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Attribution of Responsibility for Sexual Crimes beyond Individual Actors – Construction of Responsibility of Offenders, Victims and Society in Laypersons’ Explanations

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Abstract

This study analyses laypersons’ explanations for sexual violence. It focuses on how the responsibility for sexual crimes is constructed and attributed, and moreover, what kind of effect this has on the attribution of blame. The research data consists of 105 opinion pieces published in the leading Finnish newspaper after the beginning of the 21st century. The theory-driven qualitative analysis utilizes attribution theory and focuses on laypersons’ interpretations and explanations for unusual acts and events deviating from social norms. Attribution theory is commonly utilized on micro-level actors, the offender and the victim, whereas in this article, it is broadened to include also society as a macro-level actor. The analysis reveals that the construction of responsibility derives from (I) the chronological presentation and explanation of sexual crimes; especially (II) the causality attached to the chronological phases, which emphasizes the victim’s actions prior to the crime and (III) the construction of active female agency against male passivity or absence of the perpetrator. Moreover, blame is based on a combination of active agency, produced in the analyzed explanations, and stereotypical features connected to female gender (e.g. rape myths).

Keywords

Sexual crimes, attribution of responsibility, victims, offenders

Introduction

One of the startling developments in regard to crime is the global decrease in violence. This has been connected to the increasingly negative attitudes towards violence as well as a broader recognition of human rights which has increased sensitivity to any breach of physical integrity (e.g. Pinker 2011; Eisner 2014). From the perspective of violence against women, physical and sexual autonomy and their protection have been actively promoted by feminists since the 1970s, and acknowledgement of them has intensified thereafter. A milestone was in 1993 when the United Nations declared violence against women a human rights violation. Regardless of changing attitudes and growing awareness some features related to violence against women, and sexual crimes in particular, seem to be

especially entrenched. Individual and societal attitudes as well as their responses and actions still indicate blame on the part of the victims of sexual crimes (e.g. Temkin et al, 2018; Idis and Edoute, 2017; Suarez and Gadalla, 2010).

Understandings and definitions concerning the limits of sexual self-regulation and sexual crimes are formed in a cultural and historical context. The history of these definitions is easily detectable in legislation on sexual crimes as well as in social attitudes. Historically, before the victim of a sexual crime and her self-determination became a legal object of protection in Western countries, rape was seen as a crime against the victim's husband or the unmarried woman's father (e.g. Yllö, 2016). Sexually inexperienced young women and wives were the most important objects to protect, in contrast, the rape of women with a promiscuous background was not regarded as a crime (e.g. Freedman, 2013). Marital rape did not become a valid topic for criminal justice consideration until the end of the 20th century (Finkelhorn & Yllö, 1985); a clear embodiment of historical understandings in which a sexual relationship or acquaintance between the offender and the victim has been considered a mitigating factor when assessing blameworthiness for the act (e.g. Russell, 1990; Gavey, 2005).

Cultural and historical assumptions often influence which kind of sexual crimes are considered as 'real' and what kind of victims are perceived as credible. A rape committed by a stranger using a weapon and/or grievous physical violence is persistently seen as the 'real rape' (e.g. Burt, 1991; Ellison & Munro, 2010), while the ideal rape victim is a sexually inexperienced, sober young woman, who lives a socially honorable life. Moreover, the victim's credibility is enhanced if she does not know the offender and if she has visible physical injuries as a result of the struggle defending herself during the sexual assault (e.g. McKimmie, Masser & Bongiorno, 2014). Understandings concerning the credibility of a rape victim are considered problematic because they focus on the victim's characteristics and behavior instead of those of the offender. These understandings are referred to as 'rape myths', which are widely held beliefs concerning rape, its victims and the circumstances related to sexual violence. Rape myths are argued as serving to attribute responsibility for men's sexual behavior to women, simultaneously justifying men's sexual aggression towards women, and thus, reducing the responsibility of the offender (Burt, 1980; Lonsway & Fitzgerald, 1994; Sleath & Woodhams, 2014).

According to just world theory (Lerner and Miller, 1978; Lerner, 1980), individuals have a need to believe that the world is a place where people generally get what they deserve. The belief in a just

world serves important psychological functions, as it enables the individual to perceive the environment as stable and ordered (cf. Heider, 1958). Moreover, it gives an individual the impression that they have personal control over their own destiny (e.g. Furnham, 2003). Confronted with evidence that the world is not just, such as victimization from sexual crimes, feelings of dissonance and discomfort awaken, and it becomes easier to explain the crime with reference to the characteristics or behavior of the victim (e.g. rape myths) rather than give up the belief in a controllable and just world. Just world theory has been utilized, for example, as a framework for explaining the persistence of rape myths despite growing negative attitudes towards violations of physical and sexual integrity as well as wider understandings of the dynamics of sexual violence (e.g. Idisis and Edoute, 2017).

The overwhelming majority of research examining responsibility in relation to sexual violence are conducted within a positivist-empiricist paradigm relying strongly on experimentation while the societal aspects of the attribution of responsibility have garnered less attention (e.g. Lea, 2007). This article approaches the perceptions of sexual crimes and the responsibility attached to them as socially produced and individually distributed conceptions which are constantly reproduced and renegotiated through social interaction. The study analyses layperson explanations for sexual violence as a production of social debate in the leading Finnish newspaper *Helsingin Sanomat*¹. We are particularly interested in how the responsibility for the occurrence of sexual crimes is constructed and attributed, and moreover, what kind of effect this has on the attribution of blame in opinion pieces (n=105) published in the letters to the editor section open to anyone who wishes to share their opinion with other readers of the newspaper. The framework of attribution theory is applied for analyzing in which way causes and reasons connected to sexual crimes are explained, and why the attribution of responsibility appears uneven. Furthermore, the causal perspective of attribution theory also helps to explore the relationship between responsibility and blame. Attribution theory is commonly utilized on micro-level actors, the offender and the victim, whereas in this article, it is broadened to include also society as a macro-level actor.

