

## An Analysis of Sexual Assault in the U.S. Military, 2004-2009

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## *An Analysis of Sexual Assault in the U.S. Military, 2004-2009*

**Dr. Adam Lankford**

### **Introduction**

The history of warfare is marked by national armed forces, paramilitary fighters, and rebels across various eras and cultures who have committed sexual assault with impunity. Social norms have changed dramatically since ancient times, but it can be shocking to realize that even some well respected leaders of the past once approved of such crimes. For instance, Moses apparently gave orders to his warriors to “kill every male among them, and kill every woman that hath known man by lying with him. But all the women that have not known a man by lying with him, keep alive for yourselves.”<sup>1</sup> This may not have been an overt sanction of sexual assault, but it certainly implies that the enemy’s virgins should be kept as sexual companions. Furthermore, as Susan Brownmiller describes, “Among the ancient Greeks, rape was socially acceptable behavior well within the rules of warfare, an act without stigma for warriors who viewed the women they conquered as legitimate booty, useful as wives, concubines, slave labor or battle-camp trophy.”<sup>2</sup> Joshua S. Goldstein similarly points out that “The most common pattern in warfare in the ancient Middle East and Greece was to literally feminize a conquered population by executing the male captives, raping

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<sup>1</sup> Lyall Watson, *Dark Nature: A Natural History of Evil* (New York: Harper Collins, 1995), p. 180.

<sup>2</sup> Susan Brownmiller, *Against Our Will: Men, Women, and Rape* (New York: Simon and Schuster, 1975), p. 25.

the women, then taking women and children as slaves. The pattern...recurs even today.”<sup>3</sup> In the last century, sexual assault has accompanied armed conflicts in countries all around the world, including Bosnia, China, France, Germany, Italy, Russia, Rwanda, and Sudan.

This same disturbing pattern may have appeared once again, during the U.S. military’s most recent engagements in Iraq and Afghanistan. Beginning in 2004, nine months after the March 2003 U.S. invasion of Iraq, the Department of Defense began compiling annual reports of sexual assault committed by service members. These statistics show that from 2004 to 2009, the total number of reported sexual assaults increased 90% (See Table 1).<sup>4</sup> In cases where gender was recorded, approximately 98% of perpetrators were male and approximately 89-92% of victims were female.<sup>5</sup> It must be noted that all reports are simply allegations of sexual assault, and that some may be baseless. However, this is offset by the Department of Defense’s belief that the true number of sexual assaults for each year is approximately 500% higher than the number of reports.<sup>6</sup>

Whether the 90% increase in reports from 2004-2009 reflects a real increase in sexual assaults or just an increase in reporting remains unclear. By definition, it is impossible to know whether the number of *unreported* sexual assaults have increased, decreased, or remained the same. The same measuring problem is present for all types of crime, but past scholarship has shown that sexual assaults are particularly likely to go unreported.<sup>7</sup>

However, there are multiple reasons to think that it is possible that, just like the number of reported sexual assaults, the number of unreported sexual assaults may have actually increased as well. First and foremost, this would fit with a well-established historical pattern: the U.S. military has traditionally seen a dramatic increase in sexual

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<sup>3</sup> Joshua S. Goldstein, *War and Gender: How Gender Shapes the War System and Vice Versa* (Cambridge: Cambridge University Press, 2001), p. 357.

<sup>4</sup> Data compiled from U.S. Department of Defense, “Sexual Assault Prevention and Response: Annual Reports,” 2004-2009. Available at <http://www.sapr.mil/index.php/annual-reports>

<sup>5</sup> U.S. Department of Defense, “Sexual Assault Prevention and Response: Annual Reports.”

<sup>6</sup> U.S. Department of Defense, “Fiscal Year 2009 Annual Report on Sexual Assault in the Military,” 2009. Available at <http://www.sapr.mil/index.php/annual-reports>

<sup>7</sup> U.S. Department of Defense, “Fiscal Year 2009 Annual Report on Sexual Assault in the Military.”

assault rates for American service members during periods of armed conflict.<sup>8</sup> Notably, U.S. military personnel have historically been far less likely to commit sexual assault than average civilians during peacetime, but far more likely than average civilians to commit sexual assault during wartime.<sup>9</sup> This phenomenon appears to date back to World War II, if not earlier.<sup>10</sup> Furthermore, the Department of Defense's 2009 report specifically states that *unreported sexual assaults are more prevalent among deployed personnel* than those stationed at home.<sup>11</sup> This suggests that as the percentage of servicemen deployed to foreign countries has increased during recent conflicts, the percentage of unreported sexual assaults would increase as well. In addition, there was a 64% increase in reports of sexual assault in Iraq and Afghanistan from just 2007-2009, which is more than three times the increase in reports elsewhere over that same period,<sup>12</sup> and may well reflect a real increase in crimes committed.

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<sup>8</sup> Chris Hedges, *What Every Person Should Know About War* (New York: Simon and Schuster, 2003), p. 97.

<sup>9</sup> Hedges, *What Every Person Should Know About War* (New York: Simon and Schuster, 2003).

<sup>10</sup> Hedges, *What Every Person Should Know About War*.

<sup>11</sup> U.S. Department of Defense, "Fiscal Year 2009 Annual Report on Sexual Assault in the Military."

<sup>12</sup> U.S. Department of Defense, "Sexual Assault Prevention and Response: Annual Reports."

