults can positively assimilate such experiences, if their environment provides them with the psychological and social assistance they need: [>E] "A summary consideration of the two groups produces two tentative conclusions on the significance of these types of childhood sexual experiences. Overt sexual behavior of the several kinds described did not necessarily forecast either their retention into adult life or maladjustments specifically rooted in such experience. None of the children in the first group again needed social correction or attention because of sex activities. None of the second group developed, so far as our material could determine, into the typical adult homosexual personality." [<E] [F360]

In 1950, the [>E] "California Legislature" [<E] initiated a [>E] "Sexual Deviation Research" [<E] program. Under these auspices, in 1955, Weiss, Rogers, Darwin, and Dutton put out [>E] "A Study of Girl Sex Victims" [<E]. [F361] On several occasions, the authors interviewed 73 hospitalized, female declared sexual victims between the ages of four and sixteen; this was followed up with psychodiagnostic procedures consisting of a Rorschach Test, a TAT, and a Person-Symbol Test.

The authors maintained that, up until now, very few studies into the personality characteristics of girl sex victims had come out. [F362] In contrast to works that had been concerned with the consequences of such sexual contacts, they wanted to find out which personality factors led to girls becoming sexual victims. Therefore, this study is only able to provide some indirect insight into the causality of harm to sexual victims.

These sexual victims are a highly-select group. These girls, who had experienced sexual contacts with adults, had been referred by the district attorney's office to a California clinic for examination.

Essentially, the researchers had asked these two basic questions:

1. Were there sexual victims who had exhibited behavior which had facilitated the sexual contact?
2. Which personality characteristics, among other factors, had led to such behavior? [F363]

In the evaluation, a distinction was made between [>E] "accidental victims" [<E] (21 of 73) and [>E] "participating victims" [<E] (44 of 73; thus, more than half). [F364] The authors maintained that sexual victims were more likely to participate if they had previously

known the accused, [F365] and that this victim group exhibited more serious psychological injuries.

In search of the causes of participatory victim behavior, Weiss and his colleagues arrived -- with certain self-imposed reservations [F366] -- at two conclusions:

1. On the one hand, they presumed the existence of factors which, though they certainly had not directly brought about the children's sexual behaviors, had, nevertheless, reduced the children's ability to control their impulses. These factors would be:
  - a. deprivation,
  - b. emotionally distant mothers, and,
  - c. inconsistent child-rearing behavior by the mother. [F367]
2. In addition, they presumed the existence of specific factors which made it more likely that the declared sexual victims would have "acted out" sexually:
  - a. intensive sexual stimulation by the parents, and,
  - b. differing opinions between the parents and child or among the parents themselves concerning the child's sexual practices. [F368]

Upon closer examination, it certainly becomes clear that the causal relationships presumed by this study are quite tenuous, if not downright speculative.

In Germany in the 1950's, Geisler [F369] and Gerchow [F370] came back with very contradictory results concerning the harm to child victims from reported and attempted sexual contacts. Geisler drew her conclusions based on observations of -- as well as expert opinions regarding the striking features of -- 87 female and 13 male persons who had become known as sexual victims, and had been taken to a clinic. It is hardly surprising that this constitutes a selective victim group for the study of harm; most of them were hospitalized because they had manifested disturbances of some kind. And so Geisler, in her section "Psychological Harm Resulting from Sexual Events" [F371], comes to the following conclusion: She believes that only a few children experience punishable sexual

contacts without suffering harm as a result. [372] ". . . So, it is understandable, from the standpoint of aesthetics and the demands of moral ideals, why deviant sexual acts against children are so especially improper, and therefore why they are so damaging." [F373] From the many case histories, it of course becomes clear that the causality of observed, presumed, and interpreted injuries [374] remains obscure.

Particularly in the area of incest and the sexual abuse of dependents, Geisler takes scarcely any substantial notice of the works of Gerchow. [F375] In several studies since 1955, Gerchow has described that a portion of those who become known as incest victims come from families which were already considerably disturbed prior to the sexual contact, and that the incestuous contact was likely a consequence or symptom of the disturbed family. It would, for example, be a serious methodological mistake to consider the neglect phenomena seen in these cases as consequences of the sexual contact. Frequently the causality would be quite the reverse. A portion of incest victims show damage which had already existed previous to the punishable act. [F376]

In his 1956 study, Landis took a new route. [F377] He questioned self-perceived sexual victims as to how they had experienced and assimilated the earlier punishable sexual contacts. Moreover, both 'light' and 'dark number' sexual victims were questioned. This assessment of the consequences of sexual contacts is one of the most detailed ones ever carried out on a large cross-section of sexual victims.

The first question that needed to be asked concerned how the victims initially reacted to the punishable sexual contacts. (See Tab. 11, pg. 178.) Looking at Table 11, it is clear that about 43% of female and 20% of male victims were either shocked or had experienced serious emotional disturbances. In addition, 33% of females and about 25% of males experienced fear. This means that about 80% of female and 45% of male sexual victims had found the sexual experience to have been an unpleasant one.

**Table 11:**

Contemporaneous Reactions of Victims of Punishable Sexual Contacts (from a victim survey of 500 college students, according to Landis, Tab. 5, pg. 98)

Reactions (in %)	Males (N = 215 Experiences)	Females (N = 531 Experiences)
I was interested	6.4	2.1
I was surprised, but not anxious	32.9	14.6
I was afraid	25.7	33.2
I was shocked	12.9	25.3
I was seriously emotionally disturbed/upset	7.2	17.6
Other	13.7	6.3

Landis then asked detailed questions of the former victims. Additionally, he wanted to know how long it took for the victims to process the shock or disturbance, if such damage had occurred.

**Table 12:**

Period of Time Required for Victims to Recover from the Emotional Shock Caused by the Punishable Sexual Contact (from a victim survey of 500 college students, according to Landis, Tab. 7, pg. 101)

Time Required (in %)	Males (N = 215 Experiences)	Females (N = 531 Experiences)
no shock	68.0	24.7
short time	10.0	16.9
days	13.5	17.8
weeks	6.5	21.9
one year or longer	2.0	11.4
still not recovered as of today	--	8.7

Looking at this table, it is clear that about 20% of female and only 2% of male victims had suffered from the sexual

experience for more than a year. Forty-two percent of women and about nine percent of men recalled having taken at least a few weeks or longer to fully recover from the experience. For 58% of female and 91% of male victims, the experience had been largely forgotten after a couple of days.

But Landis went into even more precise detail concerning the subjective harm-appraisal. Each of the students was asked to evaluate whether he or she felt that his or her wider emotional development had been compromised.

**Table 13:**

Dimensions of Harm Experienced by Victims of Punishable Sexual Contacts (from a victim survey of 500 college students, according to Landis, pg. 101)

	no harm	temporary harm	lasting harm
female victims (N = 531 experiences)	66%	30%	3%
male victims (N = 215 experiences)	81%	19%	--

Lastly, Landis asked his students whether their sexual adjustment and sexual lives had been damaged by the punishable sexual experience. The answer was quite obviously very dependent upon the type of sexual contact which the victims had experienced. A summary of the responses for all offense types is shown in Table 14:

**Table 14:**

Number of Victims Who Felt Their Sexual Sensations and Feelings Had Become Disturbed as a Result of Punishable Sexual Contact (from a victim survey of 500 college students, according to Landis, pg. 101)

	no disturbance of sexual sensations	temporary disturbance of sexual sensations	lasting disturbance of sexual sensations
female victims (N = 531 experiences)	70.0%	26.0%	2.2%
male victims (N = 215 experiences)	80.0%	17.0%	0.4%

Landis' results on the consequences of punishable sexual contacts are clearly,

- a) that female and male sexual victims obviously experience different punishable sexual contacts,



- b) that there are very different long-term consequences for female versus male victims,
- c) that the way in which questioning is conducted has a very substantial effect on the ability to distinguish "life issues" from "sexual problems," and,
- d) that a very large proportion of sexual victims do not feel themselves to have been harmed at all (between 65% and 80%).

Subsequently, there was hardly even one single work which attempted to investigate the effects of punishable sexual contacts using similarly differentiated quantitative methods. The results of this study are worthy of consideration. Admittedly, Landis leaves the question of the causality of reported harm unanswered. For example, Landis does not distinguish between primary and secondary injuries.

In 1963, the London [>E] Institute for the Study and Treatment of Delinquency [<E] put out a report on [>E] "Child Victims of Sex Offences" [<E]. However, Gibbens and Prince [F378] were primarily concerned with children's competency to testify in legal proceedings.

With the assistance of the [>E] "Federation of Committees for the Moral Welfare of Children" [<E], which had pointed out that child sexual victims are harmed by legal proceedings [F379], they were able to put together a matching control group of 82 children who -- as far as was known -- had not experienced any sexual victimizations. For comparison, they used a group of 46 child sexual victims who had appeared as witnesses in criminal proceedings. In addition to the selection criterion present in the mere fact that legal proceedings had taken place, they further narrowed the pool by excluding the less serious cases ([>E] "minor sex behaviour between children, home circumstances involving moral danger, etc." [<E]). [F380] Therefore this study is only able to provide information about one particular group -- victims of sexual contacts resulting in conviction.