The context of this study is Finland where the legal regulation of sexual crimes has been reformed on multiple occasions during the last two decades. The revised Act on Sexual Crimes entered into force

¹ Helsingin Sanomat is the leading broadsheet newspaper in Finland with the largest circulation of all newspapers in Nordic countries. In this region, daily subscription of a newspaper is more typical than purchasing a single copy from a newsstand.

in 1999, and the aim of the reform was to reinforce the individual autonomy and sexual self-determination of the victim as the main object of protection in the Act. However, the subsections concerning rape have been further revised in 2011 and 2014. In both cases, the legal alteration was preceded by critical social debate and action; for example, the Finnish section of Amnesty International had an extensive campaign during 2010. The changes have widened the range of punishability of rape, for example, by recategorizing the sexual abuse of a defenseless victim as rape rather than sexual abuse in 2011, thereby increasing the severity of the sentence. Similarly, a change in legislation in 2014 made rape of a minor an aggravated offence. Such changes have led to slightly longer sentences. However, it is important to notice that from an international perspective, punishments for sexual crimes in Finland are still considerably more lenient².

This is in line with the lenient neo-classical criminal justice policy conducted in Finland. This neo-classical tradition was adopted in the early 1970s, aiming to make the system of retribution more equitable and to decrease incarceration rates. This tradition is characterized by humane values and practices, such as a close connection between criminal justice policy and social policy as well as the humane treatment and just punishment of offenders (Nuotio, 2007). Finnish criminal justice policy shares many similarities with those of other Nordic countries and is therefore part of ‘Scandinavian exceptionalism’ described by Pratt (e.g. 2008; Pratt & Eriksson, 2013). According to Pratt, the particular characteristics of Scandinavian exceptionalism are low imprisonment rates, good prison conditions and the humane treatment of inmates. However, the integration of the crime victim perspective into the Finnish criminal justice policy happened rather recently preceded by critical social debate related in particular to intimate partner violence (e.g. Kotanen, 2017). Feminist researchers have pointed out that the acknowledgement of the physical and sexual integrity of women and their protection has been a slowly progressive process, yet the situation has improved significantly since the beginning of the 21st century (e.g. Nousiainen and Pentikäinen, 2013; Kotanen, 2017). Currently, the Act on Sexual Crimes is again under pressure for change in Finland. Organizations against gendered violence as well as several social and political actors are demanding a renewal of the definition of rape so that it would be based on consent instead of on the use of physical force or the threat of violence. Similar reform took place in Sweden in 2018.

² According to a report by the Ministry of Justice, for example in 2008, 62% of offenders were sentenced to unconditional imprisonment for committing rape; an average sentence amounted to 18 months (Ministry of Justice, 2012).

Explaining Deviance and Attributing Responsibility in the Context of Sexual Crimes

Just world theory (Lerner and Miller, 1978; Lerner, 1980) and the concept that individuals need to explain events and actions which are indicating injustice in the world is utilized as a starting point for examining the layperson explanations for sexual crimes. For more focused analysis, attribution theory provides analytical tools to find and evaluate explanations for why and how some actors are found responsible **while others' responsibilities are largely ignored**. In general, attribution theory concerns the analysis of common sense explanations for events, actions and behaviors (Hewstone, 1983). People have an internal need to understand the reasons behind their own and others' behavior as well as everyday acts. Through the search for these explanations, people get a sense of predictability and controllability of their complicated surroundings. Explanations for events, actions and behaviors are found either in the actor and their characteristics and personality (dispositional attribution), or in the situation, which is influenced by the surrounding environment (situational attribution) (Heider, 1958; Hewstone, 1983). Attributions are more frequently applied when acts and behaviors deviate from the norm (e.g. abnormal behavior needs to be defended or justified also confusing and norm breaking behavior needs to be acknowledged), unlike in the cases of expected, routine, and norm abiding behavior (Lloyd-Bollock, 1983).

Causality is strongly connected to the explanation of an act or action. According to Shaver (1985), the understandings linked to causality include an implicit supposition that the cause or reason is chronologically situated prior to the act requiring explanation. Furthermore, it is supposed that the cause is sufficient to have induced the event or act, and that the cause is a result of human activity. However, the responsible actor does not always have to be the same as the actor who caused the act: for example, when a child causes damage, it is usually the parents that are held responsible, not the child (Lloyd-Bollock, 1983). The definition of responsibility partly overlaps with the concept of causality. To hold an actor responsible for an act, a cause-effect relationship between the actor and event is required. The effect needs to be at least partly due to the behavior of the actor, and the actor must have acted voluntarily (Shaver, 1985). The degree to which one can be held responsible depends on the level of intentionality or negligence (omission). To be able to hold an actor fully responsible for an act, there cannot be any mitigating circumstances or factors. Mitigating circumstances play a particularly important role in cases concerning criminal acts, where the assessed amount of responsibility is directly connected to the severity of the punishment (Weiner, 1995).

The connection between just world beliefs and rape myths has been examined in a wide range of studies (e.g. Burt, 1980; Hayes, Lorenz & Bell, 2013; Vonderhaar & Carmody, 2015). According to previous research, people who endorse rape myths tend to blame victims for the sexual assault and excuse male perpetrators more than those who do not (e.g. Hammond et al, 2011; Lonsway & Fitzgerald, 1994). Attribution theory has also frequently been used in research on rape, especially when focusing on the offender and the victim (e.g. Ward, 1995; Workman & Freeburg, 1999). The majority of these studies have examined the influence of the victim's characteristics and behavior on the observer's propensity to (at least partly) blame the victim for the sexual assault (Anderson, Beattie & Spencer, 2001; van der Bruggen & Grubb, 2014). For example, the victim's 'provocative' behavior, earlier sexual relations, intoxication level and emotional state after a sexual assault have been found to influence people's perception of the offender's guilt and the victim's role in the crime. Compared to the victim, the offender's responsibility and blame has been examined to a notably lesser extent (Ward, 1995).

Within the framework of attribution theory, research on society's responsibility in regards to sexual crime has been largely neglected, but not entirely. For example, Howards (1984) has to some extent moved beyond the individual level and taken society's role into consideration by reflecting on how stereotypes, presumptions and beliefs - such as rape myths and gender roles - affect how people act and how actions are evaluated. Although the attribution of responsibility to society regarding sexual crime has not been more closely examined, many studies include prevailing assumptions of the indirect effect society has on the actors in question. In this study, society is examined as a responsible actor to which responsibilities for the victim and the offender is attributed. Thus, we aim to analyze (I) how the reasons and explanations for sexual crimes produced in the opinion pieces construct conceptions of responsibility, (II) what is the causal effect of these conceptions on the attribution of responsibility and blame, and (III) how the attribution differs in relation to the offender, victim, and society.