**Table 1. U.S. Military Reports of Sexual Assault, 2004-2009**

	2004	2005	2006	2007*	2008	2009	% increase
Service member on non-service member	425	600	658	574	671	749	76%
Service member on service member	880	1072	1167	1184	1158	1338	52%
Other or unknown	395	375	452	327	436	429	9%
Restricted reports	N/A	327	670	603	643	714	118%
Total	1700	2374	2947	2688	2908	3230	90%

\*Beginning in 2007, reports ran on a fiscal year basis, not calendar year.  
 Source: U.S. Department of Defense<sup>13</sup>

The counterargument offered by some military officials is that the increase in reports of sexual assaults is a good thing, because it “reflects a greater proportion of victims coming forward, not an increase in crime.”<sup>14</sup> Proponents of this view, such as Kaye Whitley, director of the Pentagon’s Sexual Assault Prevention and Response Office, claim that increased reports have been the result of a healthy change in military culture, whereby reporting one’s own victimization has become less intimidating. Although this is possible, Whitley herself admits that “the research tells us it takes eight to ten years to change the culture,” and the current attempts to do so only began in 2004.<sup>15</sup> Furthermore, the Department of Defense’s 2006 and 2010 Workplace and

<sup>13</sup> U.S. Department of Defense, “Sexual Assault Prevention and Response.”

<sup>14</sup> U.S. Department of Defense, “Fiscal Year 2009 Annual Report on Sexual Assault in the Military,” p. 3.

<sup>15</sup> Michael Isikoff, “Lawsuit claims Pentagon turned blind eye to military rape victims,” February 15, 2011, *MSNBC*. Available at [http://www.msnbc.msn.com/id/41598622/ns/us\\_news-life/t/lawsuit-claims-pentagon-turned-blind-eye-military-rape-victims/](http://www.msnbc.msn.com/id/41598622/ns/us_news-life/t/lawsuit-claims-pentagon-turned-blind-eye-military-rape-victims/)

Gender Relations surveys document the reasons why service members say they do not report unwanted sexual contact. In 2010, compared to 2006, slightly *higher* percentages of female service members stated that they “felt uncomfortable making a report,” “were afraid of retaliation/reprisals,” “thought your performance evaluation or chance for promotion would suffer,” “did not want anyone to know,” or “feared you or others would be punished for infractions/violations, such as underage drinking or fraternization.”<sup>16</sup> In addition, an equal percentage of female service members in 2010 and 2006 explained that they thought they “would not be believed.”<sup>17</sup>

Whether the total number of sexual assaults is actually increasing or not, the undisputed fact is that U.S. military considers these crimes to be an extremely serious problem. Unfortunately, however, its approach to the issue has not been comprehensive. Instead of examining and addressing the underlying causes of rape and sexual assault, the Sexual Assault Prevention and Response Office’s has almost exclusively focused on education and training, in order to increase awareness of the seriousness of these crimes and reduce stigma for victims.<sup>18</sup>

Ultimately, in order to better understand the problem of sexual assault and how it can be addressed, it is important to look much deeper, and put these brutal crimes in their proper context. A great deal of previous research from feminist, evolutionary, and criminological perspectives has identified several key reasons why military personnel may be more likely to commit sexual assault during periods of war than they are in peacetime, including heightened (1) desires for power, (2) desires for sexual fulfillment, and (3) beliefs that there will be no consequences.<sup>19</sup> Although these variables are very

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<sup>16</sup> U.S. Department of Defense, “2010 Workplace and Gender Relations Survey of Active Duty Members,” 2010. Available at <http://www.sapr.mil/index.php/research>

<sup>17</sup> U.S. Department of Defense, “2010 Workplace and Gender Relations Survey of Active Duty Members.”

<sup>18</sup> U.S. Department of Defense, “Fiscal Year 2009 Annual Report on Sexual Assault in the Military.”

<sup>19</sup> Brownmiller, *Against Our Will*; Claudia Card, *The Atrocity Paradigm: A Theory of Evil* (Oxford: Oxford University Press, 2002); Jonathan Gotschall, “Explaining Wartime Rape.” *The Journal of Sex Research*, 41 (2004): pp. 129-136; A. Nicholas Groth and H. Jean Birnbaum, *Men Who Rape: The Psychology of the Offender* (New York: Basic Books, 1979); Todd K. Shackelford and Gregory J. LeBlanc, “Courageous, Compassionate, and Scholarly: An Evolutionary Analysis of Rape and Male Sexual Coercion.” *The Journal of Sex Research*, 38, (2001): pp. 81-83; Randy Thornhill and Craig T. Palmer, *A Natural History of Rape: Biological Bases of Sexual Coercion* (Cambridge, MA: MIT Press, 2000); Randy Thornhill and Nancy Thornhill, “Human Rape: An Evolutionary Analysis,” *Ethology and Sociobiology*, 4 (1983), pp. 137-173;

difficult to measure, and quantitative data on their presence among U.S. military personnel does not yet exist, it is still valuable to assess the initial evidence of their significance during this period. This paper will thus review the critical literature, and then extend it by showing how this same triad of factors may have contributed to the U.S. military's recent problems with sexual assault. Findings suggest that in the post-9/11 context, service members have increasingly struggled with compensatory desires for power, sexual frustrations abroad, and overly permissive environments where swift and serious punishments for bad behavior are far too rare.

### **Desires for Power**

In general, aggression and violence are often motivated by compensatory desires for power and control. According to famous philosopher Friedrich Nietzsche, they commonly arise due to an individual's underlying "fear of impotence," which is rooted in feelings of inadequacy.<sup>20</sup> This has been seen in many forms of aggression: for instance, bullies are often motivated by their insecurity and the urge to dominate those around them.<sup>21</sup> More specifically, many male perpetrators of sexual assault and rape are attempting to acquire the power and control they desperately lack<sup>22</sup>—and some female perpetrators may do the same. In civilian life, these individuals often feel so inadequate and powerless that some small but dangerous percentage of them end up trying to compensate through acts of sexual assault.

In the context of war and armed conflict, when threats become much more serious and common than in civilian life, this insecurity may be exacerbated, leading to

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Jessica A. Turchik and Susan M. Wilson, "Sexual Assault in the U.S. Military: A Review of the Literature and Recommendations for the Future," *Aggression and Violent Behavior*, 15 (2010): pp. 267-277.

<sup>20</sup> Card, *The Atrocity Paradigm*, p. 46.