Gibbens and Prince maintained that, among those resulting in conviction, one can frequently find cases in which the declared victim and the accused were already previously acquainted. Those cases involving a higher degree of acquaintance would, generally, also be more serious than those involving a previously unfamiliar accused. [F381] Moreover, in these cases, it is frequently observed that the child victims have disturbed social relationships; such milieus are incapable of helping children to adequately process the sexual events. In about a fourth of the cases, Gibbens and Prince observed that parents' behavior was responsible for either causing or magnifying the damage that had occurred. Frequently therefore, the parents' behavior only

aggravates the situation. [F382] To this extent, the intensity of the sexual act and even the use of violence would not be the sole criteria determining the consequences for child sexual victims. [F383]

The authors obviously considered the negative effects of legal proceedings as a third possible cause of harm, and they provide new recommendations [F384] for improving the situation of child victims in sexual offense proceedings. Following Wells [F385], the authors urgently demanded that follow-up care be provided to child sexual victims and that the policewomen who work with such victims receive special training. [F386]

Finally, Gibbens and Prince come to the conclusion that sexual offense proceedings frequently cause more harm to children than sexual offenses themselves. Sometimes the reactions of formal and informal social control structures may even be the only source of lasting harm to child victims. This goes against the spirit of the sexual criminal law, which of course claims that it is there to protect children. [F387]

Kinsey's colleagues expressed their views on this state of affairs even more dramatically: "Frequently, the experience is first made traumatic for the child by a hysterical mother, a furious father, interrogating police officers, and relentless questioning by doctors." [F388]

Burton holds a similar view of the effects of criminal proceedings on child sexual victims, arguing that one must certainly consider the practice of Anglo-Saxon cross-examination: [ >E] "For many children the legal proceedings involved in the committal of the offender may have a singularly [ <E] (due to the proceedings) [ >E] traumatic effect. Coming as they do months after the actual offence, and frequently involving the child in giving evidence and being subjected to cross-examination, they may seem more frightening to the child than the experience itself: As Reifen [F389] has

observed: 'Sometimes, it is only the Court appearance and cross-examination which make him realise that he was a victim of a sexual offence.'" [<E] [F390]

Already in 1964 in Northern Ireland, Burton had put out an extraordinary work which included a section describing psychodiagnostic studies of victims of convicted sexual contacts. [F391] [F392] With a relatively well-developed methodology, Burton tried above all to investigate the question of what harm could be observed in child victims of reported and convicted sexual contacts. [F393]

Burton came to the conclusion that psychological harm to declared victims and the causality of observed injuries are, as a matter of principle, difficult to ascertain. Despite these basic difficulties, it is nevertheless still rare for a court to bring in an expert to personally evaluate the extent of any psychological damage from convicted sexual contacts. [F394] Instead, the evaluation of the victim's situation proceeds for the most part according to the usual cliché concerning the child's inviolability and desecration by the perverse perpetrator: [>E] "Inevitably the picture presented by such a subjective assessment is the popularly accepted cliché of an innocent child harmed irreparably by the wayward behaviour of a mentally unbalanced adult. No account appears to be taken of the degree of cooperation given by the child to his adult seducer, nor of the effects of any such cooperation on his subsequent psychosexual development." [F395]

Burton summarizes the results of her follow-up study in this way. [F396] Like Rasmussen [F397] and Bender/Grugett [F398], she considered most sexual disturbances to be concomitants of the child's already pre-existing disturbed socialization. In many cases, this disturbed socialization process continues following the offense, and the general familial disturbance may even be exacerbated as well. Most of the children examined by Burton showed no injuries, and appeared to be well-adjusted socially. The few declared sexual victims who were harmed appeared to have been poorly adjusted in all social aspects. [F399]

Furthermore, Burton comes to the conclusion that punishable sexual contacts between children and adults do not have any especially disadvantageous consequences for the continued development of the child's personality. Frequently, declared sexual victims fall into such contacts because they are searching for emotional warmth. Here too there would be a special job for parents and others in the child sexual victim's immediate social environment: Through positive(ly) emotional support, negative effects in children of punishable sexual contacts could largely be prevented. [F400]

Rennert, in his 'dark number' inquiry of sexual victimization experiences by medical students in Halle/E. Germany, had, in addition, asked whether they had found the earlier sexual contact distasteful, and whether it <sup>had</sup> caused them lasting shock. [F401]

Of the 194 females and 213 males questioned, 31 and 21, respectively, had experienced punishable sexual contacts. Looking back on it, two-thirds of the women (N=21) reported that they had experienced a "lasting shock." For men, the figure was less than one-third (N=6).

Fikentscher et al., who replicated Rennert's pilot study with medical students throughout East Germany, arrived at very similar results. [F402] The question regarding the consequences for victims was somewhat bifurcated. Here, a differentiation was made between consequences which had manifested themselves as acute, severe shocks, and those which consisted of lasting negative effects on victims' subsequent personality development. Fikentscher et al. only report those offense groups which were numerically most represented; that is, on the areas of exhibitionism and the sexual abuse of children:

Table 15:

Sexual Victims' Self-Perceived Consequences (from a 'dark number' inquiry of 2,299 E. German medical students, according to Fikentscher et al., pg. 77 f), in %

Offense Type	Consequences		lasting, negative psychological effects on personality development				both	
	acute, severe shock							
	F	M	F	M	F	M	F	M
Exhibitionism	27.1	10.0	8.9	7.5	--	--		
Sexual Abuse of Children	30.2	19.5	28.0	20.7	11.6	--		

According to the above information, about 70% of female and 40% of male sexual victims of reported sexual experiences falling within the scope of our § 176 reported short-term and/or lasting harm. For exhibitionism, around 30% of women and 17% of men reported such consequences. Approximately 40% of women and 21% of men who had been victims of child sexual abuse reported the presence of psychological injuries, whereas the comparable figures for exhibitionism were -- as one might expect -- lower (respectively, 9% and 7.5%). Probably for statistical reasons, Fikentscher et al. did not separately report the proportion of victims harmed by rape; however, this is likely to have been higher than the above figures.

At the same time, in West Germany, Friedemann [F403] and Reinhardt [F404] advocated some very controversial views on this issue. Again and again they challenged the prevailing scientific opinion, by advocating the view that children are seldom harmed by non-violent sexual contacts. Lempp pointed to the many unreported cases, as strikingly exemplified by the Kinsey Institute's inquiries. "When, however, one accepts that the 'dark number' -- and thus the frequency -- of such offenses is so high, then the assumption of ubiquitous harm can no longer be maintained. Of course, it cannot be assumed that everyone would suffer lasting and detectable harm to their psychological development. This . . . study . . . does not allow for the conclusion that even one child -- with absolutely certainty -- had sustained an injury as the direct result of the sexual act." [F405]

In March of 1968, the Dutch Secretary of State for Social Affairs and the Chairperson of the Public Health Council commissioned a study of homosexual relationships involving minors. The Public Health Council appointed a commission, under the direction of the psychiatrist Speijer, to hear the views of all Dutch organizations that had a substantial interest in the issue, including all professors of psychiatry, social psychiatry, child psychiatry, forensic psychiatry, psychopathology, as well as social medicine throughout the Netherlands. [F406]

Over and over again, the Speijer Report expressed views questioning the presumed negative effects of non-violent sexual contacts with children and youth: "The fact that it is now realized that children are not as asexual as had been previously assumed bolsters the conclusion that the dangers to children and youth posed by sexual contacts are often overestimated. Many young children have already been confronted with sexual acts of various kinds, and many people have sexual experiences before they have reached sixteen years of age.

"It cannot at all be assumed, in a culture in which sexual themes are more and more openly and frankly discussed, that sexual acts with adults in which youth under \* sixteen voluntarily participate will always produce significant psychological trauma. [F407] The authors emphasize very explicitly that the prevention of sexually seductive situations -- with the help of the criminal law -- impedes sexual socialization in some very concrete ways: "It is herein submitted that a society which tries as much as possible to eliminate seductive situations is certainly not promoting public health. On the contrary, it is desirable that youth of both sexes should become familiar with such situations. Normal development requires that persons be allowed a wide latitude for experience, experimentation, contact, and initiation." [F408]

[\* The text here actually uses the word "über," which means "over." However, this must be a misprint: the sentence simply makes no sense as written.]

In 1971, Bernard caused a sensation in Holland by publishing, in the collected volume [Dutch] Sex with Children [Dutch], his contribution entitled [Dutch] "On the Child as a Complete Person" [Dutch]. [F409] A year later, he published his preliminary and provisional conclusions [F410] in a German technical journal: "This psychological

study has shown that young people often experience sexual contacts and relationships with adults positively. In addition to the sexual aspect, they also seek emotional closeness, touch, and security. Traumatic effects or feelings of fear toward adults were not found. The later course of the sexual drive was clearly not influenced." [F411]

Böhringer and Kaiser [F412] expressed skepticism with regard to results which were admittedly presented without any empirical data to back them up.

Subsequently, Kerscher, Potrykus/Wobcke, Brongersma, and Lautmann [F413] pointed out that the causal relationship between non-violent but punishable sexual contacts with children and psychological harm was primarily an issue of damage originating from the existence of such criminal laws themselves.

In a more recent work, Diesing [F414] set for himself the goal of conducting a follow-up study of some sexual victims and their family members, some eight years after the reported sexual contact.

Unfortunately, the way the study was organized in publication describes its results in a very imprecise manner, such that it is not entirely clear how to evaluate their significance. And because of some statements made regarding the methods employed, it is also apparent that the methodological structure of this study could still use some improvement. This is unfortunate first of all because its basic direction is a good one, and second because, even in its current form, it already represents a considerable amount of work. With a relatively small additional expenditure of effort in methodological preparation and the concluding statistical analysis, this could become a valuable piece of work.

Diesing had examined the records of the Saarbrücken district attorney's office of charged violations of § 176:1:3 for the years 1957-1965. Apparently, all of the consulted records included expert opinions as to credibility. The time frame the diagnostic interviews required in order to evaluate -- and thus provide expert opinions regarding -- the declared sexual victims was certainly interesting. The former declared sexual victims later recalled that the chronological extent of the diagnostic conversations was astonishingly limited. Unfortunately, in his follow-up study, Diesing does not sufficiently distinguish between non-violent and violent sexual contacts.

For his follow-up study of formerly-declared sexual victims, he gathered together 78 cases in which he had concluded that the declared victim may have already been psychologically damaged prior to the charged sexual contact; i.e., because they had come from disturbed social milieus. Furthermore, he excluded those cases in which the expert opinion had questioned the credibility of the child witness. A further 101 "cases for which, for various reasons, a follow-up study was not possible" [F415], likewise could not be used. For 157 of the remaining records, comparable data was not able to be extracted. In 142 cases, a relative of the declared victim was apparently interviewed; in 110 cases, the declared victim him/herself was questioned. [F415a] The ages of the declared sexual victims at the time of the punishable sexual contacts ranged from three to thirteen (mean = 10); their ages at the time the follow-up study was conducted ranged from eight to twenty-six (mean = 18). The homes of formerly-declared victims were apparently visited, at which a conversation with either the victim or a family member took place. A guide to conducting these conversations had been put together. In some cases, "tests were utilized." [F416] Diesing summarizes the results of his study as follows.

"A follow-up study of 157 child victims of sexual offenses was conducted after an average of eight years had elapsed. Long-term injuries could be reliably attributed to the offenses themselves in only six cases (4%). In these, the chances that the child would be able to psychologically assimilate the experiences were substantially reduced due to the presence of other primary personality disturbances.

"Children are impacted less by the sexual focus of the lewd act than by wider factors, namely the perpetrator's general behavior, the social relationship between him and the child, the child's developmental phase, and the various reactions of his/her environment -- especially discussions with parents, the police investigation, and legal proceedings.

"What is conflict-producing for the child is when he or she is confronted with society's existing strong taboos with regard to sexual acts." [F417] Overall, and to a great extent, these results corroborate the experience of many of those who have provided expert opinions in this area.

