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Katie M. Edwards

Christina M. Dardis

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Sexual activity between victims and perpetrators following a sexual assault: A systematic literature review and critical feminist analysis

Katie M. Edwards¹ and Christina M. Dardis²

1 University of Nebraska–Lincoln, Lincoln, Nebraska, USA 2 Towson University, Towson, Maryland, USA

Corresponding author — K. M. Edwards, University of Nebraska-Lincoln, Nebraska Center for Research on Children, Youth, Families, and Schools, Lincoln, NE 65503, United States of America. *Email* katie.edwards@unl.edu

Abstract

Rarely are perpetrators found guilty of sexual assault when the victim engaged in sex with the perpetrator following the sexual assault. Although the recent trial of Harvey Weinstein is an exception, the fact that his accusers engaged in consensual sex with him following the alleged assaults ignited debate that garnered international attention. The purpose of this paper was to conduct a systematic review to (1) document the extent to which victims engage in sex with the perpetrator following a sexual assault and (2) examine theoretical explanations for this phenomenon. Five peer-reviewed journal articles published between 1988 and 2016 were identified. Whereas rates of sex following a sexual assault where it is *unclear* based on study methodology if it was consensual ranged from 11 % to 64 %, rates of *consensual* sex following a sexual assault (where it is *clear* based on study methodology that it was consensual) ranged from 8 % to 32 %. Although evolutionary

doi:10.1016/j.wsif.2022.102631

Published in Women's Studies International Forum 94 (2022) 102631

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Submitted 3 November 2020; revised 10 May 2022; accepted 22 July 2022.

perspectives have been used by some researchers to explain this phenomenon, we suggest alternative explanations, grounded in feminist understandings of violence against women, for why a victim may have consensual sex with a perpetrator following a sexual assault. Finally, we identify areas for future research and discuss practice-based implications.

Keywords: Sexual assault, Rape, Consensual sex, Mating strategy, Feminist, Rape myths, Literature review

1. Introduction

Sexual assault, which ranges from unwanted sexual contact to attempted and completed rape, is a pernicious issues in the United States (U.S.) that disproportionately impacts girls and women (Black et al., 2011; Kann et al., 2018). Indeed, one in five women in the U.S. will experience an attempted or completed rape in their lifetime (Black et al., 2011). Research also documents the deleterious psychological, physical, and economic consequences of sexual assault (Black et al., 2011; Campbell et al., 2009; Peterson et al., 2017). In addition to documenting the rates and outcomes of sexual assault, feminist scholars have highlighted the pervasiveness of rape myths-inaccurate yet widely held beliefs about rape, victims, and perpetrators that ultimately legitimize rape and blame victims—in U.S. society (Burt, 1980; Edwards, Turchik, et al., 2011). Men's endorsement of rape myths increase their proclivity to perpetrate sexual assault (Mouilso & Calhoun, 2013). Rape myths also deter victims from reporting their experiences to law enforcement (Shaw et al., 2017) and are often used as a defense strategy in sexual assault trials (Smith & Skinner, 2017).

One rape myth that has received little empirical attention is the notion that a woman could not have been sexually assaulted if she engages in consensual sex with the perpetrator following a sexual assault. Indeed, rarely are alleged perpetrators found guilty of sexual assault when the victim engaged in consensual sex with the perpetrator following the sexual assault (Twohey, 2020). Although the recent trial of Harvey Weinstein is an exception, the fact that his accusers engaged in consensual sex with him following the alleged assaults ignited debate that garnered international attention (Twohey, 2020). A few peer-reviewed journal articles report data on the extent to which victims engage in sexual contact, including consensual sex, with the perpetrator following a sexual assault. This is an especially timely topic given the #MeToo movement.