<sup>21</sup> Nathanael J. Fast and Serena Chen, "When the Boss Feels Inadequate: Power, Incompetence, and Aggression." *Psychological Science*, 20, 11 (2009): pp. 1406-1413; Michael J. Formica, "Ego, Insecurity and the Destructive Narcissist," *Psychology Today*, November 6, 2009. Available at <http://www.psychologytoday.com/blog/enlightened-living/200911/ego-insecurity-and-the-destructive-narcissist>

<sup>22</sup> Sharon Block, *Rape and Sexual Power in Early America* (Chapel Hill, NC: University of North Carolina Press, 2006); Groth and Birnbaum, *Men Who Rape*.

heightened fear and anger.<sup>23</sup> Unfortunately, in times of war, all military personnel become increasingly powerless. No matter how dutifully they train or how hard they fight, their fate—be it life or death—is determined in large part by blind luck. Do the flying bullets pierce their helmets and explode into their skull, or do they strike the comrade standing next to them? Is it their unit which is ambushed and helplessly slaughtered, or is it the unit that marches out twenty minutes later? Although most members of the armed forces are accustomed to thinking of themselves as powerful and in control, during times of battle, they are suddenly confronted by their fears.<sup>24</sup>

This sudden increase in powerlessness often sparks a backlash of emotion, whereby some members of the armed forces overcompensate by asserting their power and masculinity. For many, admitting their fears or vulnerability is considered an unacceptably effeminate weakness. As Randy Shilts explains, as part of its priority on toughness, the military has historically promoted strict “lessons on manhood...This is why calling recruits faggots, sissies, pussies, and girls has been a time-honored stratagem for drill instructors throughout the armed forces. The context was clear: There was not much worse you could call a man.”<sup>25</sup> Although hypermasculine ideals may be promoted in peacetime, they are greatly amplified during times of war. David Marlowe documents how “The soldier’s world is characterized by a stereotyped masculinity. His language is profane, his professed sexuality crude and direct; his maleness is his armor, the measure of his competence, capability and confidence in himself.”<sup>26</sup> Previous research has shown that these same hypermasculine attitudes appear to be correlated with rape propensity.<sup>27</sup>

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<sup>23</sup> Card, *The Atrocity Paradigm*, p. 47.

<sup>24</sup> Goldstein, *War and Gender*, p. 253.

<sup>25</sup> Madeline Morris, “In War and Peace: Rape, War, and Military Culture.” In *Wars Dirty Secret: Rape, Prostitution, and Other Crimes Against Women*, ed. Anne L. Barstow (Cleveland: The Pilgrim Press, 2000), p. 186. For additional evidence of the association between hypermasculinity and military culture, see Sharon E. R. Kurpius and A. Leigh Lucart, “Military and Civilian Undergraduates: Attitudes Toward Women, Masculinity, and Authoritarianism,” *Sex Roles*, 43 (2000): pp. 255-265.

<sup>26</sup> Morris, “In War and Peace,” p. 183.

<sup>27</sup> Joseph J. Begany and Michael A. Milburn, “Psychological Predictors of Sexual Harassment: Authoritarianism, Hostile Sexism, and Rape Myths,” *Psychology of Men & Masculinity*, 3 (2002): pp. 119-126; Neil M. Malamuth, “Predicting Laboratory Aggression Against Female and Male Targets: Implications for Sexual Aggression,” *Journal of Research in Personality*, 22 (1988): pp. 474-495; Morris, “In

Historically, these hypermasculine desires for power, control, and dominance have often led to the sexual assault of both female and male victims. Past studies have shown that these desires have often resulted in sexual harassment in military contexts,<sup>28</sup> as well as a range of more serious crimes. Countless women have been raped in combat zones by military personnel eager to assert their masculinity, in contexts as widespread as Bosnia, China, France, Germany, Italy, Russia, Rwanda, and Sudan.<sup>29</sup> In addition, male “warriors” sometimes go to terrible extremes to sexually assault other men. There are many examples of war contexts in which male prisoners have been sexually abused and humiliated by their male captors. For instance, in Bosnia, “a prisoner at Omarska was reportedly castrated. [In another case,] a Bosnia prisoner’s penis was cut off...[and in another,] a prisoner was given electric shocks to his scrotum.”<sup>30</sup> These forms of sexual assault apparently become the ultimate, perverted manifestation of desires for hypermasculine domination and power.

A close examination of the post-9/11 period for the U.S. military reveals what may have been a similar pattern of insecurity and powerlessness, hypermasculine backlash, aggression, and sexual assault—at least for some members. After the terrorist attacks of September 11, 2001, American military personnel were charged with winning a global war on terror, which began with invasions of Afghanistan and Iraq. However, the quick “Mission Accomplished” victories did not come as expected.<sup>31</sup> Instead, the U.S. service members who had been trained to “never accept defeat” and to intimidate the enemy through overwhelming displays of force were suddenly fighting for their lives, having become the constant targets of raging insurgencies, sporadic suicide bombings, unpredictable mortar attacks, improvised explosive devices, and other frightening methods of unconventional warfare.<sup>32</sup> As a result, many thousands more

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War and Peace.”

<sup>28</sup> Juanita M. Firestone and Richard J. Harris, “Changes in Patterns of Sexual Harassment in the U.S. Military: A Comparison of the 1988 and 1995 DoD Surveys.” *Armed Forces & Society*, 25 (1999): pp. 613-632; Leora Rosen and Lee Martin, “Predictors of Tolerance of Sexual Harassment Among Male U.S. Army Soldiers,” *Violence Against Women*, 4 (1998): pp. 491-504.

<sup>29</sup> Card, *The Atrocity Paradigm*; Goldstein, *War and Gender*.

<sup>30</sup> Aryeh Neier, *War Crimes: Brutality, Genocide, Terror, and the Struggle for Justice* (New York: Times Books, 1998), p. 175.

