

What If Most Campus Rapes Aren't Committed By Serial Rapists?

By [AMELIA THOMSON-DEVEAUX](#)

At a meeting last fall of several hundred university administrators who were gathered to discuss campus sexual assault, [a Department of Justice official repeated a frightening statistic](#). “We know that the majority of rapes are committed by serial rapists, and those folks are very unlikely to be reached by any prevention messages that we’re going to be sending out, or education about rape,” said Bea Hanson, who works in the DOJ’s Office of Violence Against Women and served on a White House task force on the issue of campus rape.

Hanson was referring to [an influential study](#), published in 2002 by David Lisak, then a professor of psychology at the University of Massachusetts Boston, and Paul Miller, then a clinical psychologist at Brown University School of Medicine. After surveying nearly 2,000 male students at a midsize, urban commuter university in Boston, Lisak and Miller found that of the [approximately 6 percent of men who admitted to rape or attempted rape](#), a startling 63 percent reported committing more than one rape, [with an average of six rape acts each](#). These numbers, [Lisak wrote later](#), point to a “[reality in which the vast majority of \[campus\] rapes are committed by serial, violent predators](#).”

Over the past few years, the data from Lisak and Miller’s 2002 study has become ubiquitous, cited in countless [news reports](#) and [advocacy briefs](#), and even appearing [in a report](#) by the White House Council on Women and Girls. Recently, [it has been used to argue for harsher punishments — and even jail time — for student rapists, whose cases have traditionally been handled through university judicial systems](#). [Some high-profile universities have implemented](#) “zero-tolerance” policies — where expulsion is the mandatory or preferred punishment for sexual assault — as a way to crack down on

Comment [JH1]: Unfortunately, even Swartout acknowledges that most campus rapes are committed by serial rapists, if “serial rapist” means committing more than one rape (in his sample, averages of 3.4 to 9 or 10 in each assessment period, even assuming complete overlap of different SES item responses). What he’s trying to do is redefine “serial rapist” in a way that allegedly concerns whether guys rape “year after year,” and THEREFORE can be referred to as “serial rapists” who are “severely pathological,” “predatory in a pre-meditated way,” “psychopathic,” and beyond the reach of prevention effects directly at them (as opposed to bystanders who can identify them, intervene when they attempt to rape, and turn them in when they have raped).

Comment [JH2]: Here’s an important “apples and oranges” issue, but not the most important one. That is, how many items the questionnaire has to assess rape. In Lisak’s instrument, the “Abuse Perpetration Inventory” (API), there are four questions covering rape and attempted rape. In the Koss Sexual Experiences Survey (SES) version used for the “derivation”/White (1990-1995) dataset, there were fewer questions than in the SES version used for the “validation”/Thompson (2008-2011) dataset, which was revised in 2006. That difference in the instruments alone could account for the higher prevalence rate in the newer Thompson data. Also, in this study they are leaving out attempted rapes.

Comment [JH3]: This is surely an underestimate, based on the exact nature of the API items. We can discuss this.

Comment [JH4]: THIS is what it’s all about, not the science or the numbers. It’s about whether we view repeat or “serial” rapists as “predators” (and “severely pathological,” “psychopathic,” etc.) Swartout, Koss and their colleagues want, more than anything, for people to UNDERSTAND serial rapists DIFFERENTLY, to understand them as guys who could be influenced directly by prevention efforts and who can genuinely use restorative justice interventions. But nothing reported in their paper supports their view that the majority of rapists, or the majority of serial rapists, are amenable to prevention efforts — at least once they’ve started raping. Certainly prevention might stop some from ever getting there.

Comment [JH5]: Ditto. THIS is the issue, not the science.

offenders. In an op-ed in The New York Times last fall, [Yale Law School professor Jed Rubenfeld argued](#), “Even expulsion is radically deficient. It leaves serial rapists free to rape elsewhere, while their crimes are kept private under confidentiality rules.”