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However, to date there is no systematic literature review that seeks to summarize data across these studies. Understanding the rates and reasons for engaging in consensual sex with a perpetrator following a sexual assault is important in order to (1) counter rape myths and (2) inform feminist empowerment programming with victims given that remaining in contact with a perpetrator likely increases risk for sexual revictimization. As such, the purpose of this paper was to conduct a systematic review to (1) document the extent to which victims engage in sex with the perpetrator following a sexual assault and (2) examine theoretical explanations for this phenomenon. Although evolutionary perspectives have been used by some researchers to explain this phenomenon, we argue that there are alternative, feminist understandings (e.g., self-blame, unacknowledged victims, ongoing cycle of intimate partner violence) for why victims would have consensual sex with a perpetrator following a sexual assault. Finally, we identify areas for future research and discuss the implications of the extant literature for the successful prosecution of sexual assault cases as well as risk reduction programming with victims of sexual assault.

2. Method

2.1. Study inclusion criteria

To be included in the systematic review, the study must have (1) been written in English, (2) published in a peer-reviewed journal or dissertation/theses, (3) present empirical data, and (4) report data on sexual activity between victims and perpetrators following a sexual assault. Finally, as part of our initial inclusion criteria, a study must have also included a search term for (1) sexual assault OR rape OR sexual violence OR sexual coercion OR sexual harassment OR partner violence OR intimate partner violence OR domestic violence OR victim OR perpetrator AND (2) consensual sex OR subsequent consensual sex OR consensual sexual intercourse OR consensual sexual activity OR consensual sexual behavior.

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2.2. Search strategy and outcome

Database searches were conducted in May 2022 and initially included APA PsycInfo, APA PsycArticles, Academic Search Premier, Family & Society Studies Worldwide, Gender Studies Database, LGBTQ+ Source, Medline, OpenDissertations, Psychology and Behavioral Science Collection. Although this produced 41 articles, only one (Sawatsky et al., 2016) was specific to sexual activity between victims and perpetrators following a sexual assault.

Next, we used Google Scholar and all possible combinations of keywords (listed above). When we searched "subsequent consensual sex" and "perpetrator", this produced one additional relevant article (Perilloux et al., 2011). The reference list of these initial two articles were reviewed and an additional three articles (Ellis et al., 2009; Koss, 1988; Murnen et al., 1989) that examined sex with the perpetrator following a sexual assault were identified and included in this review. Next, using Google Scholar, we reviewed articles that cited the five articles that we initially identified; however, this strategy did not produce the identification of other relevant articles. In all, a total of five studies published between 1988 and 2016 were included in the review.

Both authors read the articles independently and then met to ensure that there was consistency in the summary of the methodology and results presented in each article. It is important to note that the key terms used in the five articles included in this review varied (e.g., "rape"/ "mating strategy"/"situational determinants"/"evolved reproductive strategies"/"sexual behavior"); no key terms included the phrase "consensual sex", which resulted in our initial challenge identifying relevant literature. In the next session, we describe the methodology (including sample characteristics) and key findings of each of the five studies. We present the publications in chronological order.

2.3. Rates of sex following a sexual assault

Koss (1988) surveyed 6159 college students (86 % white; average age = 21.4 [women] and 21.0 [men]; age ranges not provided) across the U.S. Students were administered the behaviorally worded Sexual Experiences Survey followed by questions to ascertain more detail about what happened during and after the assault. Young women reported

about their sexual assault victimization experiences, which ranged from unwanted sexual contact to completed rape, since the age of 14, and young men reported about their sexual assault perpetration experiences since the age of 14. As reported by victims (n = 1711), rates of sex with the perpetrator after the assault (as a function of the type of assault) were as follows: unwanted sexual contact (37 %), sexual coercion (48 %), attempted rape (35 %), and completed rape (42 %). As reported by perpetrators (n = 749), rates of sex with the victim after the assault (as a function of the type of assault) were as follows: unwanted sexual contact (37 %), sexual coercion (64 %), attempted rape (32%), and completed rape (55%). It is important to note that it is impossible to determine based on the way that the follow-up questions were worded if the subsequent sexual experience was consensual or forced/coerced. Researchers did however document that the vast majority of perpetrators were known to the victim and there was, on average, some degree of intimacy prior to the sexual assault. These findings were consistent across both victim and perpetrator responses.