<sup>31</sup> Judy Keen, “Bush To Troops: Mission Accomplished,” *USA Today*, June 5, 2003. Available at [http://www.usatoday.com/news/world/iraq/2003-06-05-bush-qatar\\_x.htm](http://www.usatoday.com/news/world/iraq/2003-06-05-bush-qatar_x.htm)

<sup>32</sup> Adam Lankford, “Promoting Aggression and Violence at Abu Ghraib: The U.S. Military’s

U.S. service members were killed in combat from 2004-2009 than in all other U.S. military missions since the Vietnam War—combined.<sup>33</sup> It seems virtually inevitable that the heightened vulnerability of U.S. military personnel during this period would lead many of them to feel far more insecure and powerless than they had ever anticipated.

Unfortunately, to some extent, the U.S. military appears to have attempted to compensate through a typical hypermasculine backlash.<sup>34</sup> Critics decried that American simply needed to ‘man up’—that its failures were “America’s reward for going soft, supple, and effeminate toward our Islamofascist enemies.”<sup>35</sup> Getting tougher—in a traditional masculine sense—was promoted from the top. As the president explained at the time, “I am absolutely determined to make sure that 10 years from now we don’t look back and say, what happened, why did America go *soft*.”<sup>36</sup> And throughout the military, service members were instructed to “Push the envelope” and “Get tougher.”<sup>37</sup> For example, Sergeant Michael Smith spoke for many when he summarized the military’s new hypermasculine culture: “Soldiers are not supposed to be soft and cuddly.”<sup>38</sup> Unfortunately, these widespread attempts to restore the military’s machismo, reverse its service members’ insecurity, and reassert their power and control seem to have been manifested through increased aggression across the board. It may have contributed to a number of war crimes throughout Afghanistan and Iraq, including illegal acts of abuse, torture, and summary execution.<sup>39</sup>

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Transformation of Ordinary People into Torturers.” *Aggression and Violent Behavior*, 14 (2009): pp. 388-395.

<sup>33</sup> U.S. Department of Defense, “Military Casualty Information,” May 9, 2011. Available at <http://siadapp.dmdc.osd.mil/personnel/CASUALTY/castop.htm>

<sup>34</sup> The contention that hypermasculinity in the U.S. military spiked post-9/11 is relative: made in relation to pre-9/11 levels. Hypermasculinity in prior eras may have been higher than either pre-9/11 or post-9/11.

<sup>35</sup> Deroy Murdock, “A Soft & Squishy Sentence,” *National Review*, 2008. Available at <http://article.nationalreview.com/print/?q=MDY3NjM4YTZiYmU2NDZkMjkyZGEwMzJmYTJmYTRjNzNkZDE>

<sup>36</sup> Office of the Press Secretary, “President Bush, Colombia President Uribe Discuss Terrorism,” *The White House*, September 25, 2002. Available at <http://www.whitehouse.gov/news/releases/2002/09/print/20020925-1.html> . Emphasis added.

<sup>37</sup> Fareed Zakaria, “Pssst... Nobody Loves a Torturer; Ask any American soldier in Iraq when the general population really turned against the United States and he will say, ‘Abu Ghraib,’” *Newsweek*, November 14, 2005. Available at <http://www.newsweek.com/id/51176>

<sup>38</sup> CBS News, “Abu Ghraib Dog Handler Gets 6 Months,” March 22, 2006. Available at <http://www.cbsnews.com/stories/2006/03/22/iraq/main1430842.shtml>

<sup>39</sup> ABC News, “Marine: Beating of Iraqis Became Routine,” 2007. Available at <http://abcnews.go.com/US/wireStory?id=3378975>; *Reuters*, “U.S. Soldiers Say They Executed Iraqis on

In addition, this systematic promotion of hypermasculinity and overwhelming force may have contributed to U.S. service members' involvement in sexual assault. In fact, a backlash against those who report sexual harassment may have been building as early as 1995, when there appeared to be a reinforcing of the hypermasculine climate within the military and an increase in "blaming the victim."<sup>40</sup> Years later, in the midst of the wars in Afghanistan and Iraq, some male personnel's desire to dominate females—both inside and outside their ranks—appears to have been once again at least partially driven by a compensatory grasp for power.

In one of the most horrific cases, Private First Class Steven Green and four fellow U.S. soldiers brutally gang-raped a 14 year old girl in a small Iraqi town, murdered her and her family, and then set fire to their house. Although it can be hard to identify all of the perpetrators' motives with precision, their desire to reassert their power appears to have been a major factor. Green actually revealed his powerlessness and insecurity to a reporter just three weeks before the sexual assault took place: "We're out here getting attacked all the time," he explained—"I just want to go home alive."<sup>41</sup> At the same time, he tried to cover up his fears with typical hypermasculine bravado: "Over here, killing people is like squashing an ant."<sup>42</sup> Ultimately, the only reason the crimes of Green and his comrades were uncovered was because one of them confessed to the gang rape during a psychological counseling session. But of course, as the U.S. military itself admits, the majority of sexual assaults are never reported.<sup>43</sup>

Although less common, examples of U.S. military personnel committing sexual assault to assert their dominance over men are equally disturbing. Nowhere was this more evident than at the Abu Ghraib prison in Iraq, where detainees were stripped nude and assaulted in a variety of ways. Along with being led around on leashes, being posed in naked pyramids, and being forced to masturbate on command, male prisoners were also reportedly sodomized with various instruments, including a truncheon, a

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Riverbank: Report," 2008. Available at

<http://www.reuters.com/article/topNews/idUSN2742059920080828?feedType=RSS&feedName=topNews>

<sup>40</sup> Firestone and Harris, "Changes in Patterns of Sexual Harassment in the U.S. Military."

<sup>41</sup> Andrew Tilghman, "I Came Over Here Because I Wanted to Kill People," *Washington Post*, July 30, 2006. Available at <http://www.washingtonpost.com/wp-dyn/content/article/2006/07/28/AR2006072801492.html>

<sup>42</sup> Tilghman, "I Came Over Here Because I Wanted to Kill People."