It is unsatisfactory that in his evaluation of the results, Diesing did not give sufficient consideration, in the diagnosis of harm, to the sexual victim's or family member's own subjective appraisal. Of the 38 cases (= 24.2%) in which either the victim or a relative had indicated the presence of harm, the researcher stated that, based on either his own subjective evaluation or on the results of tests, in 32 of these cases, the victims had probably not actually been harmed. Therefore, in 32 cases, the declarations of these (previously credible) victims were ~~questioned~~ ~~been harmed~~. Only six victims are classified by Diesing as having been harmed.



To this extent, disregarding for example the victim's own self-reported sexual disturbances (e.g., sexual anxiety) is risky, because hardly any of the conventional test procedures are even designed to diagnose sexual disturbances. Obviously, one must guard against using scientific methods to encroach upon and correct victims' own accounts, especially when the scientific methods are themselves prone to error.

It was therefore welcomed when Kirchhoff/Thelen and Kirchhoff/Kirchhoff returned to Rennert's practice of taking the statements of perceived victims more seriously. [F418] Unfortunately though, they also, admittedly, adopted a methodological error from Rennert's 'dark number' study: During questioning, the Michigan students were merely asked about the behavior of the perceived victim ("cooperative," "showed resistance") and the perpetrator's behavior ("coercion, violence"); these as well as the Munich-area students should have been asked about their own immediate psychological reactions to the experienced sexual offense. Unfortunately, Kirchhoff/Kirchhoff did not adopt Fikentscher et al.'s -- or even better, Landis' or Burton's -- highly-differentiated interview methodology. In the Munich-area study, the students were apparently only asked whether the experience "had been distasteful or had caused lasting shock" to them. Another option, outside of or between these two possible answers, was apparently not provided.

Of the 195 sexual victimizations which had been experienced by the female students, 49.2% were described as having been either unpleasant or shocking. For the 107 male students, the figure was 15.9%.

Even Kirchhoff/Kirchhoff themselves believe that their questions concerning the consequences of the sexual contacts were not very clear. To this extent, their results here can only be ascribed limited value.

As a whole, the results of the various studies on harm to sexual victims may be summarized as follows: Only about one-third to a maximum of two-thirds of all sexual victims seem to have been harmed by the punishable act itself. Many studies have even shown substantially smaller proportions of harmed victims. And yet, again and again, authors have claimed that the proportions are higher, without any empirical basis for making that claim.

In order to avoid any misunderstanding, it must be explicitly emphasized at this juncture that most of the above-mentioned studies were either not -- or not exclusively -- focused on cases of actual rape.

It has already been explained repeatedly that there can be no question but that, as a rule, the consequences for rape victims are serious and traumatizing.

However, most studies which focus on the situation of all sexual victims -- or even those which involve a large proportion of child sexual victims -- inevitably run into the problem that there are, among them, a lot of sexual contacts in which there was no -- or no clearly -- apparent use of violence. This is due to legal definitions; i.e., according to Sections 175, 176, and 177, sexual contacts are still explicitly punishable even when they are non-violent. These legal determinations concerning non-violent sexual contacts are designed to protect children from sexual experiences because, according to the legislature's opinion, these experiences could be ruinous or harmful to children. These non-violent, punishable sexual contacts constitute approximately 70%-80% of all sexual offenses. Because of their large share of overall sexual criminality, they are also particularly well-represented in studies of sexual victimization and its consequences. The issue as to whether such non-violent sexual contacts cause harm to declared child victims is a problem that has now gone unsolved in the scientific literature for eighty years, without all of the methodological possibilities for definitively answering these long-standing questions having been utilized. Although useful scientific methods from other research areas are well-known, most authors are still reduced to being mere speculators.

Therefore, many experts again and again deplore the fact that a solution to this problem has still not been found. Thus, as early as 1957, Jäger expressed the opinion that: "The causality of harmful effects is, however, quite demonstrable, although it is possible that only later, in therapy, will it actually become detectable. Consequently, to a large extent, we are forced to rely on conjecture. In any event, the issue as to whether sexual acts really cause developmental damage is still unclear. The question must remain an open one." [F419]

Similarly, in 1965, Wallis appraised the situation in this way: "Concerning this question (as to which crimes suffered cause harm), it seems to us, however, that solid and systematic knowledge is still lacking." [F420]

Thus, as Schorsch, Schmidt, and Sigusch [F421] and Brongersma [F422] later admitted -- as did Potrykus/Wöbcke in 1974 -- up until now, scientists have not undertaken any really serious attempts to verify the harm hypothesis: "With the help of even existing outlines of the potentially negative consequences of pedophilic offenses

we can ascertain that the assumption of negative consequences -- always presuming the absence of any aggressive offense -- can scarcely be maintained, because authors, in their 'materials,' hardly ever lay down a sufficient foundation (i.e., through a research series), and are themselves limited to their bare assertions . . . As for the rest, none of the authors who have postulated the existence of negative consequences from the act itself have anything like an empirically solid foundation for making this assertion; for the most part, aside from their convictions, they seem to have no basis whatsoever for their assumption. They remain predominantly uncritical and absolute, evaluating their declaration, without considering contrary findings (i.e., Von Stockert, 1965, and Friedemann, 1965)." [F423]

Obviously, this research area (child sexuality) and this issue (harm from non-violent sexual contacts) are so explosive, that one could characterize those studying it as downright fearful. Certainly, scientists also experience the sexual taboos and fears, already mentioned in the Introduction, as hindrances, which curb their otherwise customary "researcher drive." Some of them move away from a rational approach, contenting themselves with the repetition of the old prejudices:

"One discovers, repeatedly and almost without exception, in the scientific as well as the popular literature, how damaging it would be for children to come across manifestations of sexuality, especially adult sexuality. But 'repeatedly' is not really the right word here; when looked at closely, it becomes clear that the individual authors have simply copied from one another: Each one cites as scientifically-verified fact something that one of the authors had said. The conclusion seemed so self-evident that further argumentation wasn't even required." [F424]

In 1963, Adorno had already laid down the simple demand that, at long last, the postulated harm and its causality of course had to be investigated: "Though eminent difficulties unquestionably stand in the way of knowledge, there are empirical studies within our reach that could bridge them, so that we could ascertain whether certain acts and ways of behaving cause demonstrable and inevitable harm to young people." [F425]

## 2. Obstacles to the Empirical Investigation of Victim Injuries

A review of the available literature on the subject demonstrates how difficult it is to put together a large cross-section of declared sexual victims.

An additional problem is that, up until now, the available groups were chosen along certain dimensions, such that they have been pre-selected according to distinct, partly-overlapping characteristics.

Furthermore, the problem is a relatively specific one, confined to a handful of scientific areas. I have the impression,

- that cooperation between the scientific branches on this issue is lacking [F426], and,
- that, in addition, many specialists in this limited area are inclined to inappropriately generalize on the basis of extreme cases.

Finally, the history of credibility evaluation itself constitutes a hindrance. [F427] That is, these publications are based on the large number of court-ordered expert psychological opinions concerning the accuracy of declared sexual victims' witness statements.

From the beginning, those who provided expert psychological opinions as to credibility have held that the statements of child witnesses are generally untrustworthy, on the grounds that, even prior to the sexual contact, the victims would have already been sexually degenerate or debilitated, or would have come from disturbed milieus. Even the declared sexual victim saw him/herself as having been diminished as a result of the assault.

Following a rocky start, in the 1950's, psychological experts had finally come to recognize that even younger declared child victims could potentially be credible witnesses. In the course of these discussions, many experts were forced to take a defensive posture regarding the credibility of declared sexual victims when they -- for the first time -- were obliged to declare a given witness' statement as credible. This in turn resulted in the extant damage to the boys and girls studied now being seen as a consequence of the early sexual contacts themselves. (Simultaneously however it was also stated that these children come -- for the most part -- from harmful milieus.)

This constellation made some experts -- as potential researchers into this question -- deaf to the demand that what was required was empirically-based proof of a relationship between reported sexual contacts and harm.

A profession which up to this point had held a very emotionally-colored opinion as to the severe harmfulness of these acts was now further clouding the issue;

on the one hand, the somewhat more conservative "child protective" fields, continuing to declare children's asexuality, and on the other hand "victim-friendly" fields, which were especially involved in taking care of violence victims, were obliged to resist what they perceived as an attempt to legitimize sexual violence.

### 3. Flaws in Previous Studies

Almost all of the known works that have been produced up to this point fall below modern methodological standards [F428]; this is true despite the fact that, as early as 1928, Curt Goroncy himself had already explained how they might be applied. [F429] Apparently, nothing was learned from important works such as this. It certainly has been established on the one hand that declared or perceived sexual victims are difficult to reach, and on the other hand, that it is also difficult to observe this numerically small group of people (depending on the source, between 5% and 35% of the overall population) over a long period of time.

This may also explain why there is relatively so little scientific literature on this question; those who have complained about this state of affairs include Weiss et al. [F430], Groffman [F431], Adorno [F432], Müller-Luckmann [F433], Friedemann [F434], Rasch [F435], Wallis [F436], Burton [F437], Kaiser [F438], Schorsch/Schmidt/Sigusch [F439], Potrykus/Wöbcke [F440], Lempp [F441], and Brongersma. [F442]

Moreover, most publications in this area are based on emotion; those who have already pointed this out include Hanack [F443], Adorno [F444], Jäger (in connection with criminal law reform) [F445], and Schneider. [F446]

Some works exhaust themselves in detailed casuistry, which is then interpreted according to the author's particular perspective. [F447]

Unrepresentative cross-sections are another common mistake in these works. Samples typically come from hospitals [F448], counseling centers, or other therapeutic settings [F449], or by utilizing data from children's credibility evaluations. [F450]

As early as 1926, Goroncy [F451] had already pointed out another methodological error which is frequently encountered in forensic psychology (unfortunately, without any kind of tangible, lasting impression): the danger inherent in making "post hoc ergo propter hoc" conclusions.