Murnen et al. (1989) surveyed 130 undergraduate college women in the U.S. (no additional demographics provided) and asked them to describe their most recent unwanted sexual experience (the majority of which were perpetrated by someone that they knew moderately well to well; only 2.8 % were perpetrated by a stranger and 8.3 % by someone they "just met"). Within their response, women were asked to write about whether they or the perpetrator had since "initiated contact" following the unwanted sexual experience. These open-ended responses were coded; the coding does not make it clear whether the relationship following the assault was sexual (i.e., the results alternate between labeling this as a "significant relationship," "in a relationship," and "in sexual relationship" across the paper). However, in one table, the authors state that 11.1 % of completed rape victims (n = 72) maintained a sexual relationship with the perpetrator following the sexual assault although it is unclear if the sexual relationship following the assault was consensual based on the way in which the question was asked.

Ellis et al. (2009) surveyed 11,795 undergraduate college students (3978 men and 7817 women; mean age = 22 [Range = 17 to 56]; 85 % white) in the U.S. and Canada who were asked if anyone had ever (in their lifetime) tried to physically force them to have sex followed by a

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question that assessed "if they had sexual intercourse with [the perpetrator] after the initial assault". Overall, 23.3 % of men and 22.6 % of women who reported attempted or completed rape stated that they engaged in sex with the perpetrator after the assault. Further broken down by assault type, over one in five (22.2 %) men who were victims of a completed rape (n = 311) reported engaging in sex with the perpetrator following the assault, and 27.2 % of women who were raped (n = 929) reported engaging in sex with the perpetrator following the assault. About 1 in 4 men (25.9 %) men who were victims of an attempted rape (n = 139) reported engaging in sex with the perpetrator following the assault, and 19.4 % of women who were victims of an attempted rape (n = 1366) reported engaging in sex with the perpetrator following the assault. However, based on the way that the follow-up questions were worded, it is impossible to determine whether sex after the assault was consensual. The victim-perpetrator relationships were also not reported.

Perilloux et al. (2011) surveyed 408 college women (no other demographics provided). Participants were provided with a definition of sexual assault and those who reported attempted or completed rape after the age of 13 were asked if they "willingly" engaged in sexual intercourse with the individual after the experience. Overall, across all victims, 12 % reported consensual sexual intercourse after sexual violence. Separated by attempted or completed rape, among women who experienced a completed rape (n = 49), 19 % reported consensual sexual intercourse following the sexual assault, and among women who experienced an attempted rape (n = 91), 8 % reported consensual sexual intercourse following the sexual assault. Unlike the previously reviewed studies, the Perilloux et al. study asked victims if the sexual experiences following the assault were consensual. Although they inquired about sexual intimacy prior to the sexual assault (61 % to 81 % said they engaged in consensual kissing with the perpetrator before the assault; 16 % to 18 % said they had consensual sex with the perpetrator before the assault), Perilloux et al. did not specifically measure the victim perpetrator relationship.

Finally, Sawatsky et al. (2016) surveyed 945 women (largely recruited through universities). Although the place of recruitment is not explicitly mentioned, based on the authors' affiliation, it is assumed the participants are Canadian women (mean age = 22.6 [range = 18 to

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61]; 90 % heterosexual; 89 % white). Sexual assault victimization was assessed using the researcher-created Nonconsensual Sex Questionnaire, modeled off of the Sexual Experiences Survey. Women who reported a sexual assault since the age of 14 (n = 387), were then asked if they ever had consensual sex with the individual following the experience. Results suggested that, following sexual victimization, 31.9 % of victims of rape reported consensual sexual intercourse with the perpetrator following the assault, and 21.1 % of victims of other forms of sexual assault (e.g., unwanted sexual contact, attempted rape). Of note, 82 % of victims knew their perpetrators prior to the assault; among them, the most common relationships with the perpetrator included: current or former romantic partner (e.g., boyfriend, husband, fiancé); (35.7 %), current or former nonromantic acquaintance (23.3 %), current or former friend (20.2 %), or current or former casual or first date (15.6 %), while 5.2 % reported the perpetrator was a family member.

In sum, whereas rates of sex following a sexual assault where it is *unclear* based on study methodology if it was consensual ranged from 11 % to 64 %, rates of *consensual* sex following a sexual assault (where it is *clear* based on study methodology that it was consensual) ranged from 8 % to 32 %, including 19–32 % for completed rape victims and 8–21 % for victims of other forms of sexual assault (i.e., attempted rape, unwanted sexual contact, sexual coercion).