<sup>43</sup> U.S. Department of Defense, "Fiscal Year 2009 Annual Report on Sexual Assault in the Military," 2009. Available at <http://www.sapr.mil/index.php/annual-reports>

wire, and a phosphorescent tube.<sup>44</sup> In addition, guards were apparently videotaped raping at least one female prisoner and one male prisoner.<sup>45</sup> These humiliating acts are eerily reminiscent of sexual assaults that occurred in Bosnia in the early 1990s, and appear to be similarly motivated, at least in part, by attempts to literally feminize the enemy and thus demonstrate the power and hypermasculinity of the U.S. personnel who were in control.

### Desires for Sexual Fulfillment

Beginning in the early 1970s, some scholars promoted a rather oversimplified view about the nature of sexual assault and why perpetrators commit it. Their contention was that rape and other forms of sexual violence are motivated *exclusively* by desires for power and dominance, and that desires for sexual fulfillment play absolutely no role in the commission of these crimes.<sup>46</sup> As one victims' advocate explained, "Rape is about power and control, not about sex. Rape is violence, and has nothing to do with sex."<sup>47</sup> The most convincing part of these statements is that sexual assault is usually motivated by *much more* than just sexual desire, and as the previous section has documented, for many offenders, a compensatory desire for power is a critical factor. However, analyzing sexual assault without considering the perpetrator's sexual desire is as limited as studying armed robbery without considering the perpetrator's desire for stolen goods. After all, even some rape victims have acknowledged that their attackers appeared to be motivated by desires for sexual fulfillment.<sup>48</sup> And scholarly research has provided a great deal of evidence that sexual assault is often driven, at least in part, by

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<sup>44</sup> Duncan Gardham and Paul Cruickshank, "Abu Ghraib Abuse Photos 'Show Rape,'" *Telegraph.co.uk*, May 27, 2009. Available at <http://www.telegraph.co.uk/news/worldnews/northamerica/usa/5395830/Abu-Ghraib-abuse-photos-show-rape.html>

<sup>45</sup> Gardham and Cruickshank, "Abu Ghraib Abuse Photos 'Show Rape.'"

<sup>46</sup> Brownmiller, *Against Our Will*; Groth and Birnbaum, *Men Who Rape*; Randy Thornhill and Craig T. Palmer, "Straw Men and Fairy Tales: Evaluating Reactions To A Natural History Of Rape." *The Journal of Sex Research*, 40, 3 (2003).

<sup>47</sup> Thornhill and Palmer, "Straw Men and Fairy Tales," p. 253.

<sup>48</sup> Thornhill and Palmer, "Straw Men and Fairy Tales," p. 253.

desires for sexual pleasure.<sup>49</sup>

Furthermore, empirical studies have demonstrated the dangerous effect that unsatisfied sexual arousal has on male sexual decision making.<sup>50</sup> Scholars Dan Ariely and George Lowenstein recently conducted a series of laboratory experiments in which male subjects were asked about their willingness to engage in a number of acts, including sexual coercion and date rape. Each subject was asked each question while not sexually aroused, and then asked the same question, during a follow-up session, while sexually aroused. Findings showed that the pressure of unsatisfied sexual arousal increased male subjects' self-reported willingness to keep trying to have sex with a female date after she says "No" by 125%, compared to their self-reported willingness to do so when not aroused. In turn, male respondents' self reported willingness to slip a woman a drug so that she would have sex with them was 420% higher under the pressure of sexual arousal than when not aroused.<sup>51</sup> Subjects' belief that they could enjoy having sex with someone they hated also increased significantly.<sup>52</sup> As Ariely summarizes, even the subjects themselves could not accurately predict how morally bankrupt they would become under conditions of sexual arousal: "Prevention, protection, conservatism, and morality disappeared completely from the radar screen."<sup>53</sup>

In no way do these findings excuse the bad behavior of perpetrators of sexual assault. At the individual level, every single human being should be morally, legally, and realistically expected to control his or her urges, regardless of the pressures or contextual variables that are present. The notion that rapists and other sexual offenders just "can't help it" has never been remotely substantiated. However, the fact that some individuals *choose* to give in to these pressures is an unfortunate reality. On an

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<sup>49</sup> Steven Pinker, *The Blank Slate: The Modern Denial of Human Nature* (New York: Viking, 2002); Shackelford and LeBlanc, "Courageous, Compassionate, and Scholarly"; Donald Symons, *The Evolution of Human Sexuality* (Oxford: Oxford University Press, 1979); Thornhill and Palmer, *A Natural History of Rape*; Thornhill and Thornhill, "Human Rape."

<sup>50</sup> Dan Ariely and George Lowenstein, "The Heat of the Moment: The Effect of Sexual Arousal on Sexual Decision Making," *Journal of Behavioral Decision Making*, 19 (2006), pp. 87-98.

<sup>51</sup> Ariely and Lowenstein, "The Heat of the Moment."

<sup>52</sup> Ariely and Lowenstein, "The Heat of the Moment."

<sup>53</sup> Dan Ariely, *Predictably Irrational: The Hidden Forces That Shape Our Decisions* (New York: HarperCollins, 2008), p. 97.

aggregate level, it thus helps to understand the broader forces which may increase sexual frustration and unsatisfied sexual arousal, because they may be correlated with heightened risks of sexual assault.

Ariely and Lowenstein's research coincides with other studies that have shown that it is not only abnormal or highly deviant individuals who are willing to use intimidation and force to obtain sexual fulfillment.<sup>54</sup> Andrew Hacker outlines evidence that suggests a large percentage of mainstream men do just this:

In one survey, 60 percent of a sample of college men said that they had used force at least once to get their way with women. If this group is representative of all members of their sex, it means the [U.S.] has more than 50 million rapists in its midst, or at least that many men willing to use some form of coercion to get the sex they want. Or the figure may be higher, as some men have not acted, but may later on.<sup>55</sup>

The reality that many males use some degree of force to “get the sex they want” can help explain the high number of sexual assaults committed in wartime. After all, the military is certainly not stocked with sexual predators—it seems that relatively ordinary service members are guilty of many of these sexual assaults. This dovetails with what is known about other perpetrators of war crimes, genocide, and crimes against humanity: most are not scarred by early life traumas or by developmental, psychological, or personality disorders; instead, they make criminal decisions to commit inexcusable atrocities, in large part based on their context.<sup>56</sup>

In the context of war and armed conflict, the desire for sexual fulfillment apparently becomes even more psychologically salient than in times of peace. For members of the armed forces who are deployed or engaged in battle, sexual desire becomes a huge issue and a never-ending source of tension. Military personnel are notoriously obsessed with sex, and many admit to almost literally thinking about it “all

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<sup>54</sup> Andrew Hacker, *Mismatch: The Growing Gulf Between Women and Men* (New York: Scribner, 2003).