But new research suggests that this “serial rape assumption” may need some rethinking. In [a paper published Monday](#) in JAMA Pediatrics, a group of sexual assault researchers led by Kevin Swartout, an assistant professor of psychology at Georgia State University, used longitudinal data to track more than 1,000 male students at two southeastern universities over four years. Using the FBI’s definition of rape, **the researchers found a higher proportion of men — 10.8 percent of the total sample, nearly twice as high as the Lisak/Miller study — who would be considered rapists. This suggests that the problem is far more widespread than the older study indicated.**

Among the men who reported acts of rape in the new study, only about 25 percent said they had committed those acts over multiple college years. That’s radically different from the 63 percent who admitted to multiple acts in Lisak’s study. The men were also unlikely to have reported committing rape before entering college, suggesting there’s little evidence for the existence of a large group of offenders who perpetrate rape over a long period of time.

Comment [JH6]: There are two apples-and-oranges problems here: One is that Lisak and Miller included attempted rapes and Swartout didn’t. Another is that the 10.8% number is the average of (a) the lower “derivation” dataset based on the old SES and (b) the higher “validation” dataset based on the new (2006) version of the SES.

Comment [JH7]: Actually, if it’s a methodological artifact, it does not suggest this.

Comment [JH8]: This is a key pair of sentences, and is unfortunately misleading. (I’m saying THEY misled you, not that you are being misleading.) This is the big “apples and oranges” issue: Swartout et al. have created – for the first time, for this paper, as far as I can tell – a totally different DEFINITION of “serial rape” (and “serial rapist”). It is so important not to confuse definitions with data or empirical findings.

Critical contexts: (1) The issue of attrition. About 20-25% of the sample dropped out every year, and if a guy had only reported raping during one assessment period before dropping out, Swartout et al. assumed he had stopped raping after dropping out of the study and assigned him to the non-serial category. (2) There is reason to believe that when rapists took the survey for the second or third time they realized they were being asked to acknowledge “rape” and stopped answering the questions or stopped answering them honestly. Our hired consultant found evidence of “skip patterns” in which guys answered all questions except those about rape in subsequent years. (3) As I show in my simple frequency analyses, when you simply look at the guys who completed the study (and the SES items) each year, serial rapists are always the majority of the rapists, with the one exception, freshman year, for which they were only looking back on 8 months and had less time to commit more rapes (as guys new to the campus community, they may have been more careful about engaging in such behavior, and/or not have had the opportunities of upper classmen who “know the ropes” and are more likely to have fraternity houses and apartments at their disposal).

Instead, the men who committed rape fell into three distinct categories: those who committed rape before entering college but were unlikely to rape once they got to campus; those who were unlikely to rape before entering college and began to rape once they arrived; and a much larger group of men who didn't commit rape at all, or who committed one rape.¹

Lisak didn't respond to requests for comment for this story, but we did correspond last April for a different story I was writing about sexual assault. He told me over email that picking apart the limitations of a single survey was a distraction. "Whatever the precise percentage of sexual assaults being committed by serial offenders, the fundamental math of this phenomenon dictates that serial offenders represent a very significant part of the problem," he said. "It is important to recognize this phenomenon because a serial offender does represent a different kind of risk to a community."

Swartout contends, though, that the heightened attention on Lisak's research has created a dangerous myopia. "There's an assumption that if we can stop one particular group of serial rapists, that will solve the problem of campus sexual assault," Swartout said. "Our findings aren't in line with that strategy. We found that there are multiple, distinct groups of men who are perpetrating sexual assault on campus."

Comment [JH9]: But they didn't, at least not for the derivation dataset, as Allison Tracy has shown. Also, notice how they said to you "the men who committed rape" fell into those categories, when running their statistical model only on the men who actual DID say they had committed rape (which was NOT what they did, because they included non-rapists) the solution that emerges has 5 classes (not 3), and 65% of the rapist sample had at least a 40% chance of raping during two or more of the four assessment periods.

Comment [JH10]: Again, makes no sense to say these men who "didn't commit rape at all" are part of "men who committed rape."

Comment [JH11]: Yes, and this is what you can see in my PowerPoint presentation that's part of the critique, as well as my shorter "Serial Rapists: The Simple Math" presentation. And it's true for THEIR data too, if serial rape means committing multiple rapes.