2.4. Theoretical underpinnings

Of the five studies reviewed in this article, only two studies (Perilloux et al., 2011; Sawatsky et al., 2016) provided a theoretical rationale for why victims of sexual assault may engage in consensual sex with the perpetrator following the sexual assault. Both studies provided evolutionary explanations for this phenomenon, suggesting that victims of completed rape who are at risk to become impregnated engage in post-assault consensual sex with the attempts of securing an individual to help care for potential offspring. The authors stated that this assertion was supported by the fact that victims of completed rape were more likely than victims of attempted rape to engage in consensual sex with the perpetrator follow the sexual assault. Further, consistent with broader evolutionary theories of rape, Sawatsky et al. (2016) noted examples of previous research with nonhuman species (e.g., bighorn sheep, chimpanzees) that documented that females will mate or pair with sexually aggressive males (Smuts & Smuts, 1993). Grounded in work by Hogg (1984), Sawatsky et al. (2016) suggested that: "If a male can forcefully mate with a female, then it may be in her best interest to maintain a relationship with him so that he can protect her from sexual coercion by other males" (p. 202). We are unaware of any research demonstrating that women consciously engage in consensual sex with perpetrators in order to secure caregiving for the offspring or protection for oneself; if these processes operate at an unconscious level, this may not represent a testable hypothesis.

Thus, we suggest alternative explanations for why a victim may have consensual sex with a perpetrator following a sexual assault. First, approximately 15 % to 63 % of sexual assaults occur within the context of dating or romantic relationships (Edwards et al., 2012; Ullman et al., 2006; Young et al., 2009), and research suggests that 41 % to 88 % of young women remain for some time in abusive relationships (Edwards et al., 2014; Edwards, Gidycz, & Murphy, 2011; Johnson & Sigler, 1996; Katz et al., 2006; Sappington et al., 1997). Thus, as noted by Sawatsky et al. (2016), consensual sex following a sexual assault may indicate a continuation of the relationship. Indeed, Edwards et al. (2012) found that close relationships (steady dating partner) were more likely to continue following the sexual assault than less close relationships (friends and casual dating partners). Support for this theory is also found in the studies reviewed above. Murnen et al. (1989) found that those with a closer prior relationship with the perpetrator were more likely to continue a friendship or dating relationship after the assault, and Sawatsky et al. (2016) found that women sexually assaulted by perpetrators with whom they had a prior sexual relationship were more likely to have consensual intercourse following the sexual assault (compared to those who did not have a prior sexual relationship). Notably, many of the women in this sample also reported prior sexual victimization from the same perpetrator (Sawatsky et al., 2016), suggesting a pattern of continued sexual activity after an initial sexual assault, some of which is consensual and some which is nonconsensual.

A large body of literature has examined why women remain in abusive relationships, including those characterized by sexual assault,

with men. For example, Edwards et al. (2012) found that among college women who were sexually assaulted, non-disclosure of the assault, less perpetrator blame, and higher psychological distress predicted remaining in the relationship with the perpetrator. In addition to low levels of blame or higher distress, some researchers have utilized interdependence theory or exchange theory (Kelley & Thibaut, 1978) to understand the evaluation of costs and benefits in relationships that influence stay-leave decision making in violent relationships (Rusbult & Martz, 1995). For example, according to investment model theory, (Rusbult et al., 1998; Rusbult & Martz, 1995) those who experience higher commitment to the relationship—formed by being more satisfied with the partner, having invested more time, energy or resources into the individual and relationship, and having a low quality of alternatives to the partner-are more likely to remain in relationships (Rusbult & Martz, 1995). Meta-analytic research supports that these constructs predict relationship stability over time among general samples of adults (Le & Agnew, 2003); there is support for this theory in abusive relationships as well (Edwards et al., 2014; Edwards, Gidycz, & Murphy, 2011; Rhatigan et al., 2006).