<sup>55</sup> Hacker, *Mismatch*, p. 127.

<sup>56</sup> Ervin Staub, *The Roots of Evil: The Origins of Genocide and Other Group Violence* (Cambridge: Cambridge University Press, 1989); James Waller, *Becoming Evil: How Ordinary People Commit Genocide and Mass Killing* (Oxford: Oxford University Press, 2002).

the time.”<sup>57</sup> As Chris Hedges documents, historically, the rule of thumb for military personnel has been that “The longer you are away from home, the more promiscuous you may be. The average American serviceman serving in Europe in World War II had sex with 25 women in the last year of the war.”<sup>58</sup> Common sense dictates that service members who are dodging bullets or hiding in bunkers do not stop to fantasize about past sexual exploits or future sexual pleasure—they are too busy trying to survive. However, the rest of the time, they are virtually obsessed with sex at levels far above those of peacetime. As one American soldier wrote, “army conversation has a beautiful simplicity and directness. It is all on one solid, everlasting subject...Women, Women, Women.”<sup>59</sup> When the demand for sex is not met by the requisite supply, frustration naturally abounds. During the Persian Gulf War, nearly 70% of U.S. military personnel reported that not having enough members of the opposite sex around was their “number one” source of stress.<sup>60</sup>

It seems quite likely that this desire for sexual fulfillment would increase the frequency of sexual assault.<sup>61</sup> Goldstein documents how it often leads to aggression, because “armies segregate large numbers of post-adolescent males for extended periods, thereby creating a kind of critical mass of pent-up sexual desire.”<sup>62</sup> In addition, raging hormones and increased desires for sex appear to be stirred into a greater fury by the conflict of war. As a World War I era ‘madam’ explained during a much more chaste era, “I’ve noticed it before, the way the idea of war and dying makes a man raunchy...It wasn’t really pleasure at times, but a kind of nervous breakdown that could only be treated with a girl.”<sup>63</sup>

Since 2002, members of the armed forces deployed to Iraq, Afghanistan, and other parts of the Middle East have struggled tremendously with these difficulties and their resulting sexual frustration. Initially, some found satisfaction in local brothels, but these options did not last. For instance, a “massage parlor” in the Baghdad Green Zone,

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<sup>57</sup> Hedges, *What Every Person Should Know About War*, p. 33.

<sup>58</sup> Hedges, *What Every Person Should Know About War*, p. 33. Although Hedges cites this figure, it is unknown how it was obtained or whether or not it is actually reliable.

<sup>59</sup> Goldstein, *War and Gender*, p. 334.

<sup>60</sup> Hedges, *What Every Person Should Know About War*.

<sup>61</sup> Thornhill and Thornhill, “Human Rape.”

<sup>62</sup> Goldstein, *War and Gender*, p. 334.

<sup>63</sup> Goldstein, *War and Gender*, p. 335.

which was apparently run by a Japanese woman for a few months during the U.S. occupation of Iraq, was quickly closed after local protests.<sup>64</sup> In addition, Bernard Kerik, who served as interim minister of interior in Iraq in 2003, made “conducting raids and liberating prostitutes” a top priority.<sup>65</sup> Although Kerik’s motivations may have been noble, they have been questioned and second-guessed as a “waste of time,” and may have only added to the sexual frustration experienced by some deployed men.

Overall, these high levels of frustration seem to have increased sexual pressures and tensions within the U.S. military. For instance, when deployed to the Middle East, most service members can now only find companions from within the military itself. As one male soldier from the 872nd Maintenance Company headquartered in Mosul explains, “We don't really have any other choice than to go to each other...In past wars, they could go into town and there would be girls there or boys or whatever you want.”<sup>66</sup> Perhaps not surprisingly, females service members in the U.S. military have thus experienced a tremendous amount of pressure for sex. Although reports vary on what percentage of female personnel are sexually active, “If you include all the girls who are having sex with girls, it’s much closer to every one of us,” said a female member of the 146<sup>th</sup> Transportation Company.<sup>67</sup> In turn, a female Marine officer explained that for females in the military, “You have two choices: You can keep your pants on and be miserable and be harassed or you can take your pants off and you'll still get harassed, but you'll be a little less miserable.”<sup>68</sup> Along these same lines, Army specialist Mickiela Montoya was recently told by a male soldier that “in Vietnam they had prostitutes, but they don’t have those in Iraq, so they have women soldiers instead.”<sup>69</sup> Previous research on sexual harassment in the U.S. military indicates that at least some of these crude, aggressive, and unwanted advances are driven by desires for

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<sup>64</sup> Declan Hayes, *The Japanese Disease: Sex and Sleaze in Modern Japan* (Bloomington, IN: iUniverse, 2005).

<sup>65</sup> David Hinkley, “Former Iraq Commander: Bernard Kerik was ‘a waste of time’ in Iraq,” *NY Daily News*, May 5, 2008. Available at [http://www.nydailynews.com/news/2008/05/05/2008-05-05\\_former\\_iraq\\_commander\\_bernard\\_kerik\\_was\\_.html](http://www.nydailynews.com/news/2008/05/05/2008-05-05_former_iraq_commander_bernard_kerik_was_.html)

<sup>66</sup> “Sex Runs Wild in the U.S. Military,” *News Max*, October 12, 2005. Available at <http://archive.newsmax.com/archives/ic/2005/10/12/171046.shtml>

<sup>67</sup> “Sex Runs Wild in the U.S. Military.”