"The preference for a direct, causal explanation has frequently led to neurotic disturbances in youth all too easily being attributed to a psychologically traumatic experience. It holds true for both neurotic disturbances generally as well the above-mentioned psychosexual disturbances that the etiological implications are always complicated, and that a constitutional basis is just as significant." [F452] "It must be said, for example, in further statements critical of the assumption of generally negative consequences, that in the authors' (Hanack [F453], Von Stockert [F454], Friedemann [F455], and Wallis [F456]) view, we have never been able to detect whether the current supposed faulty development was actually a consequence of the act itself, or whether it had already existed by the time the act took place. Likewise, extreme examples of perpetrator personality, social milieu, and act constellation are often selected in order to highlight the negative consequences of such acts, even though these are rarely, if ever, characteristic of actual pedophilia. For example, Friedemann [F457] adduced . . . that studies of these situations are very rarely empirically sound (i.e., Schönfelder [F458]), and therefore, as a rule, they are not as Friedemann suggests they should be." [F459]

#### 4. The Demands of an Ideal Methodology

Groffman [F460] lists five "ideal demands, which up until now have probably not been met by any work" [F461] but which are required in order to be able to properly investigate harm to sexual victims: [F462]

1. A subdivision of the total number of persons into harmed and unharmed sub-groups, so as to obtain a brief overview of the quantitative distribution.

2. For the harmed sub-group: A separation between transitory disturbances and serious developmental disturbances.
3. An investigation of surrounding etiological areas, in order to be able to assess the declared sexual contact's causal share.
4. An investigation into the indirect effects on children and youth of subsequent discussions concerning their participation in the sexual act.
5. An exploration of the psychological harm stemming from 'dark number' punishable sexual contacts.

Whereas points one through four cover declared victims, point five is only applicable to 'dark number' perceived victims.

With good reason, Bernard points to a serious problem with the study of 'dark number' sexual contacts. [F463] On the one hand, presumably there are many 'dark number' sexual contacts involving children in which the younger participants were unharmed either by the act itself, the older participant's behavior, or environmental reactions. A self-perception of victimhood is frequently absent. If one intends to study the consequences of sexual contacts for child participants, then one must also include a comprehensive study of these cases. And yet, any researcher who examines punishable 'dark number' cases puts him/herself, the older participant, and -- indirectly -- the younger participant at risk. The legality principle could lead to the scientists being forced to give statements within the scope of a criminal investigation.

Thus we are confronted with an abstruse situation in which those victims who can most readily be studied are precisely those who are most likely to have been seriously harmed, whereas it is impossible to study those victims who, though they indeed have experienced a punishable sexual act, nevertheless do not personally feel themselves to be victims. This means that existing laws make empirical investigation difficult, if not impossible. To this extent, it will probably be hard for Groffman's important fifth ideal requirement to be realized.

## 5. Nature of Harm to Sexual Victims

### a. Legal Classification

Some authors find it helpful to subdivide injuries according to the way the various criminal acts are classified in the criminal law. This subdivision by offense groups is, however, artificial, and is not scientifically justified. [F464] It therefore follows that the presumed injuries as well as punishments based on this schema are not scientifically based.



work about harm to declared sexual victims is therefore forced to critically come to grips with criminal categorizations. [F465]

b. Casuistic and Itemization Injury Classification

In addition to subdivisions of harm based on legal classifications, there exists in the literature a widespread, until now scarcely systematically-compiled casuistic itemization of every psychological, social, and sexual injury that could possibly be caused by nonviolent or violent punishable sexual contacts. Physicians are able to relatively easily diagnose the immediate physical consequences, such as injury, pregnancy, and venereal disease. [F466] The diagnosis of psychological harm, and of injuries for which the causality is unclear, is more difficult. Below are listed -- in chronological order -- the consequences for sexual victims that various scientists have either observed or presumed to exist: [F467]

Von Krafft-Ebing (1899): [F468]

- mental disease;

Schäffer (1900): [F469]

- coughing up blood;
- vicarious menstruations owing to neurotic heart conditions originating from fear responses;

Fuchs (1902): [F470]

- sexual hyperaesthesia as a consequence of masturbation;

Maschka (1905): [F471]

- nervousness and timidity;

Haberda (1905): [F472]

- severe intensification of already pre-existing nervousness;
- hysteria;

- as a consequence of the introduction to masturbation:
  - bed-wetting;
  - sexual anomalies;
  - moral depravity;
- a sense of confusion/mental disease; as a consequence: suicide;

Moses (1932) also mentions: [F473]

- anxiety and panic attacks;
- preoccupation with sexual matters;
- heterosexual activity;

Kaufmann/Peck/Taguiri (1954): [F474] [>E]

- depression;
- guilt feelings;
- learning difficulties;
- bossiness;
- sexual promiscuity;
- running away;
- somatic complaints;
- pregnancy fantasies;
- anxiety;
- disturbed sense of reality;
- regression;
- hostility;
- sexualization of object relationships with both men and women;
- desire to be male;
- ascetism [<E];

Geisler (1959) also mentions: [F475]

- repeated involvement in sexual offenses, including as a victim;
- inertia;
- social catastrophes;
- embarrassment when thinking about childhood;
- lack of adjustment;

Wells (1961) also mentions: [F476] [>E]

- sleeplessness;
- bragging and general showing off [<E];

Henriques (1961) also mentions: [F477] [>E]

- telling friends of the experience [<E];

Gibbens/Prince also mention: [F478] [>E]  
- court appearance as main traumatic element;  
- family disturbance [<E];

Rasch (1963): [F479]  
- sexual deviation;

Friedemann (1965) also mentions: [F480]  
- symbolic stealing;  
- exhibitionism;  
- neglect;  
- inclination towards prostitution;  
- frigidity;  
- inversions of drive;

Wallis (1965) also mentions: [F481]  
- fear of the perpetrator;  
- fear of men;  
- fear of where the act took place;  
- appearance, re-appearance, or intensification of childlike behavioral disturbances, such as stuttering;  
- compulsive phenomena;

Cabanis/Philip (1969) also mention: [F482]  
- oedipal regression;  
- proselytizing instigation ("seduced seducers")

### c. Methodology of Injury Classification

Groffman [F483] as well as Wallis [F484] have laid out classification systems within which they intended to organize the consequences for victims of punishable sexual contacts. These diagnostic classification attempts were based on earlier casuistic itemizations.

According to Groffman's organization:

- "1. Immediate, but transitory disturbances or reactions.
2. Faulty development or long-term harm:
  - a) inhibition of drive (possible neglect)
  - b) neurotic inhibitions
3. Indirect, social-psychological effects." [F485]

According to Wallis' classification:

1. Immediate physical consequences.
2. Probably transitory consequences or symptoms.
3. Likely long-term and permanent injuries. [F486]

## 6. Injury Etiology

Moreover, the literature also addresses the harm to declared sexual victims in terms of etiological classifications.

### a. Monocausal Explanations

Previous authors have looked at the occurrence of harm to sexual victims predominantly in unicausal, monocausal, and univariable terms. But the actual cause of such injuries was still unclear to them. Thus, the following have alternately been considered possible causes of assessed injuries to declared sexual victims:

- Even before the declared sexual contact, the declared sexual victim was already socially (and/or sexually) disturbed.
- The declared sexual victim was traumatized as a result of discussions about the sexual contact.
- The declared sexual victim was harmed by environmental reactions and as a result of the questionable sexual contact having become known to others. [F487]
- The declared sexual victim was secondarily traumatized through questioning/interrogation.

- The declared sexual victim was secondarily harmed as a result of legal proceedings. [F488]
- When there is a close degree of acquaintance between the victim and the convicted perpetrator, the victim becomes (secondarily) victimized when the verdict is announced.
- The environment treats the victim as having been "disgraced." [F489] This is akin to the label "sexually neglected." The victim thereby becomes (secondarily) victimized.

#### b. Multicausal Inception

Lately, however, polycasual, poly-etiological, and multivariable ways of accounting for possibly extant injuries in declared sexual victims are beginning to be discussed. Of course, as early as 1926, Goroncy had already pointed out that a "post hoc ergo propter hoc conclusion" regarding this question would be improper. Though not quite as clearly, even before him, in 1905, Haberda had already said of this problem: "Besides proving the existence of nervous or psychological disease, it is essential, in order to establish whether a truly causal relationship exists, to also ascertain when the phenomena first presented themselves and the chronological course of the pathological disturbances; certainly, they could only have originated from the act itself if it can be proven that the person concerned had previously been free of such conditions." And he further writes: "Caution is called for here, because lies are often told both consciously and unconsciously." [F490]

Simple, monocausal relationships, like the ones listed above, are rarely hypothesized in today's social and sexual sciences. "When injuries do occur, it is, in most cases, due to the interaction of several factors." [F491]

This multivariable influence of the various factors which may contribute to the inception of injuries to declared sexual victims is represented, in a simplified way, in Fig. 5 (pg. 154).

In the victomological literature, there is an important distinction between primary and secondary victimization. [F492] Analogously, for some time now, a subdivision has been made between

- primary injuries and
- secondary injuries

Primary injuries are comparable to those covered by Groffman's subdivisions 1. and 2.; secondary injuries would fall under subdivision 3. [F493]

As a conclusion to this section, Jäger, who clearly emphasized the necessity of a rational explanation of the harm to victims of reported sexual contacts, will be cited: "The consequences may be summarized relatively succinctly. As long as it is not possible to show that given cultural and moral conceptions are truly universally-recognized, legislation is obliged to disregard them in fashioning crimino-legal standards, especially when other criteria -- i.e., points of view as to harmfulness and anti-socialness -- exist which must be taken into account in setting universal standards. In the end, it is no accident that most of the acts which have been criminalized have no ideological implications, and are able to be concisely justified in terms of their protective goal." [F494]

## 7. Hypotheses on the (Multi-) Causality of Harm to Sexual Victims

### a. Working Definition of "Harm"

Up until now, attempts have scarcely ever been made to precisely define what constitutes harm resulting from sexual victimization. Above all this concerns psychological and social harm. Frequently, terms such as "injury," "trauma," "mental shock," "mental upset," "violation," "harm," and the English [>E] "injury" [<E] are used without being defined, as if there were a consensus as to what they meant.

Groffman was one of the few who attempted to construct a definition of the harm which can occur subsequent to punishable sexual contacts: "Serious psychological effects from crimes of indecency are -- so that they may be defined comprehensively -- disturbances of personality equilibrium which immediately damage

affected persons' social soundness or later lead to anomalous personality development" [F495]; but, he does not explain in greater detail what he means by "social soundness." Up until now, this definition has never been converted into a research project on the causality of psychological harm originating subsequent to sexual contacts.

For the present study, a working definition was provided in which an attempt had been made to incorporate results from previous studies: An injury resulting from a sexual contact is a reactive disturbance in the sexual, social, psychological, and/or physical sphere in which the affected person has been demonstrably harmed. This disturbance is either subjectively perceived by the person harmed or is, with his/her assistance, diagnosed with subject-specific scientific methods. The disturbance may have both a direct and an indirect causal link to the sexual contact.

#### b. Working Hypotheses

In the following, the presumed relationship between the variable "harm to declared victims of reported sexual contacts" (see definition) and other variables is presented.