Data and Method

The research material consists of 105 (N) opinion pieces published in the Letters to the Editor section both in the printed and digital edition of Helsingin Sanomat. While the data were collected from the

digital archive of Helsingin Sanomat, some selection decisions were made. All opinion pieces concerning sexual crimes in the Finnish context (rape, sexual abuse, sexual abuse of children) were included in the data. However, opinions regarding prostitution, pimping and trafficking were excluded, as well as those concerning sexual crimes in an international context (e.g. rape as a war crime). The data are collected from four different time periods: 2002-2003 (27 pieces), 2007-2008 (31 pieces) 2012-2016 (47 pieces). The original idea in collecting the data was to conduct a comparative analysis and examine potential shifts in the attribution of responsibility. However, no thematic or other differences were indicated during the preliminary analysis. Hence, the conducted analysis was focused on systematically examining the data for causal explanations for sexual crimes. Attribution theory directed our attention to the different ways these explanations indicated, directly or indirectly, who should be held responsible for sexual crimes and the harmful consequences associated with them.

The analysis proceeding the selection process had three stages. First, the data were coded separately by both authors creating separate lists of codes concerning the central themes and actors of the data utilising ATLAS.ti-program. That was followed by the construction of a joint list of codes based on the separate lists and refined research objectives. The list included code groups 'victim' (sub codes: 'women', 'children'), 'perpetrator' (sub codes: 'men', 'gender not mentioned'), and 'society' (sub codes: 'judiciary and its actors', 'legislation and legislator', 'police', 'health care system and its professionals', 'parents', 'civil society', 'media'). At the second stage of the analysis the coding was conducted in conjunction with both authors. The focus of coding was on the construction of responsibility and the responsible actor in the opinion pieces. In other words, we were tracing the causalities as well as the understanding related to the causes behind the causal relations and to possible mitigating factors (cf. Lloyd-Bollock, 1983; Shaver 1985; Weiner, 1995). Additional codes related to causes and causalities were grouped under 'alcohol and alcohol consumption', 'context of the assault: place/time/etc', 'female characteristics', 'male characteristics', 'female typical behaviour' and 'male typical behaviour'.

After the coding, at the third stage of the analysis, we concentrated on the interpretation of the dissected data. Due to the salience of attribution theory in this study, the method of analysis can be described as theory-driven qualitative content analysis (e.g. Patton, 2002). Attribution theory focuses on the interpretations and explanations of lay people regarding divergent events and their own and

other's behavior. Since unusual acts and events deviating from social norms are situations where explanations are especially needed in order to produce an understanding of why something happened (Lloyd-Bollock, 1983), this research data offers broad possibilities for applying the theory. Hence, on the third stage of the analysis, our focus was on the cause-effect relations constructed in the opinion pieces, and the contradictions these relations held regarding responsibility. Furthermore, the occurrence of dispositional and situational attributions as an explanatory element in cases of sexual crime was examined in relation to the victim and offender. As the writers approached the topic from many different perspectives (e.g. the victim's suffering, crime prevention, security of urban spaces), the data offered a rather comprehensive view on how the prevalence and consequences of sexual crime should be dealt with, and who should be held accountable.

Regarding the limitations of the data, it is important to note that the research data does not represent any specific social group with the exception of nationality. The opinion pieces published in Helsingin Sanomat are identified by the name of the writer apart from pieces based on the writer's own traumatic experiences. These are still attributable but are often published under a pseudonym. Based on the names and the content of the writing, all the writers are Finns. The data is highly selective not just in terms of writer's participation, but also due to the editorial selection as well as the selective collection of the data. Due to these limitations, no generalizations can be drawn from this analysis. Moreover, the focus is on laypersons' understanding of sexual crime but some of the opinion pieces are written by persons who could be identified as professionals or experts in regards to sexual violence. According to our classification, based on the occupational information given by the writers, 30 out of the 105 opinion pieces have been written by such a person (see Table 1). We identified four groups of experts: health care professionals (e.g. therapist, psychiatrist, pediatric, psychologist), representatives of the justice system (e.g. legal counsellor, legal scholar, representative of police), researchers specialized on sexual violence as well as representatives of NGOs working on related issues (e.g. women's rights, violence against women).

The Letters to the Editor section of Helsingin Sanomat declares itself to be "a public discussion forum open to everyone" and it invites readers to write comments related to articles published in the newspaper as well as to other timely societal issues. Thus, due to the papers position as a leading newspaper in Finland, it offers an established platform for social debate for readers. This opportunity is occasionally used by experts and public figures such as state officials and politicians. With respect

to our data, the opinion pieces written by persons we have classified as experts, can be divided into two categories. Firstly, a collection of informative writings with the seemingly explicit aim to inform the readers and/or other participants of the particular debate by disseminating professional knowledge related to the topic. The second category of the expert writings includes opinion pieces in which the writer identifies themselves as expert by adding their professional title and/or qualification after their name. However, the purpose of these writings appears to be expressing writers' personal opinion without supplying any additional information. Adding the professional title or qualification might, nevertheless, add some additional weight to their opinion in comparison to persons without a declared professional status. More than half of the identified writers (63) are women. In the empirical chapters, the data quotes are identified by the date of publication as well as gender and profession (when known), or by a pseudonym. Table 1 summarizes the data according to the time period, gender and pseudonym, and indicates expert participation.

TABLE 1: Summary of the Research Data

WRITER/ TIME PERIOD	WOMEN	MEN	(EXPERT)	PSEUDONUM	PIECES
2002-2003	17	8	(8)	2	27
2007-2008	19	5	(10)	7	31
2012-2016*	27	12	(12)	8	47
Total	63	25	(30)	17	105

* The data from 2016 covers the first half of the year (1.1.-30.6.2016)

Despite the limitations, the data offers insights into how Finnish people explain the causes and consequences of sexual crimes, and how these explanations affect the attribution of responsibility for these acts. However, the last important notion regarding the data is that the supposition of an offender unknown to the victim was emphasized strongly throughout data. Offenders known to the victim were only touched upon in some of the writings concerning child victims. Hence, the perspectives and interpretations deriving from the analysis of this data, particularly concerning adult female victims, are mostly connected to the stranger rape and 'real rape' scenarios (e.g. Burt, 1991).