<sup>68</sup> “Sex Runs Wild in the U.S. Military.”

<sup>69</sup> Helen Benedict, “The Nation: The Plight of Women Soldiers,” *NPR*, May 6, 2009. Available at <http://www.npr.org/templates/story/story.php?storyId=103844570>

sexual fulfillment.<sup>70</sup>

Although this behavior is completely inexcusable, sexual frustration for some male service members in the Middle East may almost be inevitable, given their lack of options. Reports now indicate that most male personnel are not regularly having sex, “despite some bragging to the contrary.”<sup>71</sup> Fortunately, the majority manage their sexual frustrations appropriately, and then satisfy their desires while on leave. For instance, many escape on trips to places like Brazil, where they indulge in “seemingly non-stop hedonism.”<sup>72</sup> As Tom Phillips explains, “Tour promoters say they operate a ‘don’t ask, don’t tell’ policy about the excesses of clients’ trips,” which often include trips to famous prostitution establishments in Copacabana and elsewhere.<sup>73</sup> However, others apparently engage in the horrific acts of rape and sexual assault which have been all too common in recent years.

It must be emphasized that although members of the military are often plagued by unmet sexual desires and frustrations, these factors in no way justify sexual assault. Military personnel should be able to cope with their frustrations and continue to behave legally. Ultimately, much like the desire for power, the desire for sexual fulfillment is certainly not the only reason for the many incidents of sexual assault in the U.S. military from 2004-2009, but it does appear to be a significant factor.

### **Beliefs in No Consequences**

In addition to their desires for power and sexual fulfillment, members of the armed forces have historically engaged in sexual assault during wartime because they believed there would be no consequences. In the past, scholars have pointed to the chaos of war and condemned it as a moral vacuum where seemingly “anything goes” — a context devoid of legal, moral, or personal consequences for any type of horrific

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<sup>70</sup> Firestone and Harris, “Changes in Patterns of Sexual Harassment in the U.S. Military.”

<sup>71</sup> “Sex Runs Wild in the U.S. Military.”

<sup>72</sup> Tom Phillips, “Weary of war but ready for action: American soldiers set their sights on delights of Rio,” *Guardian*, January 18, 2007. Available at <http://www.guardian.co.uk/world/2007/jan/18/usa.brazil>

<sup>73</sup> Phillips, “Weary of war but ready for action.”

behavior, including crimes against humanity.<sup>74</sup> Watson draws this chilling portrait:

War is an open space, a time out of mind, when anything goes and atrocities often do go unpunished and even unrecorded...morality is put into abeyance and men in uniform, any and all uniforms, routinely debase women as a way of enhancing their own masculinity in each other's eyes.<sup>75</sup>

Unfortunately, there is little doubt that it has been easier for military personnel to get away with sexual assault during war. As Frederick points out, historically, wartime rape "is almost risk free for soldiers—especially since sexual assault has so seldom been punished."<sup>76</sup> Furthermore, since the individuals committing acts of sexual assault often rule their surroundings with military might, the primary threats of legal sanctions or punishment come only from their fellow comrades or superior officers. In addition, commanders sometimes look the other way, which can increase their subordinates' tendencies towards criminal behavior.<sup>77</sup> For instance, in Bosnia, "The rapists did not fear that they would be found out...[they] had no cause to fear the wrath of their commanders."<sup>78</sup>

However, even if the legal consequences for sexual assault are weakened on the battlefield, what about the moral consequences? Is the human conscience itself not significant enough to prohibit members of the military from engaging in sexual violence? Unfortunately, the answer appears to be "no"—even outside of the war context:

The following question [was posed] to a large sampling of men: "If you could rape a woman, knowing with certainty that there would be no chance you would get caught and no one would ever find out, would you commit the act?" Unfortunately...35 percent of the respondents answered that there was some likelihood they would commit rape. This

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<sup>74</sup> Card, *The Atrocity Paradigm*; Watson, *Dark Nature*.

<sup>75</sup> Watson, *Dark Nature*, p. 179.

<sup>76</sup> Sharon Frederick, *Rape: Weapon of Terror* (River Edge, New Jersey: Global Publishing, 2001), p. 88.

<sup>77</sup> John B. Pryor, "The Phenomenology of Sexual Harassment: Why does Sexual Behavior Bother People in the Workplace?" *Consulting Psychology Journal: Research & Practice*, 47 (1995): pp. 160-168.

<sup>78</sup> Neier, *War Crimes*, p. 190.

hypothetical question becomes frighteningly real during the conditions of war...Otherwise “civilized” soldiers commit rape.<sup>79</sup>

The fact that so many apparently “civilized” men admitted that they would potentially commit rape if they would not get caught is highly disturbing, and indicates that personal conscience serves as a limited deterrent for sexual assault. When we consider that unlike those engaged in war, the men surveyed here were not particularly sexually frustrated and were not particularly anxious to assert their power and dominance, the implications become even more frightening. It seems likely that a much higher percentage of men fixated on fulfilling those desires would have answered in the affirmative. A similar but less extreme rationalization is often present for deployed individuals who, for the first time in their lives, solicit prostitutes during wartime. As one WWII era U.S. soldier explained in a letter to his father, he planned to “get my fun where I can get it while I’m still alive. And to hell with tomorrow—it may never come.”<sup>80</sup>

Rationalizations for sexual assault fit within the broader context of how military personnel have historically justified war crimes through moral relativism.<sup>81</sup> Considering all of the lethal violence around them, soldiers become highly desensitized by war, and thus may be more likely to see sexual assault as a relatively minor crime. As Claudia Card explains, “War is, after all, the deliberate inflicting of intolerable harm. When bombs destroy entire cities, killing hundreds of thousands of civilians of all ages and permanently ruining the lives of survivors, it may be difficult for perpetrators to appreciate the magnitude of rape trauma.”<sup>82</sup> Military personnel’s efforts to rationalize their behavior on moral grounds actually indicates that they have not totally rejected ethical principles. However, it seems that in the context of war, human consciences have a limited ability to deter sexual assault among those who do not fear more direct and tangible consequences.