#### Hypotheses<sub>16.1-16.11</sub>:

Psychosocial injuries to declared victims of reported sexual contacts are clearly associated association with the characteristics:

- Hypothesis<sub>16.1</sub>: a shorter period of time since the last individual reported sexual contact took place, relative to the cross-section of declared victims as a whole;
- Hypothesis<sub>16.2</sub>: relatively more frequent defensive behavior on the part of the declared victim, compared with the cross-section as a whole;
- Hypothesis<sub>16.3</sub>: relatively more frequent violent behavior on the part of the accused, compared with the cross-section as a whole;
- Hypothesis<sub>16.4</sub>: (in connection with H<sub>16.3</sub>): a relatively older declared victim, compared with the cross-section as a whole;
- Hypothesis<sub>16.5</sub>: (in connection with H<sub>16.3</sub>): a relatively smaller age difference (<11 years) between the declared victim and the accused, compared with the cross-section as a whole;

Hypothesis<sub>16.6</sub>: (in connection with H<sub>16.3</sub>): relatively more female declared victims, compared with the cross-section as a whole;



- Hypothesis<sub>16.7</sub>: (in connection with H<sub>16.3</sub>): relatively higher declared sexual contact intensity, when compared with the cross-section as a whole, (when combined with the characteristic:) a relatively lesser degree of acquaintance between the declared victim and the accused, as it had already existed prior to the reported sexual contact, compared with the cross-section as a whole;
- Hypothesis<sub>16.8</sub>: relatively more strongly negative emotional reactions on the part of the environment to the reported sexual contact, compared with the cross-section as a whole;
- Hypothesis<sub>16.9</sub>: relatively more questioning of the declared victim concerning the reported sexual contact, compared with the cross-section as a whole;
- Hypothesis<sub>16.10</sub>: relatively fewer sexual experiences on the part of the declared victim prior to the reported sexual contact, compared with the cross-section as a whole;
- Hypothesis<sub>16.11</sub>: relatively stricter attitudes concerning sexuality on the part of the declared victim as well as his/her environment, compared with the cross-section as whole.

Null Hypothesis<sub>16.1-16.11</sub> would then be that:

In reported sexual contacts, the relationship between psychological harm to victims and the variables listed in Hypotheses<sub>16.1-16.11</sub> is a purely random one.

#### FOOTNOTES

F272. In parts I through XVI of Section E, the analogous hypotheses are arranged numerically. (For example: Hypotheses<sub>1.1-1.3</sub> are in part I, and Hypotheses<sub>3.1-3.3</sub> are in part 3.)

F273. See for example research by Stern, Hess, Wessel, Häbel, Geisler, Matthes, Weiß, Schönfelder, Gerbener, Wyss, Finckh, Baurmann, Kröniger, Körner, and Diesing, all of which are listed in Tab. 9, pg. 117 ff.)

F274. Federal Police Bureau (Eds.): Police Criminal Statistics 1980.

F275. According to Potrykus and Wöbcke, the dearth of studies on male victims may be related to the fact that they have historically played an insignificant part in the overall samples collected. (Potrykus/Wöbcke: Sexuality Between Children and Adults, pg. 54 f.) Admittedly there are also some studies which have focused exclusively on male victims; however, these cannot be readily compared with the studies listed above. (See for example: Redhardt: On Same-Sex Male Prostitution; Schmidt-Relenburg et al.: Conversations with Street Kids; Schickehdanz: Homosexual Prostitution).

F276. "From the standpoint of science, we still know very little about the various types of pedophilia. Particularly concerning pedophilic women, almost no details are known. (Jersild: [>Danish] The Pedophile [<end Danish], pg. 152). Based on the recollections of many adult men, we are, however, permitted to conclude that for more than a few women, initiating youth into sexual practices represents a favorite pastime. (Rennert: "Research Into the Risk to Youth...", pg. 366; Gebhard et al.: [>E] Sex Offenders [<E], pg. 456; Albrecht: Lewdness with Children, pp. 47 and 208). Perhaps the pedophilic woman is much like the lesbian: in our culture she is much less noticeable than a man would be. Moreover whereas it is not seen as unusual for a woman to caress or kiss a child, a man who behaves affectionately towards children is immediately suspect." (Brongersma: "Pedophilia and 'Child Rapists'," pg. 17).

F277. Lower Saxony Police Bureau (Eds.): 1969 Annual Report; 1970 Annual Report; 1971 Annual Report; 1972 Annual Report.

F278. All of these are according to the old version of the Laws and Statutes of West Germany.

F279. Schorsch: The Criminal Sexual Perpetrator.

F280. Fetscher: "Criminal-Biological Discoveries Concerning Sex Criminals," in: Journal of Sexual Science, 1930, pg. 356 ff.

F281. Mohr et al.: [>E] Pedophilia and Exhibitionism: A Handbook [<E].

F282. Haddenbrock: "The Psychiatric Expert Opinion Concerning the Apportionment of Guilt to Instinctual Perpetrators, with Particular Emphasis on Pedophilia," in: Von Stockert (Ed.): Pedophilia and Its Problems for the Criminal Law, pg. 56 ff.

F283. Wille: The Forensic Psychopathological Evaluation of Exhibitionists, Pedophiles . . . .

F284. Similar to Wyss: Lewdness with Children. Bernard has recently distanced himself from these -- from a developmental psychology perspective -- problematic, fixed age limits. (Bernard: Pedophilia, pg. 86 f; see pg. 70 ff supra).

F285. The same is true of marital and extra-marital rape, rape-like sexual acts, and so on.

F286. For comprehensive details concerning this, see Körner: Older Persons' Sexual Indiscretions with Minors. There is further literature here on the so-called "senile older perpetrator."

F287. Money and Erhard have categorized the following characteristics: "[T]he nature of sexual contacts can vary in different societies: partner ages (similar or different); degree of physical development presumed to be required for sexual activity to occur (pre-pubertal, pubertal, adult); partners' genders (same- or opposite-sex); partners' degree of acquaintance (blood relatives, same clan, unrelated by blood, not from the same clan or the same tribe); partners' social class (same or different); number of partnerships (one or more); overlapping of partnerships (only one partnership at a time, several partnerships simultaneously); partnership duration (temporally limited or unlimited); privacy of sexual relations (the couple is or is not alone); sexual 'peculiarities' -- i.e., of the ritual type (ornamentation, special clothing), or of the pragmatic type (prophylaxis)." (Money/Erhardt: Male/Female, pg. 126.) The authors confirm that the norm "small age difference between sexual partners" is in fact culturally dependent.

F288. See Körner: supra; Albrecht/Dünkel: "The Forgotten Minority -- Old Men as Criminal Perpetrators," in: Journal of Gerontology, 1981, pg. 259 ff; Baurmann: "Elder as (Criminality) Victim," in: Journal of Gerontology, 1981, pg. 245 ff).

F289. The concept "degree of acquaintance" is understood to include the intensity of the so-called "overall act relationship," "which does not encompass and is independent of the perpetrator's wishes (for the act), in contrast to the so-called 'implemental relationship,' which must first be accomplished through the perpetrator's establishment of a particular contact." (Hess: Child Rape, pg. 14). For a detailed discussion of the perpetrator-victim relationship, see Weber: [>E] "On the Psychodiagnosis of the Offender-Victim Relationship" [<E].

[In the text of this footnote, this title is actually in German. However, in the bibliography, the title is in English. It is also made clear in the bibliography listing that this article is, in fact, written in English. This is the only title (so far) which Baurmann has translated into a different language; why he chose to do so here is inexplicable.]

F290. Hess: ibid.

F291. Regarding punishable sexual contacts taking place between known and related persons, the authors of the Speijer Report write that: "The primary damage may consist of increased fears as well as in a loss of trust in 'authority.' This harm is also

well-known in cases of lewdness by parents and teachers. According to (the Dutch statute) §249, these are punishable cases. Here, a fundamental structure of authority and trust is implicated." (Speijer et al.: The Speijer Report, pg. 41).

F292. See the literature cited in Footnote 86, as well as the writings critical of such educational publications cited in Footnote 87.

F293. "Location of the act" indicates the "actual scene of the crime." The distinction between "scene of the crime" and "location of the act" was first drawn by Weib. (Weib: Child Rape, pg. 44 ff).

F294. "Sexual delinquents distinguish themselves by their essential aggressiveness." (Schorsch/Schmidt/Sigusch: "Sexual Science Considerations for the Reform of the Sexual Criminal Law," in: Sigusch (Ed.): Outcomes in Sexual Medicine, pg. 168 ff). "Of course, a man who rapes a woman derives his pleasure directly from the fear instilled in the other person, among other factors." Barbara/de Coninck: The Divided Woman, Courage, 1980, pg. 354. Compare also with Footnote 202 and with the results of Berner, Grünberger, and Sluga in Footnote 450.

F295. Brongersma: "Pedophilia and 'Child Rapists': Differences in Terms," in: Sexual Pedagogy, 1977, pg. 21.

F296. Jäger: Criminal Law Legislation and the Legal Protection of Property Rights in Indecent Offenses; Berner et al.: A Study of Sexual Delinquency.

F297. On the desexualization of sexuality, see Adorno: "Sexual Taboos and Privileges Today," in: Bauer et al. (Eds.): Sexuality and Crime, pg. 300.

F298. Schönfelder: "The Role of Girls in Sex Offenses: Girls 'Holding the Scissors' -- Genuine Resistance is Rare," in: Euromed, 1969, Issue 12. For further details concerning this, see pg. 158 f supra.

F299. Potrykus/Wöbcke: Sexuality Between Children and Adults, pg. 69; also similar is Schorsch: "Paralyzed by Sexual Fear: Irrational Criminal Law Harms Pedophiles and Traumatizes Children," in: Sexual Medicine, 1975, pg. 358; even earlier, Burton: [>E] Vulnerable Children [<E], pg. 87 ff.

F300. See Irning: The Offense of Child Rape . . .; Matthes: "Harmed" Minors . . .; Lange: The Evolution and Manifestations of Pedophilic Indecent Criminality . . .; Weib: Child Rape; Nau: "The Character of Young Witnesses," in: Von Stockert (Ed.): The Sexually At-Risk Child, pg. 27 ff; Gerchow: "The Incest Situation," in: Von Stockert (Ed.): ibid.; Schönfelder: "The Role of Girls in Sex Offenses"; Körner: Older Persons' Sexual Indiscretions . . .; Potrykus/Wöbcke: supra; Schorsch: "Paralyzed by Sexual Fear . . .," supra.

F301. Following Lange: The Evolution and Manifestations . . ., supra.