Responsibilities of the Offender and the Victim

In the opinion pieces where the victim is an adult woman, the focus was dominantly on victims. Female victims' responsibilities are given considerably more contemplation, while the offenders' responsibilities for sexual crime are rather one-dimensionally and rarely discussed. From the causal perspective, the discussion of offender's responsibilities mainly relates to the time when the crime occurred. While the majority of the writers hold the offender responsible for performing the crime, in only two pieces is the responsibility associated with the preceding decision to commit the crime. This is contrary to female victims whose actions and active prevention of sexual crimes are closely scrutinized. This holds particularly in the data from 2002, partly due to an intensive debate initiated by an opinion piece entitled "Rape is not a force of nature". The explicit aim of this opinion piece was to instruct potential victims how to avoid victimization. However, women are implicitly defined as potential victims particularly because of their sex and the characteristics attached to female gender:

The victim's actions are of paramount importance for preventing crime [...] Nobody yelps when the police instruct people to take their wallets out of the back pocket of their pants in case of thieves or recommend that you lock up your bicycles. But heaven preserve if you tell a woman that it is not safe to pass out in a park or advise against going home with a group of strange men you just met while drunk in the street, then you are told that you are guilt-tripping women. We need to stop being so hysterically sensitive about victim blaming. It is perfectly healthy to feel guilty if you have not taken care of yourself and your safety. Where I come from, that is also called taking responsibility. Of course, you are only responsible for what kind of a state you put yourself in. If someone rapes or takes sexual advantage of a drunken woman, that person is of course responsible for the crime he has committed. When talking about preventing measures against sexual crime, you cannot forget the victim's level of intoxication, as it is the most prominent common denominator. Sexual crime is one of the reasons why a woman cannot drink [*alcohol*] as a man. (W, Detective senior sergeant; 26th of May 2002)³

In this piece, actions for which female victims are held responsible are limited to acts prior to the crime. However, the same causal understanding, where victims of sexual crimes are held responsible for not taking precautions to avoid victimization, are widely present in the data. Potential victims (here: women) are being offered very concrete advice on how to alter their behavior in order to

³ All the quotes are translated by the authors.

prevent getting raped. This advice includes avoiding certain (unsafe) areas in certain (male) company at certain times (night). Furthermore, resonating with rape myths, the potential victim is advised to dress in a conservative and non-sexy manner, to take self-defense lessons and to learn how to act in crime situations. Special attention is given to the consumption of alcohol; the causal connection between the level of intoxication and becoming a victim is frequently highlighted in the data. However, it is the combination of drunkenness and gender which presents the specific risk of victimization. This gendered double standard holding intoxicated females at least partly responsible for the crime committed against them, whereas intoxication serves as a mitigating factor for the male offender, is well documented in rape perception studies (e.g. Finch and Munro, 2007: 593).

From the causal perspective, the prevalent logic in the writings focusing on pre-crime events and actions is analogous with a branch of criminological theories of crime prevention, such as routine activity theory and its later variations (e.g. Cohen & Felson, 1979; Clarke, 1980; Felson & Clarke, 1998), which are based on the idea of crime as an everyday activity that occurs due to opportunities produced by everyday actions. Requirements for a crime to occur are an offender who is motivated and a potential victim who has not taken the required measures to protect themselves from victimization (Cohen & Felson, 1979). From the perspective of attribution theory, this manner of understanding crime provides the offender with both dispositional and situational attributions for committing a crime, but any responsibilities to actively prevent crime are directed solely at victims.

Due to the tendency to focus on the actions of the victim, it has been argued that routine activity theory and its successors shift responsibility for the crime from the offender to the victim (e.g. Wortley 2010; Lilly, Cullen & Ball, 2010). This shift is not necessarily intentional; nevertheless, when focusing on the causal relations of the attribution of blame, it becomes clear that it is almost impossible to avoid making such a transfer of blame if the attention is directed mainly towards the victim's actions or lack of action prior to the crime. The following quote illustrates how a part of the responsibility is inevitably shifted to the victim, even though the writer is actively trying to avoid giving such an impression. The inner contradiction of the quote, also common elsewhere in the data, has been identified as an ideological dilemma by Lea (2007: 507). Ideological dilemmas often occur when people are faced with contrary preconditions, hence these conflicting themes enable, and force, people to discuss and ponder on incidents happening around them (Billing et al. 1988). Here, the contradicting themes are the awareness regarding the reprehensibility of victim blaming, as well as

its gendered nature, and the common-sense manner of argumentation concerning crime prevention as an individual responsibility, which in this context means low alcohol consumption.

[...] Nobody - not man or woman - should drink themselves into the condition that their discernment does not work anymore. Rape should not be downplayed, and the victim should not be blamed. Everyone should still always consider their alcohol consumption in advance from the perspective that when drunk, it is easier to be exposed to crime. The offender is still the offender and the victim always the victim. (W, Head of Communication, Brewing & Soft Drinks industry, 12th of September 2007)

Causally, the demands of active agency addressed to adult female victims are not restricted to the action or lack of action prior to the crime. Many writers provide detailed instructions on how a victim should react and act during (attempted) rape. For example, victims are urged to resist the offender and utilize different self-defense tactics and fight off the offender. Moreover, expectations of rape victim's actions after the sexual assault include presumptions around reporting the crime to the police and getting help for her own recovery. Along with the demands for strong agency, what draws attention is the way different dispositional and situational attributions function both as mitigating and aggravating factors in the data. The offender's actions are reasoned mainly with situational attributions that derive causally from the victim's actions or inaction. However, the victim's actions (prior and during the crime) are solely explained with dispositional attributions mostly related to stereotypical gender characteristics, or other stable features derived from female sex or gender, which are presumed to have influenced the victim's behavior and decisions.

In other words, the explanations for victimization (e.g. the victim's actions and characteristics) are transformed into situational attributions for the offender's action, hence, shifting the responsibility from the offender to the victim. The dispositional attributions related to the victim appear in the data as examples of cultural background factors which are affecting the writers' perceptions of gender roles and expected gender positions (cf. Howards, 1984). Culturally specific gender differences, deriving in the writings from physical and psychological characteristics of females, are also something that the writers wish women to alter in order to prevent sexual violence. Thus, the occurrence of the crime is appearing as a result of circumstances that are beyond any influence of the offender. As in the following quote, all demands and advice are directed at the women while the perpetrator is practically non-existing leaving the impression that women, and their female

characteristics, are producing sexual violence by being actively available, yet passive when active fighting is needed. As studies have shown, cultural perceptions of these characteristics are not just connected to rape myths (e.g. Burt, 1980; Furnham, 2003) but they also have effects on the actions of authorities and the decisions courts make (e.g. Temkin et al., 2018; Finch and Munro, 2007; Ehrlich, 2001).

