False Allegations of Rape: A Critique of Kanin
by David Lisak, Ph.D.

In the morass of myths and stereotypes that obscure the reality of rape, perhaps the most damaging misconception is that rape allegations are frequently fabricated by the victim. The issue of so-called "false allegations" is arguably the most contentious and sensitive topic in the ongoing public debate about rape—one that has received even more energy from the recent collapse of the Duke University lacrosse players prosecution. It is therefore astonishing that adequate research is almost wholly absent in this most contentious of topics. Not a single "benchmark" study can be found in the social science literature. To the absence of good research, the debate rages with much heat and very little light.

The issue of false allegations is also frequently visited in the courtroom. The "consent defense"—the most common strategy employed by defense attorneys in non-stranger sexual assault cases—relies heavily on the defense's ability to raise issues that will resonate with the mythology of rape. By evoking those myths and misconceptions, the defense hopes to undermine the credibility of the victim, and to thereby introduce reasonable doubt. What better way to attack the credibility of the victim than to assert that she fabricated the allegations for ulterior motives (revenge, monetary gain, etc.)?

Kanin's Article Is Not Scientific

Defense attorneys may seek to bolster their attack by asserting that false allegations of rape have been "scientifically" proven to be a common occurrence. In doing so, they are most likely to refer to a 1994 article, "False Rape Allegations," written by Eugene Kanin (Kanin, 1994). Formerly a professor of sociology at Purdue University, now retired, Kanin published a series of articles on "date rape" from the late 1980s through the 1990s. Most of these studies focused on the characteristics of these sexual assaults and the motivations of the men who committed them.

Kanin's 1994 article on false allegations is a provocative opinion piece, but it is not a scientific study of the issue of false reporting of rape. It certainly should never be used to assert a scientific foundation for the frequency of false allegations.

Evaluating the Science in a Scientific Article

Journals publishing scientific articles vary enormously in the level of scrutiny they give to the manuscripts they print. Some journals are both very selective (and have a very high rejection rate) and
very rigorous in the peer review process to which they subject all submissions. Other journals are far less selective and far less rigorous. These journal characteristics can also vary over time as new editors and editorial boards impose differing standards. For these reasons, it is imperative that any published study be carefully and individually evaluated to determine its scientific credibility.

The method section can include many different methodologies, but they share a common and critical factor—observations are made using systematized and clearly articulated procedures to ensure that they do not simply reflect the bias of the observer. In examining a report of a research study, the first step is always to review the procedures used by the researcher to obtain his/her observations. These procedures are described, typically in considerable detail, in the "Method" section. It is important to begin the examination here—and in the convention of the scientific literature the westerncity (Kanin, p. 82). He then devotes almost the entire section to a description of the police department's investigative policies, defending the accuracy of their findings of false allegations. He simply conveys to the reader that the department's policy was to classify a case as a false report just when the victim admitted that it was a false report. Only in the final two sentences does Kanin provide any information about the procedures he used in the study:

"A ranking police official notified us whenever a rape charge was declared false and provided us with the records of the case. In addition, the investigating officers provided any requested supplementary information so that we could be confident of the validity of the false rape allegation declarations."

(Kanin, pg. 82)

Kanin's "Method" section does not meet the criteria for a "Method" section of a scientific article. It provides almost no information about the procedures he used. Rather, it describes the procedures used by the police department in its evaluation of the rape cases brought by victims. Kanin describes no effort to systematize his own "evaluation" of the police reports—for example, by listing details or facts he used to evaluate the criteria used by the police to draw their conclusions. Nor does Kanin describe any effort to compare his evaluation of these reports to that of a second, independent researcher—providing a "reliability" analysis. This violates a cardinal rule of science, a rule designed to ensure that observations are not simply the replication of the bias of the observer.

Nor does Kanin describe any effort made—systematic or otherwise—to obtain independent information about the cases. All of his data are furnished to him by the police officers. Thus, Kanin's "Method" section simply reiterates the opinions of the police officers who concluded that the cases in question were "false allegations." This creates a problem of internal logic in Kanin's article. In his "Introduction,"

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that abused children tend to displace names and situations. Thus, Daughter’s disclosure to the OCS that she was sexually abused while she was asleep did not mean that she was not being truthful about the abuse. Mother clearly carried her burden of proof in showing that the Daughter was sexually abused. Moreover, the court found that Mother met her burden of proof in showing that Father was the perpetrator of the sexual abuse. There was no evidence whatsoever that Daughter had been alone with any male other than Father during the time that the sexual abuse allegedly occurred. There was abundant testimony that Daughter had disclosed to a number of people that her father had sexually abused her. Therefore, the sufficiency of the evidence assignment of error was without merit.