F302. Brongersma: "Pedophilia and 'Child Rapists'," in: Sexual Pedagogy, 1977, pg. 21. The conclusion that coitus is rather rare in these cases has been made, among others, by: Gebhard et al.: [E] Sex Offenders [E], pg. 819; Gerbener: The Criminality of Child-Rape . . ., pgs. 23 and 32; Niemann: Lewdness with Children, pg. 85; Landis: [E] "Experience of 500 Children . . .," in: Psychiatric Quarterly [Supplement] [E], 1956, pg. 94; Kerscher: Education and Sexuality, pg. 56; Kinsey et al.: [E] Sexual Behavior [in] the Human Female [E], pg. 94; Brongersma: [Dutch] "Competing Terminologies," in: Bernard et al. Sex with Children [Dutch], esp. pg. 54.

F303. Lange: The Evolution and Manifestations . . ., supra; Weib termed the individual acts "deed actions." (Weib: Child Rape, pg. 28 ff.)

F304. See for example Lange: supra; Simson: Indecent Offenses Against Minors . . .; Wegner: Indecent Offenses Against Children . . .; Irning: supra; Weib: supra; Wyss: Lewdness with Children; Schönfelder: "The Role of Girls in Sex Offenses"; Körner: Older Persons' Sexual Indiscretions . . .; also see Tab. 9, pg. 117 ff herein.

F305. i.e., in forests, fields, etc.

F306. See pg. 153 ff above.

F307. Further discussion on this subject is outside the scope of the present study, which is predominantly focused on punishable sexual contacts overall, rather than on explicitly violent contacts per se.

F308. The relationship between the accused's behavior and the behavior of the declared victim has already been postulated in Hypothesis<sub>14.2.1</sub>.

F309. Stephan: supra, pg. 237.

F310. Schorsch: The Criminal Sexual Perpetrator, pg. 145; also similar is Fetscher: "Criminal-Biological Discoveries Concerning Sex Criminals," in: Journal of Sexual Science, 1930, pg. 356 ff; Mohr et al.: supra; Haddenbrock: supra; Wille: supra. Wyss subdivides still further by age and gender of participating children (Wyss: supra).

F311. Kraus: "The Child-Lover," pg. 164 ff.

F312. Stern, cited in Kraus, ibid., pg. 177.

F313. Kraus: ibid., pg. 183. In 1922, Westheide likewise believed that interrogations in the course of criminal

prosecutions frequently cause secondary harm to sexual victims. "The same applies to indecent attempts on girls which, through the necessary interrogations on the part of clergymen, teachers, judges, and especially through the clumsiness of not very educated parents, are frequently turned into emotionally stressful events for the individual concerned, with which the girl's psyche will long be preoccupied." Of course, Westheide considered all sexual conversations with female children and youth to be dangerous. (Westheide: "The Psychology and Psychopathology of Menstruation from a Legal-Medical Perspective," in: German Journal of Legal Medicine, 1922, pg. 161).

F314. Haberda: "Sickness Conditions as Consequence of Sexual Abuse," in: Schmidtman (Ed.): Handbook of Legal Medicine, 1905, pp. 249-255.

F315. Lindy Burton has provided a very comprehensive overview of the psychoanalytic literature on this question. In addition, she also pointed out the empirical contributions that had been made to try to answer these victimological questions (Burton: Vulnerable Children, pgs. 90 ff and 102 ff). Psychoanalysts' positions are described in great detail in Burton's work.

F316. Freud: [ >French ] "The Development and Etiology of Neurosis" [ <French ], in: Collected Writings, Vol. 1, pg. 388 ff.

F317. Freud: On the Psychology of Everyday Life.

F318. Freud: "Concerning Libidinous Types," in: Freud: Collected Writings, Vol. 12, pg. 115 ff.

F319. Abraham: [ >E ] "The Experiencing of Sexual Traumas as a Form of Sexual Activity" [ <E ], cited in Burton: supra, pg. 93.

F320. Klein: [ >E ] The Psychoanalysis of Children [ <E ], cited in Burton: supra, pg. 93.

F321. [ >E ] "I have repeatedly found that if such sexual objects have acted in addition as helping figures, early sexual relations of this kind exert a favourable influence upon the child's relations to her objects and upon her later sexual development. Where an excessive fear of both parents, together with certain external factors, would have produced an Oedipus situation with would have prejudiced her attitude towards the opposite sex and greatly hampered her in the maintenance of the feminine position and in her ability to love, the fact that she had sexual relations with a brother or brother substitute in early childhood and that her brother has also shown real affection for her and been her protector, has provided that basis for a heterosexual position in her and developed her capacity for love." (Burton: Vulnerable Children [ <E ], pg. 93).

- F322. Ibid., pg. 93 f; emphases added.
- F323. Isaacs: [ >E ] Social Development of Young Children [ <E ], cited in Burton: supra, pg. 94.
- F324. Ibid.
- F325. Ferenczi: [ >E ] "Confusion of Tongues Between the Adult and the Child" [ <E ], (1932), reprint: [ >E ] International Journal of Psychoanalysis [ <E ], 1949, pg. 225 ff.
- F326. Eissler: [ >E ] "Scapegoats of Society" [ <E ], in: Eissler (Ed.): [ >E ] Searchlights on Delinquency [ <E ].
- F327. Rabinovitch: [ >E ] "The Sexual Psychopath -- A Symposium," in: Journal of Criminal Law and Criminology [ <E ], 1953, cited in Burton: supra, pg. 96.
- F328. [ >E ] "In these cases we can recognise a compulsive need to re-experience gratification at a genital level. The need is often inordinate once the pattern has been established and serves as a dynamic force motivating delinquent behavior. In most of these cases genital contact has occurred many times over a period[;] one isolation experience does not tend to establish a compulsive need for repetition" [ <E ]. (cited in Burton: supra, pg. 96).
- F329. Burton: supra, pg. 98.
- F330. Geisler: "The Sexually Abused Child," pg. 79.
- F331. Ibid., pg. 81.
- F332. Kröniger: Indecent Offenses Against Children, pg. 115 f.
- F333. Speijer et al.: The Speijer Report, pg. 4.
- F334. Becker: "Indecent Assaults on Children," in: Private Hospital -- Private Hospital and Medical Practice Weekly, 1964, pg. 1598.
- F335. Educational brochure "Sex Education; Information for Parents; Indecent Offenses."
- F336. Furian: "Indecent Offenses -- Prevention Through Education," pg. 37.
- F337. Goroncy: "Studies of Female Persons Who Were Raped in Childhood," in: German Journal of General Legal Medicine, 1926, Issue 1, pg.1 ff.
- F338. Unfortunately, Goroncy does not specify whether he meant

the actual criminal law definition of "rape."

F339. Ibid., pg. 13.

F340. Ibid., pg. 14.

F341. Ibid.

F324a. Moses: "Psychological Effects of Sexual Attacks on Young Girls," in: Journal of Child Research, 1932, pg. 542 ff. Later on, it was Moses' work that other authors more often cited. Oddly, scarcely anyone has criticized Goroncy's work in the many years since Moses did so.

F342b. Moses: ibid., pg. 542.

F343. Ibid., Tab. XIV, pg. 552.

F344. Rasmussen: "The Significance of Sexual Attempts on Children Under Fourteen Years of Age for the Development of Mental Illness and Character Anomalies," in: [>Danish] Proceedings of Psychiatry and Neurology [<Danish], 1934, pg. 351 ff.

F345. "Eighteen children are fourteen years of age or older; of these, nine were 'tracked-down' cases, and nine were 'not tracked-down' cases; the others were under fourteen years of age." (Ibid., pg. 352.)

F346. Ibid., pg. 352.

F347. Ibid., pg. 352 f.

F348. Ibid., pg. 432.

F349. Ibid., pg. 432 f.

F350. Bender/Blau: [>E] "The Reaction of Children to Sexual Relations with Adults," in: American Journal of Orthopsychiatry [<E], 1937, pg. 500 ff.

F351. Bender/Grugett: [>E] "A Follow-Up Report on Children Having Atypical Sexual Experience," in: American Journal of Orthopsychiatry [<E], 1952, pg. 825 ff.

F352. Bender/Blau: supra, pp. 501-510.

F353. This is case no. 3.

F354. Ibid., pg. 510 f.

F355. Ibid., pg. 511.

F356. See supra, pg. 63 ff; Gerchow: "The Incest Situation,"



in: supra, pg. 38 ff.

F357. Isaacs: [>E] Social Development in Young Children [<E].

F358. Bender/Blau: supra, pg. 516 f.

F359. Bender/Grugett: supra.

F360. Ibid., pg. 836. Bender and Paster have undertaken a separate study on the question of homosexual seduction: [>E] "Homosexual Trends in Children," in: American Journal of Orthopsychiatry [<E], 1941, pg. 730 ff.

F361. Weiss et al.: [>E] "A Study of Girl Sex Victims." [<E]

F362. Ibid., pg. 1.

F363. Ibid.

F364. Ibid., pg. 3.

F365. Ibid.

F366. See Footnote 367. Moreover, they maintained that other children with very similar social disturbances had not become sexual victims. (Ibid., pg. 26).

F367. Ibid. The authors are clear here that the information provided by the questioned mothers cannot be considered entirely reliable, because some mothers, possibly under the influence of guilt feelings -- they feel responsible for their daughters having become victims -- might fear that their child-rearing behavior could be seen as having been too negative.

F368. Ibid., pg. 27.

F369. Geisler: "The Sexually Abused Child: A Contribution to Sexual Development, the Risk to It, and Forensic Questions," in: Issues in Child Psychological and Psychiatric Practice, 1959.

F370. Gerchow: "Recent Results on the Sociological Significance of Psychological and Psychopathological Factors in Incest Perpetrators in the Period Following the War," in: Criminology Notes, 1955.

F371. Geisler: supra, pg. 74 ff.

F372. See ibid., pg. 79.

F373. Ibid., pg. 82.

F374. For example, Geisler described the following dreams ~~of~~ of a ten-year-old special education student as being the result

of an exhibitionistic encounter: "Subsequent to viewing an exhibitionist, a ten-year-old female special education student became sexually interested in and cast lively glances at men, presenting herself to them in a provocative posture under the guise of performing gymnastics. She was then ready to 'go with' men, and expected to receive a gift of a little money for it. With her mother's consent, she was brought up outside of the big city, so as to avoid this kind of tempting situation." (Geisler, ibid., pg. 78.) From this case which, unfortunately, Geisler describes so briefly, it is impossible to evaluate whether these dreams -- which struck the author as important -- were already occurring prior to the reported sexual encounter, were caused by it, or were a consequence of the criminal prosecution itself. The social-pedagogical ramifications are also very questionable.