During the crime, the victim is selected based on availability [...] The most defenseless victim becomes the target. [...] Also, asking for help is often hard for women. [...] The kindness and good nature of women is in these situations the worst obstacle for protection. [...] Breathing technique, balance, eye contact, stern voice control and knowledge of one's own limits are at the core of the practice. How to say no and to be taken seriously. [...] Everything cannot be prevented, but if one is prepared, the feeling of helplessness and guilt decreases. (W, Safety Instructor, 2nd of July 2002)

A third of the writings in the data dealt with sexual abuse of a child. Conceptions of the offender's responsibility changed dramatically when the victim was a child or an adolescent. The dispositional attributions attached to children (such as innocence and vulnerability) become aggravating circumstances for the offender. Children's inability to defend themselves constructs a clear difference between female victims and child victims, in addition to the view that the consequences are considered as more damaging vis-a-vis adult victims. This difference functions as an argument to qualify sexual assault towards a child as more aggravated than towards an adult; and consequently, constitutes a justification to demand harsher punishments for such crimes.

When the victim is a minor, the responsibility for the crime is unequivocally appointed to the offender, and the victim's complicity in the act and responsibility for the act is either not reflected upon or is explicitly denied. Moreover, the responsibility attributed to the offender covers causally not only the criminal act but also the later consequences of the crime. These observations resonate well with Nils Christie's (1986) well-known concept of the ideal victim; a status which is rarely questioned by society or the justice system. Typical examples of ideal victims are the elderly and children. They appear (physically) weak, vulnerable and innocent, and their morality is rarely questioned. Hence, it is easier to offer them help and empathy compared to victims that are not

perceived as ideal, such as substance abusers and homeless people. Furthermore, expectations of active agency would often be interpreted as unreasonable in these cases.

The trauma of a child differs from that of an adult: a child's thinking is concrete, the understanding of cause and effect is only developing, and the world of experience is egocentric. For this reason, the child easily imagines to have caused the abuse. In reality, the adult is unequivocally responsible for his actions regardless of the child's behavior. (W, Head of child psychiatry, 29th of January 2008)

Pedophilia is a sickness that will not be cured by itself. A pedophile acts on instinct and will continue to do so until society puts an end to it. ('Tinkerbell', 30th of January 2008)

In many opinion pieces, the offender of sexual crime against children is defined as a mentally ill individual, whose illness appears in the form of deviant sexuality. Although the illness is attributed as the causal reason for the crime, it is not perceived as a mitigating circumstance for responsibility. When the victim is a child, the offender's responsibility does not diminish, even though the acts are partly perceived to be beyond the offender's control (due to the illness) and therefore his behavior is not perceived as completely voluntary (cf. Weiner, 1995). Especially in the writings of health care experts', the rehabilitation of sexual offenders and importance of treatment are highlighted. The responsibility for treating the illness is addressed to society, simultaneously shifting part of the responsibility from the offender to society.

Society as a Responsible Actor in Sexual Crimes

It is the task of the courts to point out through their convictions what the society – all of us or at least the majority – considers as wrongful acts [...]. (W, 1st of February, 2008)

From a causal perspective, the responsibilities attributed to society were two-fold, locating temporally before and after a sexual assault; however, significant emphasis was on the latter responsibilities. The most important responsibility prior to the crime was crime prevention. The views concerning the preventative responsibility were based on the same logic as found in routine activity theory: a crime will not occur unless an opportunity for it is presented, for example, a suitable place or space. An area

that is not designed to be safe, or safety is not maintained, appears as an enabling factor for rape in the explanations, and the responsibility in this context was addressed to the local community and governmental institutions.

Nevertheless, most pressing responsibilities attributed to society were found after the crime occurred. Offering victims assistance was considered as an important societal responsibility, particularly because society had failed to prevent the crime and protect the victim. The most significant societal duty in relation to sexual crimes was the conviction of just punishment. However, most of these opinions dealt with cases of sexual crimes against children. In Finland, as well as in other Nordic countries, instead of relying on the deterrence effect of aggravating criminal sanctions, criminal law is utilized in the creation of new social norms and in enforcing those shared moral values already protected by criminal law (e.g. Nuotio, 2007). In the context of criminal justice policy, general prevention is the main objective. Hence, refraining from criminal behavior by internalizing the above-mentioned shared social values as a part of one's everyday moral code is considered a more effective measure of crime prevention than the fear of harsh or cruel punishment (Hinkkanen & Lappi-Seppälä 2011, 374-375). Finnish sentencing policies are constructed and modified by the legislator, and the legislation gives rather strict limits for sentencing. Each offence has a minimum and maximum sanction; maximum penalties cannot be exceeded but the courts have more latitude with minimum sanctions. In addition to that, there are statutory sentencing principles and norms which offer instructions for juridical decisions made in the courts.

As a general rule, a custodial sentence is only given in Finland in cases of serious criminal offences, and there is a strong tendency to give sentences closer to the minimum set out in the legislation, which is explained by the fact that most criminal acts, across different types of crime, are usually qualified as minor or petty offences (Hinkkanen & Lappi-Seppälä 2015, 354). One of the most important sentencing principles of the neoclassical criminal justice policy pursued in Finland is the principle of proportionality matching the harshness of the punishment to the seriousness and harmfulness of the criminal act (Lappi-Seppälä, 2007). In legislation, this principle is implemented, for example, by classifying offences as belonging to different categories on the grounds of the seriousness of the act (e.g. minor assault, assault, aggravated assault). What is considered as a just punishment is related to the blameworthiness of the act, which is connected to the object of protection and the moral values the particular offence violates as well as the seriousness of the consequences the offence brings about,

and moreover, the offender's culpability (e.g. competence to understand the wrongfulness of his actions).

According to our analysis, due to the attributed responsibility of society to give just punishments, the Finnish lenient sentences are considered problematic (I) from the victim's point of view, and (II) from the perspective of the society's moral views. From the victim's perspective, the lenient punishments for sexual crimes construct a problem in the data due to the straight correlation drawn between a just punishment and the victim's ability to recover from the victimization. Lenient punishment is not only seen as a hindrance to the victim in overcoming the difficult experience, it is also seen as an affront to the dignity of the victim. In addition to this, many of the writers share the view that lighter sentences give the impression that the victim is held partly to blame for the crime, which leads to shifting part of the responsibility onto the victim.