In recent years, the U.S. military has claimed to have a strict policy regarding crimes of sexual assault. For instance, Secretary of Defense Robert M. Gates recently

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<sup>79</sup> Leonard Shlain, *Sex, Time and Power: How Women’s Sexuality Shaped Human Evolution* (New York: Penguin Group, 2003), p. 220.

<sup>80</sup> Goldstein, *War and Gender*, p. 335.

<sup>81</sup> Lankford, “Promoting Aggression and Violence at Abu Ghraib.”

<sup>82</sup> Card, *The Atrocity Paradigm*, p. 122.

insisted that the Department of Defense “has a no-tolerance policy toward sexual assault. This type of act not only does unconscionable harm to the victim; it destabilizes the workplace and threatens national security.”<sup>83</sup> However, it is not clear that this tough talk has been accompanied by a sufficiently tough crackdown on those service members who commit these horrific crimes.

As reports of sexual assault in the U.S. military have risen from 2004-2009, the percentage of these reports which resulted in a court-martial have remained disturbingly low (See Table 2). For example, in 2009, there were 2516 unrestricted reports of sexual assault, but only 137 (or 5.4%) resulted in a court martial during the same year.<sup>84</sup> Although the percentage of unrestricted reports resulting in court-martials during the same year was actually the highest of the previous half decade, this represented only a marginal improvement. It must also be emphasized that given the increase in unrestricted reports, this also means that more unrestricted reports of sexual assault *did not* lead to court-martials in 2009 than in any prior year.

	2005	2006	2007	2008	2009
Unrestricted reports of sexual assault	2047	2277	2085	2265	2516
Unrestricted reports resulting in court-martials during the same year	79	72	103	102	137
Percentage resulting in court-martials during the same year	3.9%	3.2%	4.9%	4.5%	5.4%

*Source: U.S. Department of Defense*<sup>85</sup>

<sup>83</sup> U.S. Department of Defense, “Fiscal Year 2009 Annual Report on Sexual Assault in the Military,” p. 5.

<sup>84</sup> U.S. Department of Defense, “Sexual Assault Prevention and Response.”

<sup>85</sup> U.S. Department of Defense, “Sexual Assault Prevention and Response.”

This is particularly critical because swift and severe consequences may be the only way to deter sexual assault. Although perpetrators may not always weigh their chances of punishment before engaging in sexual crimes, despite common misconceptions to the contrary, deliberate calculation is not required for deterrence. In general, undesirable behaviors can potentially be altered among anyone who is capable of responding to incentives and disincentives.<sup>86</sup> Furthermore, as Steven D. Levitt explains, along with certainty and severity of punishment, “swiftness of punishment is also likely to influence crime...Because individuals tend to discount the importance of future events relative to the present, the faster punishment can be administered, the greater the predicted reduction in crime.”<sup>87</sup> This seems to be particularly true for individuals in the context of war, given their fixation on short-term survival priorities above all else. When perpetrators of sexual assault seemingly get away with it—even temporarily—this sends a message of permissiveness that can have negative effects on an entire unit. Unlike the civilian justice system, military justice has specifically been designed to be swift so that incidents can be resolved and service members can get on with winning their wars. The same standards must be upheld regarding sexual assault, and far more than a mere 5.4% of perpetrators from unrestricted reports must face a quick court-martial if real progress is going to be made.

## Conclusion

From 2004 to 2009, U.S. military reports of sexual assault increased by 90%. Whether this reflects a real increase in sexual assaults or just an increase in reporting remains unclear, but the need to reduce the prevalence of these brutal crimes is widely agreed upon. After all, the Department of Defense itself suggests that the true number of sexual assaults for each year is approximately 500% higher than the number of reports.

This paper has reviewed previous scholarship which shows that military personnel are more likely to commit sexual assault in times of war than in times of

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<sup>86</sup> Steven D. Levitt, “Deterrence.” In *Crime: Public Policies For Crime Control*, eds. James Q. Wilson and Joan Petersilia (Oakland, CA: Institute for Contemporary Studies, 2002).

<sup>87</sup> Levitt, “Deterrence,” p. 437.

peace, due to a triad of factors. It has also presented initial evidence that these same factors may have contributed to the U.S. military's recent struggles with sexual assault.

Additional research in this area would be extremely valuable. For instance, those with the requisite access and opportunity are encouraged to gather quantitative data from military personnel about their desires for power, desires for sexual fulfillment, and beliefs that there will be no consequences for sexual assault. If these data were gathered over the course of several years, a correlation with sexual assault levels could be further substantiated.

In addition, scholars and practitioners are encouraged to explore ways each one of these factors could potentially be countered. The most straightforward solution is to increase the likelihood and severity of consequences, but much more can certainly be done. For instance, previous research indicates that service members' desires for power may be amplified during the military recruitment and training processes,<sup>88</sup> so changes in these early stages may ultimately help reduce sexual assault in wartime. In addition, past scholarship suggests that military personnel's frustrated desires for sexual fulfillment may be temporarily abated by increased recreational, cultural, service, and educational activities, so this strategy could be implemented for U.S. service members around the globe.<sup>89</sup> Ultimately, it is only by taking a creative and comprehensive approach to sexual assault prevention and response that the U.S. military will successfully reduce the prevalence of these brutal crimes.

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<sup>88</sup> Lankford, "Promoting Aggression and Violence at Abu Ghraib."

<sup>89</sup> Keith J. Allred, "Peacekeepers and Prostitutes: How Deployed Forces Fuel the Demand for Trafficked Women and New Hope for Stopping It," *Armed Forces & Society*, 33 (2006): pp. 5-23.