F375. Geisler: ibid., pg. 83 ff; on the quality of Gerchow's work, see pg. 63 ff supra.

F376. See Footnote 104.

F377. Landis: [>E] "Experiences of 500 Children with Adult Sexual Deviation," in: Psychiatric Quarterly Supplement [<E], 1956, pg. 91 ff.

F378. Gibbens/Prince: [>E] Child Victims of Sex Offences [<E].

F379. Ibid., pg. 9.

F380. Ibid.

F381. Ibid., pg. 10 ff.

F382. Ibid., pg. 14.

F383. [>E] "Comparison shows that in the court cases there were fewer without overt disturbance. Some 56% of the random sample appeared to recover quickly, but this could only be said of about 18% of those of this group who came to court. It is, of course, not possible to attribute the difference only or mainly to court involvement. Much depends upon the previous maladjustment. Moreover, it can be argued that cases coming to court are in general more serious. But it is well-known that the gravity of a crime tells one little about the personality of the offender; and the individual records convinced one that the nature of the assault was not closely related to the severity of the disturbance. Rape may on occasion have a lesser effect than a minor assault." [<E] (Gibbens/Prince: ibid., pg. 14).

F384. Ibid., pg. 20 f.

F385. Wells: [>E] "Sexual Assault on Children," in: British Medical Journal [<E], 1961, pg. 1631 ff.

F386. Gibbens/Prince: supra, pg. 23.

F387. [>E] "Yet one of the principal aims of the law is to protect children and, as everyone who deals with such cases freely admits, the legal procedure may do more harm to the child than the original offences, and may indeed be the only cause of serious upset." [<E] (Gibbens/Prince: Ibid., pg. 3).

F388. Gebhard et al.: Women's Sexuality, pg. 15.

F389. Reifen: [>E] "The Child as a Victim of Sexual Offences," in: British Journal of Psychiatry and Social Work [<E], 1958.

F390: Burton: [>E] Vulnerable Children [<E], pg. 89.

F391. See pg. 114 supra.

F392. Burton: [>E] Three Studies of Deviant Child Development [<E]; Burton: [>E] Vulnerable Children [<E].

F393. In her work, one can also find an extensive examination of the literature (which had been published by that time) addressing the issue of "harm to children as a consequence of punishable sexual contacts."

F394. Burton: [>E] Vulnerable Children [<E], pg. 87.

F395. Ibid.

F396. See ibid., pg. 161 ff; esp. pg. 168 f.

F397. Rasmussen: supra.

F398. Bender/Grugett: supra.

F399. [>E] "Finally, the problem of subsequent trauma must be considered. Most follow-up studies of child sex assault victims agree in viewing the sexual trauma as incidental to the development of any deviant personality characteristics observed later (Rasmussen, Bender and Grugett).

"Most children so involved make an adequate personality adjustment: only a few of the more disturbed children for whom the sexual acting-out was undoubtedly symptomatic of a general disintegration of personality, make a poor adjustment.

"This study substantiates this viewpoint. There was no evidence in the T.A.T. themes of an excessive anxiety or fear of violence or injury. Only one tendency, to unsettledness and unforthcomingness, appeared more frequently in children whose assault had taken place only a short ~~time~~ while before the test. This syndrome expressing as it does the child's defensiveness against new situations and strange people is completely

understandable in the circumstances. It might be accounted for by the shock of the offence or by the more general environmental disturbance resulting from its discovery. As a characteristic of the group it appears to wane with time. Except for the significant difference to be observed in affection-seeking behaviour, as a group sexually assaulted children did not differ in degree or type of unsettledness from a carefully-matched control group, when tested on average three years after the assault." (Burton: Vulnerable Children [<E], pg. 168).

F400. [>E] "The suggestion is therefore made that sexual assault of children by adults does not have particularly detrimental effects on the child's subsequent personality development. Given greater affection -- by parents, following the event, or by others in the child's environment -- the need for affection, which may well have predisposed the child to this form of sexual acting-out, will be outgrown, and affection-seeking preoccupations assume a more normal part in the economy of the child's personality." (Burton: Vulnerable Children [<E], pg. 169).

F401. Rennert: "Research Into the Risk to Youth. . .," in: Psychiatry, Neurology, and Medicinal Psychology, 1965, pg. 361 ff.

F402. Fikentscher et al.: "Considering Criminal Acts Against Children and Youth. . .," in: Criminalistics and Forensic Sciences, 1978, pg. 67 ff.

F403. Friedemann: "Long-Term Damage to Children and Youth," in: Von Stockert (Ed.): The Sexually At-Risk Child, pg. 9 ff. Friedemann found that among victims there were numerous deep-seated injuries in many forms, and therefore begged that, for their sake, perpetrators should receive therapy." (Ibid., pg. 22 ff).

F404. Reinhardt: Punishing Lewdness with Children While Paying Particular Attention to Victim Behavior and Personality. Reinhardt questions whether all or even many victims are harmed, because, of the 150 cases which he had studied, there were many victims who had actively participated in or had even initiated the contacts.

F405. Lempp: "Psychological Injury to Child Victims of Non-Violent Indecent Offenses," in: Modern Legal Weekly, 1968, pg. 2267. Also see Lempp: "Falsely-Understood Child Protection," in: Issues in Child Protection, 1978, pg. 14 f.

F406. Speijer et al.: The Speijer Report. . .. The work of the Speijer Commission was later completed by the Melai Commission, which the government had established to advise on a general reform of the criminal laws relating to the protection of morality.

F407. Speijer et al.: supra, pg. 41.

F408. Ibid., pg. 36.

F409. Bernard: [>Dutch] "On the Child as a Complete Person" [<Dutch], in: Bernard et al. (Eds.): [>Dutch] Sex with Children [<Dutch], 1971, pp. 63-89.

F410. [>Dutch] "The preliminary and provisional conclusions are arranged in the following order:

- a. In a relatively wide number of ways, younger children experience sexual contacts positively;
- b. Younger children derived a sense of emotional security from the sexual aspect;
- c. One cannot speak of a traumatizing influence; widespread fear was not observed;
- d. The contacts had an impact on later adjustment;
- e. In some cases, the initial contact occurred during the school lunch break;
- f. The sexual acts were primarily masturbatory;
- g. The bond of friendship often extended well past the sexually active period, even for their entire lives;
- h. Societal attitudes brought about negative effects." [<Dutch]

(Bernard: Ibid., pg. 88).

F411. Bernard: "Pedophilia: Crimes Without Victims," in: Sexual Medicine, 1972, pg. 439.

F412. Böhringer: "Pedophilia and Violence," in: Concerning Education, 1973, pg. 27 f; Kaiser: "Imprecise, Questionable, Doubtful. . . Bernard's Methodological Precision," in: Concerning Education, 1973, pg. 29 f.

F413. Kerscher: Education and Sexuality; Potrykus/Wöbcke: Sexuality Between Children and Adults; Brongersma: "Pedophilia and 'Child Rapists'. . .," in: Sexual Pedagogy, 1977, pg. 17 ff; Brongersma: Child Sexuality and the Law; Lautmann: "Sexual Offenses -- Criminal Acts Without a Victim?," in: ZRP, 1980, pg. 44 ff.

F414. Diesing: Psychological Consequences of Sexual Offenses with Children.

F415. Ibid., pg. 20.

F415a. From this it can be concluded that in 47 cases, family members of the declared victim were the only persons questioned.

F416. Ibid., pg. 25.

F417. Ibid., pg. 133.

F418. Kirchhoff/Thelen: [ >E] "Hidden Victimization by Sex Offenders in Germany" [ <E], supra; Kirchhoff/Kirchhoff: "Experienced Sex Offenses. . .," supra; Kirchhoff/Kirchhoff: "Research Into the 'Dark Number'. . .," supra.

F419. Jäger: Criminal Legislation and Legal Property Protection in Indecency Offenses, pg. 52. Twenty-five years later, Jager expressed his views on the issue in almost identical terms. (See Jäger: "On Homosexuality's Equal Status Under the Criminal Law," in: Events, 1981, Issue 4, pg. 20 f.) This makes clear on the one hand that in 1957 Jäger was far ahead of his time, and on the other hand how little empirical investigation into the harm to sexual victims had taken place in the intervening years. Whoever, like Jäger, calls out again and again for rationality to penetrate the sexual criminal law must remain immovable in the face of the inevitable frustrations and necessary challenges that will be placed in front of him or her.

F420. Wallis: "Treating Child and Adolescent Victims of Indecent Criminal Acts," in: Von Stockert (Ed.): The Sexually At-Risk Child, pg. 116.

F421. Schorsch/Schmidt/Sigusch: "Sexual Science Considerations for the Reform of the Sexual Criminal Law," in: supra, pg. 168 ff.

F422. Brongersma: "Pedophilia and 'Child Rapists'. . .," pg. 21.

F423. Potrykus/Wöbcke: supra, pg. 70 f; Von Stockert (Ed.): The Sexually At-Risk Child; Von Stockert (Ed.): Pedophilia and Its Problems for the Criminal Law; Friedemann: "Long-Term Damage to Children and Youth," in: supra.

F424. Brongersma: Foreword, in: The Speijer Report, pg. 4.

F425. Adorno: "Sexual Taboos and Privileges Today," in: Bauer et al. (Eds.): Sexuality and Crime, pg. 316.

F426. Concerning this see, for example, Jäger: "The Purpose of Modern Criminal Law," in: BKA (Eds.): Criminal Law Rehabilitation and Criminal Law Reform, pg. 65; Jäger: "Change in the Criminal Law Through Criminology? A Statement on the Concretization of Interdisciplinary Cooperation," in: Criminological Journal, 1976, pg. 100.

F427. A detailed overview of the history of credibility evaluations may be found in Undeutsch: "The Development of the Profession of Providing Expert Psychological Opinions to the Court," and in Undeutsch: "Evaluating the Credibility of Witness Statements," in: Undeutsch (Ed.): Psychology Handbook, Vol. 11, Forensic Psychology, pg. 26 ff.

F428. Along with the many others who have already criticized this, see Groffman: "The Psychological Effects of Indecent Offenses Against Young Victims," in: Blau/Muller-Luckmann (Eds.): Legal Psychology, and: Wallis: "Treating Child and Adolescent Victims. . .," supra.

F429. Though he is indeed still quoted by Geisler, it is nevertheless obvious that she has not considered implementing his suggestions. (Geisler: "The Sexually-Abused Child," supra).

F430. Weiss et al.: [>E] "A Study of Girl Sex Victims," in: Psychiatric Quarterly [<E], 1955.