Although the punishment does not undo the crime, I do think it will make the recovery of the victim easier, and moreover, it will create a threshold for conducting criminal acts. (W, Student of practical nursing, 15th of May 2013)

Lenient penalties are also seen as problematic because the decisions of the judicial system (both legislating new laws and sentencing in courts) are strongly presumed to resonate with society's shared moral views and citizens' general sense of justice deriving from those views. Many writers shared a firm belief in the deterrent effect as an important crime prevention feature; however, lenient punishments were believed to diminish this effect. Together, the tendency to give punishments for sexual crimes that are considered too lenient and the lack of deterrent effect were seen to form a reverse moral message which works against society's shared moral views by indicating that such crimes are not condemned in Finnish society. In many pieces, this was connected to the disapproval of the conditional imprisonment sentences, which, according to the writers, is an overused penalty in Finland as well as a highly questionable form of punishment in cases of sexual crimes. The conflict between the observed and required sense of justice within the justice system receives a lot of attention in the data. A direct relationship between the judicial system and citizens' sense of justice is implicitly constructed in the writings through the critical views in which this interrelation is depicted as distorted or inadequate especially regarding convictions for sexual crimes against children.

Helsingin Sanomat reported [...] that offenders who have been found guilty of sexual abuse of a child are given very short conditional imprisonments. Respectively, crimes against possessions of little value, such as gasoline theft, have been sentenced with conditional imprisonment. In my opinion, these punishments are against a general sense of justice, although they are legal ones. In democracy, laws are legislated to protect the objects of protection considered the most valuable, and the penalty scale enacted for violations against these protected interests should be applied in proportion to the seriousness and harmfulness of the committed act. [...] the integrity of a child is legally less protected than gasoline. [...] The officials of the justice system should promptly take action for altering the sentencing practices to correspond better with a general sense of justice and conception of proportionality. (M, 20th of January 2008)

The writers perceive the proportionality between the consequences of the crime and the punishment as violently unjust in sexual crimes against children which appears to create a moral distinction between Finnish laypeople and experts in the legal system. Unjustness seems to be connected to the idea of the ideal victim and society's responsibility to protect the object which is morally considered the most important: a child's integrity and innocence. Consequentially, this disapproval is escalated when legal systems' failure of recognition leads to the failure to protect the child, which appears as the most significant moral object of protection in the writings. Furthermore, sexual crimes against children were interpreted to grossly violate societal norms, as the sexual integrity of a child is emphasized as an unquestionable moral and ethical value. Moreover, this conception is presumed to be implicitly shared amongst Finnish laypeople. For this reason, the offender's culpability is seen as absolute without any possible mitigating factors. Hence, there was no tolerance indicated in the opinion pieces for lenient punishments, the use of conditional imprisonment, or evaluation of mitigating factors in these cases. Handing down such punishments as well as considering possible mitigating factors, in the context of child sexual abuse, are actions that are seen to represent the 'expert moral' of legal professionals (e.g. legislator, judges, ministry officials) which is, in these writings, in conflict with the 'moral of Finnish laypeople'.

However, in some of the opinion pieces, particularly in those written by an expert with an explicit informative purpose, the legal and judicial failure to take rape seriously is viewed as a result of society's wider condonement of violence towards women. Condoning stereotypes and attitudes in

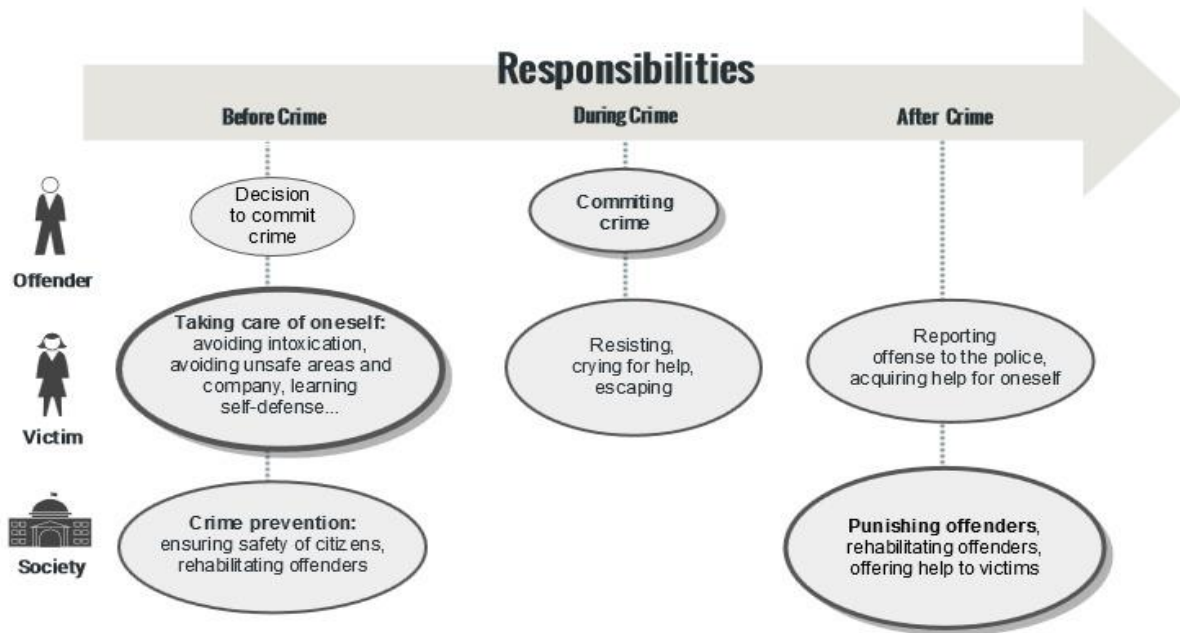
society were interpreted as emergent in institutions such as the justice system, courts and the police as well as other institutions dealing with the consequences of sexual crimes, and hence, working with the victims and offenders. According to these experts, lenient punishments are embodiments by these attitudes mentioned above; and simultaneously, responsibility and blame are shifted to the crime victim resulting in inappropriate treatment of them. The alleged condoning attitudes towards violence against women within social institutions does not, according to these writers, unanimously represent the public's view. The opposition to these attitudes is most salient in the expert writings that unequivocally express the victims' innocence in writings dealing with adult female victims.

Conclusions: Causal Explanations and Chronological Responsibility

The main aims of this study were to explore how the reasons and explanations for sexual crimes produced in the data construct conceptions of responsibility, and what is the causal effect of these conceptions on the attribution of responsibility and blame; and moreover, how the attribution differs in relation to the offender, victim, and society. By utilizing the framework of attribution theory, this study shows that the construction of responsibility derives from (I) the chronological presentation and explanation of sexual crime; especially (II) the causality attached to the chronological phases, which has its particular emphasis on the victim's actions prior to the crime and (III) the construction of active female agency against male passivity or absence of the perpetrator.