Comment [JH12]: First of all, this is a straw man. The claims Lisak has been making are that (1) unless we stop serial rapists, who account for the vast majority of rapes, then we will have minimal effects on campus rape, and (2) the biggest impact we can have is by stopping serial rapists. But no one is suggesting that stopping serial rapists is the ONLY and COMPLETE solution.

Comment [JH13]: Again, their latent class trajectory analyses did NOT find this. Of course not all men committing rapes, even serial rapes, are exactly the same, including in their patterns of rape over time. But Swartout et al.'s invalid analyses don't demonstrate what the subgroups are or might be.

Swartout and his colleagues' research was designed to investigate serial rape specifically, not instances of rape overall. It seems like a strange distinction, but the most important question is how many men are committing rape repeatedly over time. Social scientists disagree about the definition of "serial rape" — especially how many rape acts an offender needs to commit to merit the label — but from the standpoint of prevention, pinning down the specific number of rape acts is less important than figuring out how many men are perpetrating rape, and when.

To look into that, Swartout and his colleagues used two sets of longitudinal data drawn from public universities in the Southeast. For both groups, they used the same methodology and the same survey, the Sexual Experiences Survey, which was created as a tool for measuring rape victimization in the late 1970s. The first set of data was gathered on one campus from August 1990 to April 1995, with a sample of 851 men, and the second was gathered on a different but demographically similar campus from March 2008 to May 2011, with a sample of 795 men.²

Importantly, though, instead of classifying the men by the number of specific acts of rape they reported, as Lisak did, each man was coded based on whether he had committed rape at all during each year of data collection.

Comment [JH14]: This is where the smoke and mirrors come in, big time.

Comment [JH15]: First of all, why is that the "most important" question? Second, how one DEFINES/OPERATIONALIZES "committing rape repeatedly over time" is key.

Comment [JH16]: OK, then why not do simple analyses which show how many men report committing more than 1 rape, more than 2 rapes, and more than 5 rapes (a) during a particular assessment period and (b) over the course of their participation in the study (however many years before they dropped out or stopped answering SES questions)? Also, giving conservative estimates of the average numbers of rapes committed by serial rapists — in particular assessment periods and overall — is certainly useful information. I've shown in my PowerPoint presentation that the average number of rapes committed by the serial rapists (i.e., more than 1 rape) in Swartout et al.'s derivation dataset are about 4 for completed rapes and 5 to 10 for completed+attempted rapes — in each period assessed, not even over the course of the study.

Comment [JH17]: How about "how many men are perpetrating how many rapes, and when"? And how about including attempted rapes, as other researchers have done? Also, how about not just assuming that all rapes reported on different SES items refer to the same rape act? Again, including attempted rapes removes, by definition, that "potential overlap" problem.

Comment [JH18]: Actually, no. The 2008-2011 data was collected with the new version of the SES, which has more questions and yields higher prevalence rapes. It also caps at 3+ (or more than 2) the number of rapes a man can report for each item, in contrast to the SES version used for the 1990-1995 data, which tops out with "more than 5". That design choice, by Koss, effectively hides and suppresses any total rape count that a researcher might attempt to do on data collected with the new SES, which is a serious problem with it and the validation dataset.

Comment [JH19]: And instead of including attempted rapes, as Lisak did and McWhorter did, they excluded them.

Swartout and his colleagues focused their analysis on the second data set, because it is substantially more recent than the first set. They found that of the 105 men who admitted to rape in that sample, 37 percent fell into the “decreasing” trajectory (39 men), which meant that they admitted to rape in high school but didn’t report continuing to rape throughout college (the vast majority — 87 percent — of this group committed rape during one or fewer college years). Eighteen percent of the self-reported rapists (19 men) fell into the “increasing” trajectory, which meant that all but two did not begin committing rape until they arrived at college (nearly all of this group committed rape in multiple college years, primarily as sophomores, juniors and seniors). Most (75 percent) of the men who admitted to rape during college did so during one year.

“Based on this data, if universities tailor their sexual assault intervention strategies to fit the assumption that most rape is being perpetrated by serial offenders, you’ll miss three-quarters of the people who are committing rape on college campuses,” Swartout said.