On Father’s second assignment of error, the court did agree that the court erred in its failure to appoint a guardian ad litem to represent Daughter. Where one party presents a prima facie case that a parent has sexually, physically, or emotionally abused the child, the court is required to appoint an attorney to represent the child. However, in this case, the error was harmless because of the overwhelming evidence that Daughter had been abused by Father. The court found it clear that the best interests of Daughter would not be served by now appointing an attorney who would be required to interview and gather about the alleged abuse. Finally, on the third assignment of error, the court concluded that because of the clear evidence that Father sexually abused Daughter, the trial court “was required by the Violence Relief Act to prohibit all contact between Father and Daughter.” Thus, sole custody in favor of the Mother was required and visitation with Father would only resume after a hearing finding that such visitation is in the best interests of Daughter. The judgment of the trial court was affirmed. C.L.S. v. G.J.S., 954 So.2d 1025 (La. Ct. App. 2007).

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he outlines the intense controversy surrounding the issue of false rape reports. He writes, “Currently, the two main identifiable adversaries involved in the false rape allegations controversy are the feminists and the police” (“ibid., 81”). By his own logic, then, simply echoing the opinions of police officers is not going to shed any additional light on the issue.

Kanin’s characterization of the controversy, as a dispute between “the feminists and the police,” is also an inaccurate observation. Numerous governmental and non-governmental agencies, including the U.S. Department of Justice and the International Association of Chiefs of Police (IACP), share concerns about the manner in which many police departments handle rape cases.

Key Factors Obscuring the Issue

What is arguably the state-of-the-art manual for training police officers on the issue of false reports, False Reports: Moving Beyond the Issue to Successfully Investigate and Prosecute Non-Stranger Sexual Assaults specifically addresses the key factors that have long obscured this issue (Lonsway, K.A., Archambault, J. & Berkowitz, A.B., 2001). It provides a detailed analysis of how police officers can inadvertently permit their biases or misconceptions about rape to shape the results of their investigations. It also describes a common pattern—in which an officer’s inherent suspicion of rape victims and a belief that many reports are actually false—results in a confrontational approach towards the victim.

In essence, the officer’s investigation becomes an investigation of the victim, in which the victim is “interrogated” and sometimes threatened with or actually subjected to polygraph. This type of investigative approach has been rejected by the U.S. Department of Justice. The 2005 re-authorization of the Violence Against Women Act stipulates that jurisdictions which use the polygraph on sexual assault victims will become ineligible for STOP grants. A number of states have passed laws prohibiting the use of the polygraph to determine whether charges should be filed in a sexual assault case. Use of Polygraph, IACP policy on the use of polygraph is clearly stated in its manual on sexual assault investigation:

Based on the misperception that a significant percentage of sexual assault reports are false, some law enforcement agencies use polygraphs or other interrogation techniques (including voice stress analyzers, SCAN) when interviewing victims. Victims often feel confused and ashamed, and experience a great deal of self-blame because of something they did or did not do in relation to the sexual assault. These feelings may compromise the reliability of the results of such interrogation techniques. The use of these interrogation techniques can also compound these feelings and prolong the trauma of a sexual assault. Some states have even enacted laws prohibiting the police from offering a polygraph examination to sexual assault victims or from using the results to determine whether criminal charges will be filed. A competent, evidence-based investigation will reveal the truth much more effectively than these interrogation tactics. Law enforcement agencies should establish policies to clearly state that officers should not require, offer, or suggest that a victim take a polygraph examination or submit to SCAN or voice stress analysis during the investigation stage. (IACP, 2005, p. 13).

It is noteworthy that the police department from which Kanin derived his data used or threatened to use the polygraph in every case. In Kanin’s words, “The investigation of all rape complaints always involves a serious offer to polygraph the complainants and the suspects” (Kanin, 1994, p. 82). This is precisely the procedure that has been rejected and, in many cases, outlawed because of its intimidating impact on victims. The fact that it was the standard procedure of this department...
The false report findings of both studies contrast markedly with Kanin’s—approximately 8% vs. 41%. More importantly, their superior scientific procedures lend much more confidence to their findings.

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