The analysis reveals three chronological phases of explanation. In these phases, different actors are attributed with different responsibilities with varying intensity of responsibility. The explanations and reasons for the crime were mainly drawn from the time preceding the criminal act. The predominant responsibility for the crime is attributed to the victim. However, a significant amount of responsibility is also distributed to the society, mainly in the form of punishing the offender justly. The chronological occurrence of the actual criminal act is dealt with very briefly, if at all. The summary of the chronological phases and responsibilities attached to them is presented in Figure 1.

FIGURE 1: Distribution of responsibilities in different chronological phases of sexual crimes



What makes the connection of causal explaining and the significant amount of responsibilities attributed to the victim particularly interesting, in the context of this study, is that the scenario of stranger rape is a predominant supposition in the data. A perpetrator unknown to the victim is a key condition of the ‘real rape’; a common yet very restricted impression of such an act that is more easily accepted as a rape by laypersons as well as legal professionals and police (e.g. Burt, 1991; Ellison & Munro, 2010; Venema, 2016). However, due to the causal interpretative structure of the explanations, the action of the victim appears as an initiating force behind the crime. This is highlighted by the fact that the offender’s motivation, action or decisions before the criminal act are not discussed. This supports Shaver’s (1985) view concerning the overlap of causality and responsibility where the prior connection between the actor and the incident is seen as essential, as are the active agency or negligence causing harmful consequences.

Accountability and responsibility are related to different combinations of these three aspects: what the active agent/actor (i.e. the party interpreted as the actor) has done; what the actor should not have done; and, finally, what the actor should do. From the perspective of attribution of responsibility, the offender’s passive role is problematic. This inevitably shifts the responsibility from the offender to

the victim even when the writers actively try to avoid victim blaming, or even deny doing so. The passive role of the offender highlights the demands for active agency attributed to the victim. The inclusion of society's responsibility in this study enriches the perceptions of the victim's and the offender's responsibilities within the framework of attribution theory. For example, this becomes apparent when society is attributed with responsibilities such as protecting the victim and preventing sexual crimes. Demands for crime prevention and, for example, safe urban spaces indicate shifts of responsibility from the victim to society making society appear as the creator, or co-creator, of the situational attribution for the offender. The society's failure in the most important responsibility attributed to it, just punishing, appears as a moral drift between the ruling group holding the legal power and laypeople, particularly in the context of child sexual abuse.

The presumption concerning the competence and possibility of active agency forms an essential prerequisite for the attribution of responsibility. In addition, this presumption is connected to causal explanation of sexual crimes and the status of an ideal victim (Christie, 1986). This is highlighted when sexual crimes against children are discussed in the data. Causal explanation related to the victim's action or behavior is not utilized in these discussions, instead the explanation for the crime is found in the illness or pathology of the offender. Hence, a cause-effect relation between the child and their victimization is not constructed.

Moreover, blame is a combination of active agency, produced in the explanations, and stereotypical features connected to female gender which in some cases are manifested in the lack of desired agency (e.g. in relation to self-defense). These features are different variations on rape myths which, from the perspective of attribution theory, are distributional attributions connected to women which are then causally transformed into situational attributions explaining the actions of sexual offenders. In this study, the distributional attributions were tightly attached to the gendered expectations related to the actions of women. The active female agency, which often appears to violate gender norms or challenge the limits of gendered competence, puts women in situations where they make themselves available to be raped. However, in the moment of sexual violence, gender norms and gendered limitations work against women making them incapable of the required active agency; thus, unable to fight or escape, and prevent the crime. Since the perpetrator is either an absent (excluding the possible mention of the actual act of rape which implies the presence of perpetrator) or totally passive

figure who only reacts to the situational attributions organized by the victim or by society, the responsibilities and the blame are largely deflected from him.

Due to the limitations regarding the research data, no generalization can be made based on the results. However, the study highlights the importance of social psychological research related to the actions of the offenders of sexual crimes and the motivation behind these acts as well as dissemination of the results of these studies to wider audiences. The study encourages a broader examination of attribution of responsibilities beyond the individual actors by indicating that analyzing society's responsibilities could give us new perspectives and, hence, more detailed information about the responsibilities attributed to the victim and offender. Moreover, the analysis emphasizes the salient position of causal explaining as a customary way of explicating sexual crime and, in particular, the importance of the wider acknowledgement of its indicative power in relation to victim blaming, regardless of the intention.

References

- Anderson I, Beattie G and Spencer C (2001) Can blaming victims of rape be logical? Attribution theory and discourse analytic perspectives. *Human Relations* 54(4): 445-467.
- Billing M, Condor S, Edwards D, Gane M, Middleton D and Radley A (1988) Ideological dilemmas: A social psychology of everyday thinking. London: Sage.
- Burt MR (1980) Cultural myths and supports for rape. *Personality and Social Psychology* 38(2): 217-230.
- Burt M (1991) Rape myths. In: Parrot A and Bechhofer L (ed) *Acquaintance Rape: The Hidden Crime*. John Wiley and Sons: New York, pp. 26-40.
- Christie N (1986) The Ideal Victim. In: Fattah EA (ed) *From Crime Policy to Victim Policy*. Basingstoke: Macmillan, pp. 17-30.
- Clarke RV (1980) "Situational" crime prevention: theory and practice. *The British Journal of Criminology* 20(2): 136-147.

Cohen LE and Felson M (1979) Social change and crime rate trends: A routine activity approach. *American sociological review* 44(4): 588-608.

Ehrlich S (2001) *Real Rape. Language and Sexual Consent*. London: Routledge.

Eisner M (2014) From swords to words: Does macro-level change in self-control predict long-term variation in levels of homicide? *Crime and Justice* 43(1): 65–134.

Ellison and Munro (2009) Of Normal Sex and Real Rape: Exploring the Use of Socio-Sexual Scripts in (Mock) Jury Deliberation. *Social & Legal Studies* 18(3), pp. 291-312.

Ellison L and Munro VE (2010) A Stranger in the Bushes, or an Elephant in the Room – Critical Reflections upon Received Rape Myth Wisdom in the Context of a Mock Jury Study. *New Criminal Law Review* 13(4), pp. 781-801.

Felson M and Clarke RVG (1998) *Opportunity makes the thief: Practical theory for crime prevention*, 98. London: Home Office.