There are, of course, some limitations to Swartout’s study. The sample size of students who admitted to rape is small — 177 of the 1,645 surveyed (105 of the 795 in the second data set) — and the universities are in the same region of the country, which limits generalizability. And although the sample of male students matched the demographics of the universities they attended, the respondents were overwhelmingly white.

Comment [JH20]: At this point, I wouldn’t believe that this is the real reason. The second dataset is also not in the public domain, and Thompson has refused to make it available. Thus no one can review their work and they are free to say whatever they want about it. It also has a higher percentage of rapists, likely thanks to the additional items included in the new version of the SES, which also fits with what they were hoping to find (i.e., that a greater percentage of men commit rape than Lisak has been saying).

Comment [JH21]: Again, the model’s assumption of smooth trajectory is not supported by the data, and the validity of the model is called into question by a variety of things Dr. Tracy has shown in her executive summary and technical report. And without independent verification of the validity of the Thompson data and analyses, given all of the problems we’ve seen with the JAMA paper already, these results cannot be trusted.

Comment [JH22]: Again, this percentage reflects excluding attempted rapes, which could change that number greatly. Also, the model that classified them into the “decreasing” group is not valid, so anything they say about the “decreasing” group cannot be taken as true. Even more problematic is the notion that 87% admitting committing completed rape in high school AND in one year of college is somehow evidence that those allegedly “decreasing” guys are not serial rapists — especially when we recognize that attempted rapes are excluded, that a substantial proportion of those guys DROPPED OUT of the study after freshman or sophomore year, and that some percentage of them likely became defensive and in subsequent years failed to report any rapes when they had actually committed some.

Comment [JH23]: Again, this is only believable if you believe that the guys continued to remain equally honest over subsequent years of the study. I am not aware of any validation research on the SES showing that subjects exhibit the same level of honesty over multiple years of assessment.

Comment [JH24]: This only makes sense if you agree with Swartout that “serial offender” means guys who admit to raping in more than one year of college, not guys who admit to committing 4 to 10 rapes and attempted rapes during just one of the periods assessed and may or may not subsequently (a) drop out of the study or (b) stop being honest about the rapes they’ve committed. If you just do the simple frequency analyses, and define “serial rapists” as a guy who admits to committing more than one rape, it’s totally obvious that serial rapists account for the vast majority of rapes.

Comment [JH25]: Excluding attempted rapes is a HUGE limitation. So is defining “serial rapist” in a way that is completely different than how it’s been defined by researchers up to now, and that is vulnerable to several threats to its validity, as explained above.

Finding reliable numbers on sexual assault perpetration is notoriously difficult to do.

Christopher Krebs, a senior research social scientist at RTI International and [the lead author of one of the most frequently cited sexual assault surveys](#) conducted in the past decade, hadn't seen the new study, but told me that his attempts to pin down a believable perpetration number have always fallen short. "You're asking a college student about some very serious interpersonal crimes. It would defy reality to think that all of them are going to be honest," he said. He added, however, that the Sexual Experiences Survey — which he does not use in his research — has been known to produce higher rates of perpetration than other surveys.

The biggest challenge for Swartout and his team, though, was overcoming a shortcoming in the Lisak/Miller study: its inability to tell when — or under what circumstances — the rape acts occurred. This is a familiar problem for most sexual assault researchers.

Respondents are unlikely to tell the truth if surveys ask outright whether they've committed rape or been raped; often, they don't think about their experiences in those terms. Instead, researchers use a series of specific, behaviorally based questions — something like "Did you perform oral sex on someone without their consent?" These questions are the best way to get respondents, who may not admit to rape outright, to be honest about their actions, but the surveys include such a wide range of behaviors that several rape acts could be part of the same assault.

"In a single assault, a man could use alcohol and bodily force against his victim," Swartout said. "Those would get coded as two separate rape acts." For that reason, it's impossible to tell whether the average of six rape acts committed by the "serial rapists" in Lisak and Miller's study are distinct assaults, committed at different times or with different victims, or several acts that were part of the same rape.

Comment [JH26]: Absolutely. But it's not just about whether they're honest overall, but whether they're likely to become more defensive and less honest over subsequent assessments, or simply to drop out of the study, or stop answering the SES items, such that the researchers collect no more data on them.

