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She Didn't Fight Back: 5 (Misguided) Reasons People Doubt Sexual Misconduct Victims

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By SHAILA DEWAN NOV. 30, 2017

She took decades to come forward. She can't remember exactly what happened. She sent friendly text messages to the same man she says assaulted her. She didn't fight back.

There are all sorts of reasons women who report sexual misconduct, from unwanted advances by their bosses to groping or forced sex acts, are not believed, and with a steady drumbeat of new reports making headlines, the country is hearing a lot of them.

But some of the most commonly raised causes for doubt, like a long delay in reporting or a foggy recall of events, are the very hallmarks that experts say they would expect to see after a sexual assault.

"There's something really unique about sexual assault in the way we think about it, which is pretty upside down from the way it actually operates," said Kimberly A.

3 Lonsway, a psychologist who conducts law enforcement training on sexual assault as the research director of End Violence Against Women International. "In so many

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instances when there's something that is characteristic of assault, it causes us to doubt it."

Partly this is because of widespread misconceptions. The public and the police vastly overestimate the incidence of false reports: The most solid, case-by-case examinations say that only 5 to 7 percent of sexual assault reports are false. Responses to trauma that are often viewed as evidence of unreliability, such as paralysis or an inability to recall timelines, have been shown by neurobiological research to be not only legitimate, but common. And when it comes to the most serious assaults, like rape, people imagine that they are committed by strangers who attack in a dark alley, and base their view of how victims should react on that idea — even though the vast majority of assaults occur between people who know one another.

Many of the same credibility issues surround reports of sexual harassment involving advances made by a boss or someone in a position of power over the victim.

Of course, not every allegation is true. The credibility of those who report sexual misconduct, experts say, should be evaluated by looking for corroborating evidence or using relevant parts of accusers' backgrounds, like whether they have habitually misrepresented the truth in the past.

But experts say that because many people are not psychologically prepared to accept how prevalent harassment and assault are, they tend to look for reasons to disbelieve. For example, offenders are more likely to choose victims who have been previously assaulted, statistics show, but a woman who reports more than one assault is less likely to be believed.

Here is a look at some of the misconceptions that come up again and again when assessing whether a victim's account is true.

The victim doesn't act like one.

A young woman said she was raped in a police van by two New York City

3 officers, Eddie Martins and Richard Hall, in September. Their lawyers have accused

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the woman, who is 18, of posting “provocative” selfies and bragging about news media attention and the millions of dollars she expects to win in a civil case.

“This behavior is unprecedented for a depressed victim of a vicious rape,” the lawyers wrote, according to The New York Post.

But victims behave in a wide variety of ways.

There is no one response to sexual assault. A trauma victim can as easily appear calm or flat as distraught or overtly angry.

Later, they may react by self-medicating, by engaging in high-risk sexual behavior, by withdrawing from those around them or by attempting to regain control. Some child victims initiate sexual abuse, experts say, just so they can predict when it is coming.

It is no surprise that a teenager conditioned to use “likes” as a measure of self-esteem would turn to social media to deal with post-traumatic stress, said Veronique Valliere, a psychologist who counsels sexual assault perpetrators and victims and consults with the military and law enforcement.

“That’s a pretty normal reaction to helplessness and terror,” she added. “It doesn’t mean that she doesn’t have PTSD, it means she thinks this is the way she’s going to be protected. This is the way she’s going to regain control.”

She stayed friendly with her abuser.

Some of the women who say Harvey Weinstein groped or assaulted them kept in contact with him afterward, saying that good relations with such a powerful player in the entertainment industry were a must for their careers. After the allegations against Mr. Weinstein were published in The New York Times, one of his advisers at the time, Lisa Bloom, sent an email to the directors of the Weinstein Company, outlining a plan that included the release of “photos of several of the accusers in very friendly poses with Harvey after his alleged misconduct.”

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Offenders work assiduously to gain trust and appear benevolent, and that relationship does not disappear overnight, even after an abusive episode. Women in particular, experts point out, are conditioned to smooth things over.

“Victims think that it was their fault, so in many cases they want continued contact,” said Roderick MacLeish, a Boston lawyer who has represented hundreds of victims of abuse by Catholic priests and schoolteachers. “And then later they realize that it was for the perpetrator’s sexual gratification, and that’s devastating.”