Also, intimate partner violence, including sexual assault, often plays out within the context of a dynamic relationship that includes some negative qualities but which often includes some other positive qualities; for example, emotional, material or practical support predict lower likelihood of relationship termination in response to intimate partner violence (Copp et al., 2015). This notion is also consistent with the cycle of violence (Walker, 1979), which theorized that there may be a "honeymoon phase" following a period of abuse, in which the perpetrator may express remorse or reassure the victim that the violence will not recur, and which may serve to keep victims engaged with the perpetrator. In addition, according to coercive control theory (Dutton et al., 2005), violent relationships may include ongoing patterns of intimidation, control, and isolative behaviors that can include sexual, physical, and emotional abuse. Within such dynamics, the partner may threaten certain consequences if the victim does not submit to their demands (which may include sexual activity); prior experiences of physical, sexual, or emotional abuse may reinforce these claims, creating the expectancy of retaliatory outcomes (Dutton et al., 2005). Isolative behaviors may lead victims to have difficulty acquiring needed

resources or supports in order to leave the relationship; in addition, victims may fear retaliation if they were to attempt to leave, either due to explicit or implicit threats from the perpetrator (Stark, 2013). In these cases, sex may not be considered consensual, as it could be inherently coercive in nature.

Further, some women may have a hard time making sense of what happened or labeling it as sexual assault, especially when they trusted the person and felt like they cared about them. Specifically, meta-analytic research found that approximately 60 % of rape victims do not label what happened to them as rape (but rather serious miscommunication, etc.) (Wilson & Miller, 2016), and having a prior romantic relationship with the perpetrator is one factor associated with decreased labeling of rape among victims (Littleton & Henderson, 2009). Researchers theorize that factors related to both match and motivation may make it more challenging for victims to label violence as sexual assault or rape (Peterson & Muehlenhard, 2011). Match-related factors are based on stereotypical rape scripts, beliefs about what constitutes a "legitimate" rape, such as a stranger perpetrator with no prior relationship, a high degree of force by the perpetrator and resistance by the victim, a lack of substance use at the time of the assault, etc. (Kahn et al., 1994). As sexual assaults increasingly deviate from these perceived norms of sexual assault, victims are less likely to label victimization as sexual assault (Dardis et al., 2017; Littleton et al., 2007; Peterson & Muehlenhard, 2011).

Victims are not limited to these difficulties in labeling; problematically, outside raters are less likely to view a hypothetical situation as rape and more likely to question the credibility of the victim when there is prior consensual activity, including among mock jurors and law enforcement officials (Littleton & Axsom, 2003; Monson et al., 2000; Schuller & Hastings, 2002). Indeed, the notion that relationships with perpetrators might include both victimization and consensual activity is challenging for peers, jurors, lawyers, and others to understand, as it is inconsistent with stereotypical rape scripts for what happens in the "prototypical" or "legitimate" rape. Furthermore, research suggests that some victims change their label over time; for example, one study found that 37 % of women who labeled the incident as rape only did so after some time after the rape (Peterson & Muehlenhard, 2011); many of these women mentioned that learning more about rape, decreasing acceptance of rape scripts, re-evaluation of the perpetrator's behaviors, support from friends, and decreases in self-blame helped to facilitate their gradual labeling. Victims may not disclose the sexual assault until after they label it a sexual assault or rape, known as delayed disclosure (Ahrens et al., 2007; Ahrens et al., 2010). Delayed disclosure may increase the likelihood that the victim will not be believed, especially if the victim engaged in consensual sex with the perpetrator.

2.5. Research and practice implications

Future research is needed to better document the extent to which victims engage in consensual sex with the perpetrator following a sexual assault, especially research that includes follow-up questions where it is clear that the sex following the assault was consensual. For example, many studies assess adolescent/adult victimization (i.e., since age 13-14), however, given that this is prior to the age of consent (i.e., 16-18 in most U.S. states), the extent to which sex is consensual likely varies based on the age of the perpetrator and, for victims of any age, potentially by coercive dynamics in the relationship that prevent true consent. Furthermore, to date we know little about factors that explain why victims have consensual sex with a perpetrator following a sexual assault, although general research on factors that predict staying in an abusive relationship and difficulty labeling events as sexual assault are likely relevant. Also, qualitative research is needed to better understand the ways in which victims conceptualize and understand consensual sexual experiences with perpetrators following a sexual assault.