Comment [JH27]: This is one of the most misleading things to which they subjected you and your readers.

Comment [JH28]: First of all, attempted rapes, by definition, don't have this problem. There is simply NO POSSIBILITY of double-counting attempted and completed rapes. Also, in Swartout et al.'s own data, for each SES item they explicitly ask the guy how many times he committed the act described by THAT SES ITEM. And as I've shown in my PPT presentation, even assuming 100% overlap — which is an arbitrary, very biased and unjustifiable assumption that Swartout et al. have effectively made — and calculating total acts in the most conservative possible way ("3 to 5" = 3, "more than 5" = 6), men in the derivation dataset reported 3.5 to 3.9 completed rapes and 3.4 to 5.2 completed+attempted rapes in SINGLE assessment periods. If we assume the acts are not overlapping and/or more generously estimate the totals (e.g., "3 to 5" = 4 and "more than 5" = 7), then the numbers are even higher.

Also, if you look at the items of Lisak's survey, you can see that both versions ask if it happened with more than one person (which couldn't be the same acts), and for about 75% of the sample, it was asked how many times it happened with each person. This also means that Lisak's survey was designed in a way that would underestimate the number of victims and rape acts committed, by limiting the number of victims to two for each item.

In short, Swartout is picking on one potential limitation while ignoring and/or failing to do his homework and acknowledge others (e.g., attempted rapes that can't overlap with completed, multiple acts reported on single items, and things about the SES and Lisak's survey that underestimate the numbers of victims and acts to begin with.

Using a longitudinal approach helped Swartout and his co-authors minimize — if not solve — this problem because it took the question of specific rape acts out of the equation. The multi-act rapists in the new survey had to admit to rape at separate points in time, making it clear that they had committed multiple, distinct assaults.

“Longitudinal data is like an accordion,” Swartout explained. “You can unpack what’s happening when.” Collecting data all at once, as Lisak did, is more like a snapshot. “It collapses events that have happened over a long time frame and makes them look like they all occurred at once.”

Andra Tharp, a senior adviser for the Air Force’s Sexual Assault Prevention and Response division and a former research scientist at the Centers for Disease Control and Prevention, said using longitudinal data produces a more nuanced result. “By drawing out the data over time,” she said, “you see all these different degrees of behavior. And what you don’t see is a large group of chronic perpetrators.”

Comment [JH29]: This is certainly a clever way for Swartout to spin things! How about noting that their approach – which was not merely “longitudinal” but designed to exclude attempted rapes and incontrovertible evidence of serial rape within each assessment period – “suppressed and effectively hid much of the serial rape evident in their own data”?

Comment [JH30]: But as I’ve shown, it was NOT NECESSARY to “make it clear” that men had committed multiple distinct assaults within individual assessment periods. In fact, making that the only operationalization of “multiple, distinct” assaults systematically HIDE the reality of the multiple distinct assaults many of the men had admitted committing. And as I’ve pointed out above, consistent with Krebs’ statement to you, there is good reason to doubt that guys who “had to admit rape at separate points in time” would actually have done so. Of course, that’s fine with Swartout and colleagues, because it’s one more way to ensure that their analyses “prove” that Lisak is wrong (on the basic science, not on his extrapolations and rhetoric).

Comment [JH31]: But Swartout only wants to look at arbitrarily and highly-biased EDGES of each accordion section, while HIDING the data that’s actually contained in each segment – data that shows, clearly, that (1) the majority of rapists in his sample are serial rapists and (2) they account for the vast majority of rapes reported by his subjects. He has actually done everything he can to AVOID “unpacking” what’s going on in each assessment period.

That’s certainly clear for the derivation dataset, and if Thompson would share enough of her dataset, it would defy logic and simple math that her data would show anything different – except for the fact that each SES item of the new (2006) version she used constrains subjects to reporting “3+” (i.e., more than 2 rather than more than 5).

Comment [JH32]: It does not “make them look like” they occurred “all at once.” In fact, since they were an average of 26 years old, it is only rational to assume that they probably happened over a span of time, though which span is of course unknowable (except for in the final sub-set of data, where subjects were explicitly asked, “Has this happened in the past 4 years?”