F431. Groffman: supra.

F432. Adorno: supra.

F433. Müller-Luckmann: "Concerning the Truthfulness of Child and Teenage Witnesses in Major Proceedings," in: Von Stockert (Ed.): The Sexually At-Risk Child, pg. 100 ff.

F434. Friedemann: supra.

F435. Rasch: "Victims and Perpetrators. . .," in: The Medical World, 1963, pg. 1949 ff.

F436. Wallis: supra.

F437. Burton: [>E] Three Studies. . . [<E], supra; Burton: [>E] Vulnerable Children. . . [<E], supra.

F438. Kaiser: "Imprecise, Questionable, Doubtful. . .," supra.

F439. Schorsch/Schmidt/Sigusch: "Sexual Science Considerations. . .," supra.

F440. Potrykus/Wöbcke: supra.

F441. Lempp: "Fear of the Moral Degenerate," in: Stern, 1977, pg. 102 ff.

F442. Brongersma: "Pedophilia and 'Child Rapists'. . ." supra.

F443. Hanack: On the Revision of the Sexual Criminal Law. . ., supra.

F444. Adorno: supra.

F445. Jäger: "Criminal Law Politics and Science," in: Bauer et al. (Eds.): Sexuality and Crime, pg. 273 ff.

F446. Schneider: "Victimology: The Science of Crime Victims," in: Criminalistics Handbook, 1975, Vol. 25, pg. 9 ff.

F447. For example: Geisler: supra; Gibbens/Prince: supra; and Friedemann: supra. Furian's 1973 cite of Dost's work as evidence may be counted as an extreme example. The author had gathered 500 rape cases -- partly from news reports -- and then unsystematically interpreted the gathered material, which is certainly not a proper way to conduct research. (Furian: Indecent Offenses -- Prevention Through Education; Dost: The Psychology of Rape.) Similarly problematic is Sebban: Violence Against Little Girls.

F448. As, for example, by Geisler: supra, who is also criticized by Schneider (Victimology: The Science of Crime Victims, pg. 148), and by Friedemann: supra.

F449. See, for example, Moses: supra.

F450. Schönfelder: "The Role of Girls in Sex Offenses"; Arntzen: "Children and Youth as Victims of Incest Offenses," in: Furian: Controversies in Sex Education, pg. 196 ff; Michaelis-Arntzen: Rape. Brongersma criticizes the following authors for making the same methodological error in their studies of arrested male pedophilic perpetrators: Jersild ([>Danish] The Pedophile [<<Danish]); Mohr, Turner, and Jerry ([>E] Pedophilia and Exhibitionism [<<E]); Von Stockert (The Sexually At-Risk Child, and, Pedophilia and Its Problems for the Criminal Law); and, Wyss (Lewdness with Children). However, the fact that the above criticism is not always on the mark is exemplified by the work of Berner/Grünberger/Sluga (A Study of Sexual Delinquency), in which quite generalizable results were able to be obtained from a sample of arrested sexual perpetrators. The authors come, among others, to the remarkable conclusion, "that 'heterosexual adult perpetrators,' who in the previous conviction study had been shown to be polytropic criminals with a preponderance of violent offenses, were also shown to be psychometrically disturbed, and further demonstrated, for the most part, aggression, extroversion, and gregariousness" (pg. 80). This seems to support the well-known theory that rapists are primarily violent perpetrators who, at the same time, also exhibit sexually delinquent behavior. It is thus entirely possible that the group studied here was a selective one. But what is important is that authors should never make unwarranted generalizations.

F451. Goroncy: "Studies of Female Persons Who Were Raped in Childhood," in: German Journal of General Legal Medicine, 1926, pg. 1 ff.



- F452. Speijer et al.: The Speijer Report, supra, pg. 41.
- F453. Hanack: supra.
- F454. Von Stockert: supra.
- F455. Friedemann: supra.
- F456. Wallis: supra.
- F457. Friedemann: supra.
- F458. Schönfelder: supra.
- F459. Potrykus/Wöbcke: supra, pg. 71. Concerning this, see, in particular, Burton's empirical results (Vulnerable Children. . ., supra).
- F460. Groffman: "The Psychological Effects of Indecent Offenses Against Young Victims," in: Blau/Müller-Luckmann (Eds.): Legal Psychology, pg. 174 ff.
- F461. Ibid., pg. 175.
- F462. Concerning this, also see the requirements laid out by Adorno ("Sexual Taboos and Privileges Today," in: Bauer et al. (Eds.): Sexuality and Crime; esp. pg. 315 ff). Wallis lists different etiological factors which must be taken into account when assessing psychological harm to victims. (Wallis: "Treating Child and Adolescent Victims of Indecent Offenses," in: Von Stockert (Ed.): The Sexually At-Risk Child, pg. 116 ff.) This then permitted him to go on to construct a research design.
- F463. Bernard: Pedophilia.
- F464. Concerning this, see esp. Schorsch: The Criminal Sexual Perpetrator.
- F465. Concerning this, see Gibbens/Prince: [>E] Child Victims of Sex Offences [<E]; Rasch: "Victims and Perpetrators. . .," in: supra.
- F466. Wallis: supra, pg. 117.
- F467. For each author, only those victim injuries which had not already been enumerated by a previous author will be mentioned.
- F468. Von Krafft-Ebing: Psychopathia Sexualis.
- F469. Schäffer, cited in Goroncy: "Studies of Female Persons Who Were Raped in Childhood," in: German Journal of Legal Medicine, 1926.

- F470. In the 1902 Viennese Clinical Weekly, it is reported that Fuchs "presents two cases from the field of sexual paradoxia."
- F471. Maschka, in: Schmidtman (Ed.): Handbook of Legal Medicine, Vol. III, pg. 161.
- F472. Haberda: "Sickness Conditions as Consequence of Sexual Abuse," in: Schmidtman (Ed.): Handbook of Legal Medicine, Vol. 1, pg. 249 ff.
- F473. Moses: "Psychological Effects of Sexual Attacks on Young Girls," in: Journal of Child Research, 1932, pg. 542 ff.
- F474. Kaufman/Peck/Taguiri: [>E] "The Family Constellation and Overt Incestuous Relationships Between Father and Daughter," in: American Journal of Orthopsychiatry [<E], 1954, pg. 266 ff.
- F475. Geisler: "The Sexually Abused Child."
- F476. Wells: [>E] "Sexual Assault on Children," in: British Medical Journal [<E], 1961, pg. 1631 ff.
- F477. Henriques: [>E] "Sexual Assault on Children," in: British Medical Journal [<E], 1961, pg. 1629 ff.
- F478. Gibbens/Prince: [>E] Child Victims of Sex Offences [<E].
- F479. Rasch: "Victims and Perpetrators -- Participation by Children and Youth in Indecency Offenses," in: The Medical World, 1963, pg. 1949 ff.
- F480. Friedemann: "Long-Term Damage to Children and Youth," in: Von Stockert (Ed.): The Sexually At-Risk Child, pg. 9 ff.
- F481. Wallis: "Treating Child and Adolescent Victims of Indecent Offenses," in: Von Stockert (Ed.): The Sexually At-Risk Child, pg. 9 ff.
- F482. Cabanis/Philip: "Pedophilic-Homosexual Incest Before the Court," in: German Journal of Legal Medicine, 1969, pg. 46 ff.
- F483. Groffman: "The Psychological Effects of Indecent Offenses Against Young Victims," in: Blau/Müller-Luckmann (Eds.): Legal Psychology, pg. 148 ff.
- F484. Wallis: supra.
- F485. Groffman: supra, pg. 151 ff. More detailed explanations may be found there. Groffman obviously based his classification system on Schultz-Hencke's 1940 disease model (The Inhibited

Person). He also attempted subdivisions of both primary and secondary injuries as well as short- and long-term harm. Schneider did likewise (Victimology: The Science of Crime Victims, pg. 158).

F486. Wallis (supra) obviously based his classification system not upon theoretical considerations but rather on his experience. The further subdivisions made by Wallis are not considered here. (Wallis: supra, pg. 117 f.)

F487. For a detailed analysis of this, see Schneider (supra), pgs. 150 and 155.

F488. Furian has a contrasting view (Furian: "Sexual Offenses -- Prevention Through Education," in: Furian (Ed.): Controversies in Sex Education, pg. 192), saying that legal proceedings could even "serve as a psychological release for victims." Likewise, Arntzen: The Psychology of Witness Statements. Störzer ("On the Harm to Child and Adolescent Victims of Sex Offenses Resulting from Subsequent Legal Proceedings Against the Perpetrator," in: Criminology and Criminal Law Reform Monthly, 1977, pg. 379) addressed this question using a somewhat controversial approach (the observation of facial expressions), and came to the conclusion that, "of the 235 victims, in 100 of the cases (=42.6%), in at least one of the interviews, there (was) an indication that the victim had been negatively effected." Like many other authors', it is Störzer's view that the legal avenue, at least in its current form, is usually harmful to the declared victim.

F489. Concerning this, see Jäger: Criminal Legislation and Legal Property Protection in Indecency Offenses, pg. 49 ff, esp. pg. 1 f.

F490. The author was speaking about the sexual victim, not the researcher. (Haberda: "Sickness Conditions as Consequence of Sexual Abuse," in: Handbook of Legal Medicine, 1905, pg. 254).

F491. Groffman: supra, pg. 177. Schneider (Victimology, pg. 150 ff) names specific variables.

F492. See ibid., pg. 215 ff.

F493. Those who have already discussed the distinction between primary and secondary injuries include: Kinsey et al.: Sexual Behavior in the Human Female; Reifen: [ >E ] "The Child as a Victim of Sexual Offences," in: British Journal of Psychiatry and Social Work [ <E ], 1958; Müller-Luckmann: "Psychological Expert Opinions on Competency, Especially in Youth Protection Cases," in: Blau/Müller-Luckmann (Eds.): Legal Psychology, pg. 130 ff; Wallis: supra; Schorsch/Schmidt/Sigusch: supra; Adorno: "Sexual Taboos and Privileges Today," in: Bauer et al. (Eds.): Sexuality and Crime, esp. pg. 315 ff; Potrykus/Wöbcke: Sexuality Between

Children and Adults; Störzer: "On the Harm. . .," supra;  
Kirchhoff: "Victimological Highlights in the USA for 1976,"  
in: Criminology and Criminal Law Reform Monthly, 1977, esp.  
pg. 314 ff.

F494. Jäger: "The Purpose of the Modern Criminal Law," in:  
supra, pg. 69.

F495. Groffman: supra, pg. 153.