Also, the few studies on this topic have been conducted largely with college students in the U.S. and Canada. Additional research is needed to understand rates and causal factors associated with consensual sex with perpetrators following a sexual assault among non-college samples across diverse global contexts. Stay/leave decision-making following abusive situations also varies by cultural context, which may lead to a greater likelihood of consensual sex following sexual violence. For example, Adjei (2018) discusses how Ghanan women who may personally desire to leave abusive relationships may remain in them due to the *social intentionality* of those decisions; that is, importance is placed on interdependent social decision-making within their culture that includes consideration of social others and their needs and desires.

Also, theoretically grounded research that uses an intersectional lens (Collective, 1977; Collins, 1986; Crenshaw, 1990) is needed to better understand how consensual sex with perpetrators following a sexual assault may differ based on victims who occupy minoritized social identities, including multiply minoritized victims. For example, based on Meyer's (2003) minority stress theory, Szymanski and colleagues (2016) found that both external and internalized heterosexism and sexism each uniquely predicted psychological distress among multiple minoritized victims; further, rumination and coping via detachment (including self-blame) mediated the associations between distal stressors (i.e., sexist events) and proximal stressors (i.e., internalized heterosexism and sexism) and psychological distress. Thus, survivors who experience multiple forms of victimization, including identity-based as well as other stressors, might report greater distress or internalized negative beliefs, including self-blame; as self-blame has been associated with a higher likelihood of future contact with the perpetrator (Murnen et al., 1989), it is possible, although speculative, that multiply minoritized survivors might be more likely to be exposed to their perpetrators and possible sexual encounters in the future.

In addition to areas for future research, the extant literature has important implications for the successful prosecution of sexual assault cases as well as programming with victims of sexual assault. First, we suggest that law enforcement as well as judicial system officials be informed that 8 % to 32 % of victims engage in consensual sexual activity with the perpetrator following the sexual assault to correct the myth that this rarely if ever happens given that this myth likely inhibits the successful prosecution of sexual assault cases (Twohey, 2020). Second, although perpetrators are always to blame for sexual assault and prevention efforts must target men, research suggests that participation in feminist empowerment self-defense programming reduces rates of sexual assault among women as well as victim blame among women subsequently victimized (Orchowski et al., 2018; Senn et al., 2015). Although untested, it is possible that feminist empowerment self-defense programming may help victims who are continuing to engage in consensual sex with a perpetrator acknowledge what happened to them previously was an assault, reduce their feelings of selfblame, and provide them with the agency to resist future unwanted sexual advances in addition to terminating the abusive relationships. Future research is needed to test this hypothesis. Finally, universal prevention strategies are needed to better educate the public about sexual assault and rape myths, as all members of the public have the potential to serve on juries. Indeed, stereotypical beliefs about sexual assault influence place the onus of blame on victims, which likely harms victims' chances for justice in cases where consensual sex occurred after victimization.

2.6. Concluding thoughts

The present paper reviewed the extant research on the prevalence of consensual sex with the perpetrator following sexual victimization. Though few estimates have been obtained, results suggest that between 8 % to 32 % of victims have consensual sex with their perpetrators, including 19-32 % for completed rape victims and 8-21 % for victims of other forms of sexual violence. Whereas evolutionary theories have been proposed, there may be other reasons why women have consensual sex following rape, including continuation of a romantic relationship with the perpetrator due to an overall assessment of the benefits and costs of the relationship, coercive control dynamics that prevent the victim from feeling safe enough to end the relationship or fear retaliation, and difficulty labeling the victimization as sexual assault or identifying as a victim due to societal myths about rape or initially ambivalent feelings about the experience or one's status as a "victim". Nevertheless, none of these explanations should be used as "evidence" that the event was not sexual assault or to prevent the victim from receiving justice when the egregious crime of sexual assault has been committed.

* * * * *

Declarations The authors declare there are no conflicts of interest. No funding was provided for this project.

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