Comment [JH33]: As shown by Dr. Tracy, this is simply not true, at least not of their trajectory analysis.

Comment [JH34]: Why should multiple years of “chronic” perpetration be so important? If a large group of (in other ways heterogeneous) guys is raping 2 or more, 3 or more, or more than 5 women -- in at least one single year or assessment period -- then how does what Tharp is saying make any sense? It’s all about the politics...

The new findings could have serious implications for how sexual assault educators on college campuses tackle the problem, as well as for the kinds of policies that the federal government might require and support. “If you think about most rapes as these cold-blooded, premeditated acts by predators who can’t be changed, that will logically lead to a criminal-justice-focused approach, basically trying to root out a few bad apples,” Tharp said. “But if it’s mostly sporadic and opportunistic behavior, we need to think more about prevention and intervention — a broader public health approach instead of focusing primarily on a few high-risk individuals.”

From Swartout’s perspective, the new research is just the beginning. “What we want to know now is what’s behind these trajectories,” he said. If administrators and policymakers start thinking about perpetrators as a more diverse group, he hopes future research can begin to determine what’s motivating — and what might deter — campus rapists.

But perhaps the biggest lesson from this new study is the danger of relying on one piece of research for complex policy responses. As alarming as the Lisak research might seem, it offered a relatively simple solution: Isolate the handful of young men who were committing the vast majority of campus rapes, and expel them or turn them over to law enforcement. Swartout’s findings offer fewer easy answers. Instead, they point to a more complicated reality, where more men are committing rape and their behavior is harder to predict. Then again, if researchers can figure out why these patterns are occurring, it will be easier to craft a solution that can influence an entire campus — and not just target a handful of men.

Comment [JH35]: Who said we have to view them as “cold-blooded, premeditated predators”? OK, Lisak has said that, but that’s not what the DATA in Swartout et al.’s paper are about. And even if you think they’re “basically nice guys who impulsively do the wrong thing when they’re drunk and opportunity arises,” whether a criminal justice approach is appropriate for a guy who rapes multiple women, or even one woman if it’s your daughter or sister, or YOU, is a moral, philosophical and a political issue, not a scientific one. Sure, we can think about how prevention and restorative justice approaches might be able to reach different types of serial rapists. But we don’t need to mislead and manipulate people with apples-and-oranges comparisons, invalid statistical models, and every other trick available to hide the realities that most rapists are committing multiple rapes and that those men account for the vast majority of rapes and attempted rapes committed.

Comment [JH36]: Where does this come from? This is a massive and unjustified leap from the biased and invalid data and analyses of the paper. And there is no inherent conflict between someone being a premeditative AND impulsive rapist. Indeed, lots of research on sex offenders suggests this is the case, and Lisak has always said repeat rapists have both traits (though he’s probably exaggerating the premeditated part).

Comment [JH37]: It’s not an either/or proposition. We need to be doing both. It’s unfortunate that less resources have gone to public health, but we don’t need to mislead and manipulate people, and pretend that other people’s research is wrong when what we really object to is how they’ve extrapolated from that research and influenced policy makers who were ALREADY inclined to take a punitive criminal justice approach.

Comment [JH38]: It wasn’t just “one piece of research.” There is decades of research on serial perpetration of rape and other violent crimes, and crime in general. And there’s no reason to believe the college students are fundamentally different — as human beings and as men — from the Navy recruits McWhorter studied.

Comment [JH39]: Lisak has always said that prevention, changing the culture, etc. are absolutely essential as well. And he thinks there’s a role for restorative justice too, though he’s been thinking it has to come later after people admit and deal with the realities of serial rapists, including investigating and prosecuting their crimes effectively. Also, I’m not sure there’s evidence that policy makers have mostly ignored Lisak on prevention, which he always advocates for, specifically bystander prevention (because the serial rapists aren’t very receptive to prevention messages). Indeed, bystander intervention is the main prevention approach pushed by lots of government agencies and programs, including DOD and CDC. But sure, they haven’t given the attention and resources to prevention, and certainly restorative justice, that people working on those want and need.