Finch E and Munro VE (2007) The Demon Drink and the Demonized Woman: Socio-Sexual Stereotypes and Responsibility Attribution in Rape Trials Involving Intoxicants. *Social & Legal Studies* 16(4): 591-614.

Finkelhorn D and Yllö K (1985) *License to Rape: Sexual Abuse of Wives*. New York: The Free Press.

Freedman B (2013) *Redefining the Meaning of Rape: Sexual Violence in the Era of Suffrage and Segregation*. Cambridge, MA: Harvard University Press.

Furnham A (2003) Belief in a just world: research progress over the past decade. *Personality and Individual Differences* 34(5): 795-817.

Gavey N (2005) *Just Sex? The Cultural Scaffolding of Rape*. New York:Routledge

Hammond EM, Berry MA & Rodriguez DN (2011) The influence of rape myth acceptance, sexual attitudes, and belief in a just world on attributions of responsibility in a date rape scenario. *Legal and Criminal Psychology* 16(2): 242-252.

Hayes RM, Lorenz K and Bell KA (2013) Victim blaming others: rape myth acceptance and the just world belief. *Feminist Criminology* 8(3): 202-220.

Heider F (1958) *The psychology of interpersonal relations*. New York: Wiley & Sons.

- Hewstone M (ed) (1983) *Attribution theory – Social and functional extensions*. Oxford: Basil Blackwell Publisher.
- Hinkkanen V and Lappi-Seppälä T (2011) Sentencing theory, policy, and research in the Nordic countries. *Crime and Justice* 40(1): 349-404.
- Howard JA (1984) Societal influences on attribution: Blaming some victims more than others. *Journal of Personality and Social Psychology* 47(3): 494-505.
- Idisis Y and Edoute A (2017) Attribution of blame to rape victims and offenders, and attribution of severity in rape cases: Non-therapists and survivor and offender therapists. *International Review of Victimology* 23(3): 257-275.
- Kotanen R (2017) The Rise of the Crime Victim and Punitive Policies? Changes to the Legal Regulation of Intimate Partner Violence in Finland. *Violence Against Women*.
<https://doi.org/10.1177/1077801217733559>.
- Lappi-Seppälä T (2007) Penal Policy in Scandinavia (217–295). In: Tonry M (ed) *Crime and Justice Volume 36*. Chicago: University of Chicago Press.
- Lea SJ (2007) A discursive investigation into victim responsibility in rape. *Feminism & Psychology* 17(4): 495-514.
- Lerner MJ and Miller DT (1978) Just world research and the attribution process: looking back and ahead. *Psychological Bulletin* 85(5): 1030-1051.
- Lerner MJ (1980) *The belief in a just world. A fundamental delusion*. New York: Plenum.
- Lilly J, Cullen F and Ball R (2010) *Criminological Theory: Context and Consequences*. Thousand Oaks: Sage.
- Lloyd-Bollock S (1983) Attributions of cause and responsibility as social phenomena. In: Jaspars J, Fincham FD and Hewstone M (ed) *Attribution theory and research*. London: Academic Press.
- Lonsway KA and Fitzgerald LF (1994) Rape myths in review. *Psychology of Women Quarterly* 18(2): 133-164.
- McKimmie BM, Masser BM and Bongiorno R (2014) What Counts as Rape? The Effect of Offense Prototypes, Victim Stereotypes, and Participant Gender on How the Complainant and Defendant are Perceived. *Journal of Interpersonal Violence* 29(12): 2273-2303.

Ministry of Justice (2012) *Selvityksiä raiskausrikoksista. Raportteja ja ohjeita 13/2012* [An Account of Sexual Crimes]. Helsinki, Finland.

Nousiainen K and Pentikäinen M (2013) Rise and fall of the CEDAW in Finland: time to reclaim its impetus. In: Hellum A and Aasen H (ed) *Women's Human Rights. CEDAW in International, Regional and National Law*. Cambridge: Cambridge University Press.

Nuotio K (2007) The Rationale of the Nordic Penal Policy Compared with the European Approach In: Nuotio K (ed) *Festschrift in Hounor of Raimo Lahti*. Helsinki: Helsinki University Print, pp. 157–174.

Patton M (2002) *Qualitative research & evaluative methods*. London: Sage.

Pratt J (2008) Scandinavian exceptionalism in an era of penal excess, part I. *British Journal of Criminology* 48(2): 119-137.

Pratt J and Eriksson A (2013) *Contrasts in punishment: An explanation of Anglophone excess and Nordic exceptionalism*. London: Routledge.

Russell DEH (1990) *Rape in Marriage*. Bloomington: Indiana University Press.

Shaver KG (1985) *The attribution of blame: causality, responsibility, and blameworthiness*. New York: Springer-Verlag.

Sleath E and Woodhams J (2014) Expectations about victim and offender behaviour during stranger rape. *Psychology, Crime & Law* 20(8): 798-820.

Suarez E and Gadalla T (2010) Stop Blaming the Victim: A Meta-Analysis on Rape Myths. *Journal of Interpersonal Violence* 25(11): 2010-35.

Temkin J, Gray JM and Barrett J (2018) Different functions of rape myth use in court: Findings from a trial observation study. *Feminist Criminology* 13(2): 205-226.

van der Bruggen M and Grubb A (2014) A review of the literature relating to rape victim blaming: An analysis of the impact of observer and victim characteristics on attribution of blame in rape cases. *Aggression and violent behavior* 19(5): 523-531.

Venema RM (2016) Police Officer Schema of Sexual Assault Reports: Real Rape, Ambiguous Cases, and False Reports. *Journal of Interpersonal Violence* 31(5), pp 872-899.

Ward CA (1995) *Attitudes towards rape: Feminist and social psychological perspectives*. London: Sage.

Weiner B (1995) *Judgments of Responsibility: A foundation for a theory of social conduct*. London: Guilford Press.

Workman JE and Freeburg EW (1999) An examination of date rape, victim dress, and perceiver variables within the context of attribution theory. *Sex Roles* 41(3-4), 261-277.

Wortley R (2010) Critiques of Situational Crime Prevention. In: Fisher B and Lab S (ed) *Encyclopedia of Victimology and Crime Prevention*. Thousand Oaks: Sage.

Yllö K (2016) Prologue: Understanding marital Rape in Global Context. In: Yllö K and & Torres M (ed) *Marital Rape. Consent, Marriage, and Social Change in Global Context*. New York: Oxford University Press, pp. 1-8.