

RAPE AND MOTIVATION TO RAPE: CAN SOMEONE RAPE AND NOT KNOW IT? By: Alan D. Berkowitz

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The media attention to the Kobe Bryant case has brought renewed attention to the problem of sexual assault. This focus provides us with an excellent opportunity to educate ourselves about this important issue. While the facts of the case are not known, there has been considerable speculation about what may have happened and both sides have presented initial claims. The story provides an interesting challenge because the alleged perpetrator is widely liked and is seen as a person of character and integrity by many, characteristics not consistent with the public's understanding of a perpetrator of sexual assault.

Researchers have long known that there are many motivations for sexual assault and therefore that there are many types of rapists. Rape can be committed out of anger, sadism, and/or a need for power and control in a manner that is intentional, premeditated and coercive. Many perpetrators who intentionally take advantage of someone may claim in self-defense that they had permission, which is what Kobe Bryant claims. However, if the evidence recently brought forward by the prosecution is true, it is likely that Kobe knew that he did not have consent.

What is often overlooked is that it is possible for a perpetrator to rape someone while believing that he had permission to have sex. This is a controversial issue because many perpetrators claim that they had consent when their actions were clearly coercive and not consistent with consent. Even though the facts presented so far may rule out this possibility, it is important as part of our education about sexual assault to understand the ramifications of a perpetrator thinking that he had permission when he didn't.

Sexual intimacy must be consensual at all times and this consent should be affirmative and clear. Thus, it is the responsibility of anyone desiring sexual intimacy with another person to make sure that consent is present. Anyone who proceeds with sexual intimacy with another person without their affirmative consent is wrong and has committed sexual assault regardless of motivation. Thus, if a man falsely believes that he has consent and goes ahead with sexual activity, he is responsible for committing a sexual assault even though he may not realize it. He may think of himself as someone who would never perpetrate sexual assault. As a result, if he is accused he will feel upset and experience a range of emotions, including shock, surprise, indignation, and incredulity. In short, he will feel falsely accused. Because he really believes that he had permission, he will be sincere and convincing in his denial. As a result, the person(s) investigating the incident may feel sympathetic to the accused perpetrator and assume that his emotional reaction means that he could not have been guilty. When such sincere denial is combined with a reputation for being a good person, it is likely that the victim will be blamed instead. All

of our myths and misunderstandings about what rapists are like and all of the myths that serve to blame victims for their victimization will come into play, as they already have in this case.

Affirmative consent requires that both people are equally free to act, that both people are positive and sincere in their desires, that they are fully conscious, and that they have clearly communicated their intent. When these conditions are not present one cannot assume that consent has been given. Thus, they can be used as guidelines for assessing whether consent has been present in a given situation. In the Kobe Bryant case, he is claiming that there was affirmative consent. Whether he really believes that he had permission is a question that we may never know the answer to. But we can evaluate his actions against a standard for consent that will allow us to determine if his actions and their effects were compatible with consent. (Note: The March/April 2002 issue of CSSD Volume 4(3): 49-50 has a more extensive presentation of these guidelines)

I believe that male professional athletes may be at risk of committing sexual assault - unintentional or intentional - for a number of reasons. They live in a culture that expresses and promotes traditional models of masculinity that are often associated with belief in myths about when sex is justifiable. In addition, male professional athletes may be often exposed to female fans who are very willing to have consensual sex. As a result, they can become careless about ascertaining consent. Athletes can confuse fans who are impressed, awed, and flattered with fans who want to have sex. Differences in power, status, and age can further exacerbate these situations and lead athletes to confuse passivity with consent. As a result, athletes may in some cases engage in mutually consenting sex, but in other cases they may intentionally take advantage of the situation or think that they have consent when they don't.

In my work training men to provide leadership in preventing sexual assault we work hard to fully understand the conditions of affirmative consent and apply it to different scenarios. In this context it is common for individuals to realize that they may have assaulted someone in the past. Unlike intentional perpetrators, these men experience remorse and guilt and are willing to channel these feelings into actions to end violence against women.

At present we do not know what happened between Kobe Bryant and his alleged victim. I believe that the possibility of unintentional perpetration should be part of our understanding of the issue, whether or not it is applicable in this case. While allowing for this possibility, we must also be clear that lack of intent to rape should in no way be construed as lack of responsibility for raping. If consent was not freely and clearly given then an accused perpetrator had no justification for sexual intimacy.

One of the important educational tasks in our efforts to end sexual assault is to teach men about the conditions of consent and the possibility of unintentional perpetration. However large or small their numbers, these men are excellent candidates for rape prevention education because they do not want to rape.

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