The victim may have little choice but to stay in contact if the offender is a boss, teacher, coach or relative.

Victims also distinguish between what is safe — taking a photo with Mr. Weinstein in public at an awards ceremony, for example — and what they must avoid, such as going to his hotel room alone.

She did not come forward right away.

Leigh Corfman recently said that the Republican candidate for Senate in Alabama, Roy S. Moore, sexually assaulted her when she was 14, nearly four decades ago. She said she worried for years that going public would affect her children, and that her history of divorce and financial mistakes would undermine her account. After being approached by a Washington Post reporter, she agreed to tell her story, and later said, “If anything, this has cost me.”

But negative consequences are not the only thing to keep victims from coming forward. Experts point to a more fundamental issue: When the perpetrator is someone they trusted, it can take years for victims even to identify what happened to them as a violation.

Reah Bravo, one of several women who say that the broadcast journalist Charlie Rose made unwanted sexual advances while they were working for him, told The Washington Post, “It has taken 10 years and a fierce moment of cultural reckoning for me to understand these moments for what they were.”

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Scott Berkowitz, the president of RAINN, the Rape, Abuse and Incest National Network, said confusion and self-blame are common: "A lot of people who call the national hotline, one of the first questions they ask is, 'Was I raped?'"

Offenders encourage confusion and shame and exploit people's reluctance to identify themselves as victims. Ms. Valliere said the offenders she treats list two main tactics they use to obscure assaults: They camouflage the act as horseplay or humor, or they act as though nothing happened.

"If they do this enough, the victim can get really confused, like they're really the bad one for thinking badly about the offender," she said.

Her story doesn't add up.

Andrea Constand, whose complaint that Bill Cosby drugged and raped her resulted in a criminal trial more than a decade later, was questioned on many fronts. One was discrepancies in her statements about when the assaults occurred. Mr. Cosby said the sex was consensual, and the trial ended in a hung jury.

Similarly, Mr. Moore's Senate campaign has questioned details in the story of Beverly Nelson, who said Mr. Moore forcibly groped her in a car in the late 1970s. They said she was wrong about details like what time the restaurant where they met closed and whether there were Dumpsters in back of the restaurant or on the side.

Not only does memory fade with time, but when the brain's defense circuitry is activated, the prefrontal cortex, which normally directs attention, can be rapidly impaired, affecting what information is recorded in memory, said James Hopper, a psychologist and teaching associate at Harvard Medical School. So the victim may remember a wallpaper pattern or a heightened sensation, but not the order of events. Even when the brain vividly records traumatic events, he said, it can sustain the so-called super-encoding mode for only a limited time before that function also becomes impaired.

Rebecca Campbell, a psychologist at Michigan State University who has studied the institutional response to sexual assault victims, compares the recall of a survivor to hundreds of tiny notes that are scattered across a desk. The bits of information

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may be accurate, but disordered and incomplete. Yet the first questions asked of victims are often who, what, when and where.

She didn't fight back.

When people are mugged or robbed, they are not asked why they did not resist.

But in sexual assault cases, failure to resist can be one of the biggest sticking points for jurors. Often both sides acknowledge that a sex act occurred, and the question is whether it was consensual. Fighting back is viewed as an easy litmus test. But women are conditioned not to use violence.

Men and women both tend to compare a victim's actions with what they think they themselves would have done in a similar situation, and research shows that their imagined response usually involves aggressive resistance — even when the attacker is larger and stronger. “In their heads, suddenly they know kung fu,” Ms. Valliere said.

Neurobiological research has shown that the so-called fight-or-flight response to danger would more accurately be called “fight, flight or freeze.” And even after that initial response, victims can be rendered involuntarily immobile, becoming either paralyzed or limp as a result of the brain and body's protective response.

Even so, the victim faces scrutiny of her failure to resist, and of every decision she made before, during and after the ordeal. To contrast sexual assault with other types of crime, Ms. Valliere said, she often shows a photograph of the Boston Marathon bombing. “We never said to the victims, ‘Why were you in that marathon, why did you put yourself in that position, why didn't you run faster, why didn't you run slower?’

“But when it comes to a victim of interpersonal violence,” she added, “we think there's a way they should act.”

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