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MEMORANDUM IN REPLY TO A REQUEST FOR INFORMATION RECEIVED FROM THE ADVISORY GROUP ON THE LAW OF RAPE*

Introduction

The three main issues discussed were those of: (1) anonymity; (2) revealing the victim's sexual history; and (3) whether or not women sometimes make false claims of rape.

This memorandum was prepared at short notice by a group of members of the College, representing different interests and with varying experience. The outstanding finding was that few of the questions could be answered clearly and that differences of opinion of a most polar nature occurred in many cases. This was found to be due to two main factors: (a) the perhaps unrecognized fact that the experience of psychiatrists, in general, in connection with cases of rape is surprisingly small; and (b) that rape, in fact, is not a clinical entity but a collection of a number of different forms of sexual behaviour, backed by varied circumstances and personalities, so that single answers to any question from a psychiatric point of view could hardly be expected. We also found that all the issues were closely linked and interdependent.

Types of rapists

Any classification of behaviour can be applied to rapists. The really important point is to recognize that there are few generalities and that some form of classification is a necessity.

Some rapes occur as an impulsive incident in a developing relationship, while at the other end of the scale others may be carefully planned against complete strangers.

Rape may be by a group of men or by one person.

Another mode of classification is according to the mental state of the rapist. Because our experience of rape is small, we are only able to give approximate opinions on the frequency within each of the following categories:

(1) The most common type of rapist is not mentally abnormal. He will be young, vigorous, sexually unsatisfied and inexperienced. He will never have attempted nor planned any such conduct before and is likely to have had some initial encouragement from his victim. The more that these criteria are eliminated, the more likely that the rapist is psychiatrically abnormal.

(2) Personality disorders, especially those who are in some way blocked from a satisfying expression of sexuality. Such frustrated individuals are particularly likely to turn to drugs or alcohol so that it becomes difficult to disentangle the relative importance of each factor. Such frustrated or handicapped individuals are likely to have displayed earlier evidence of their maladjustment, perhaps in the form of delinquency, truancy, breaking and entering, or 'take and drive' offences.

(3) Subnormality, though not necessarily correlated with any form of misbehaviour, does predispose to difficulties in social and sexual adjustment, particularly if the degree of subnormality confines the individual to a one-sex institution, with only occasional contact with women.

(4) The organic group of disorders (which includes brain-damaging factors, head injury, brain infections and other dementing processes) to some extent simulates the former group and may diminish powers of self-control and judgement.

(5) The psychotic group of patients (those with severe psychiatric disorders, commonly covered by the legal term 'insanity') probably rarely commit rape owing to the ease with which their condition is recognized and dealt with. The most likely form of psychosis in which rape may be attempted is mania (a condition characterized by unrestrained activity and grandiose ideas).

Anonymity

It may be undesirable to treat rape in any different way from other forms of misbehaviour. On the other hand, there are unique cultural factors applying in cases of rape which may change a woman's status. What it does to the woman is dependent not only upon the cultural setting in which she lives but also the quality and stability of her personality, particularly her sexual adjustment.

From the purely psychological point of view, it is clearly desirable that anonymity should, if possible, be preserved, but we are aware of the contrary arguments supporting the pursuit of justice. Rape,

* Approved by Council on 16 October 1975.

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