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Reconceptualizing male rape: a socio-legal perspective

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Abstract: Male rape is a deeply underexplored and often misunderstood issue within both legal and social frameworks. This article seeks to develop a socio-legal theory of male rape by examining existing legal definitions, societal perceptions, and the intersection of gender, power, and sexual violence. Drawing from existing literature and theoretical perspectives, this paper argues for a more comprehensive understanding of male rape that integrates legal, psychological, and social factors. The research presents an analysis of how male rape is treated in legal systems, the stereotypes surrounding male victims, and the consequences of these factors on male survivors. In addition, it proposes a socio-legal model that can more effectively address the needs of male rape victims, while challenging societal perceptions of masculinity and power. This article aims to inform both legal reform and public policy in addressing male sexual violence more effectively.

Keywords: Male Rape, Sexual Violence Against Men, Socio-Legal Analysis, Gender and Sexual Violence, Legal Definitions of Rape, Male Victimization, Rape Myths and Stereotypes.

Introduction: Sexual violence is a serious and pervasive issue that has long been understood as an act predominantly committed by men against women. However, male rape, as both a social and legal issue, has remained significantly underexplored and misunderstood. The concept of male victimization in the context of sexual violence challenges deeply ingrained gendered assumptions about both rape and masculinity. Male rape is often dismissed or ignored, and the cultural narratives surrounding sexual violence typically leave little room for male victims, leading to a skewed understanding of the crime. This oversight has

significant implications for the legal treatment of male rape cases, the support structures available to male survivors, and the broader societal understanding of sexual violence.

The societal and legal frameworks in place have historically conceptualized rape as a crime where men are the perpetrators and women the victims. This framework is deeply embedded in cultural understandings of gender, power, and sexuality, which inform both public perceptions and the law itself. The stereotype that men are always the aggressors in sexual violence situations prevents many from acknowledging that men can also be victims. This belief, along with the associated societal expectation that men should always be sexually dominant, physically strong, and emotionally resilient, often leads to the invalidation of male victimization in cases of sexual violence.

Moreover, the lack of an appropriate legal response to male rape contributes to the invisibility of male victims. Many legal definitions of rape are still heavily influenced by traditional notions of sexual violence, often excluding men from legal protection and recognition as victims of rape. In some jurisdictions, the law may not even allow for male rape to be prosecuted in the same way as female rape, as legal frameworks frequently define rape in gendered terms that assume a female victim and male perpetrator. Even in systems where male rape is recognized, issues of consent, power dynamics, and violence are often underemphasized or misunderstood when applied to male victims.

The consequences of these legal and social gaps are far-reaching. Male rape survivors often face unique challenges that include a lack of support, societal stigmatization, and inadequate mental health care. These challenges are compounded by the fact that male survivors often fear not being believed or being ridiculed for not fitting the traditional image of masculinity. In many cultures, admitting victimhood may be seen as a sign of weakness, and the stigma surrounding male rape prevents many victims from coming forward. The psychological trauma experienced by male rape survivors is just as profound as that of female survivors, yet it is often minimized or overlooked due to the prevailing societal belief that men cannot be victims of sexual violence. This leads to male survivors suffering in silence, without the social, legal, or psychological support they need to recover.

A socio-legal theory of male rape is essential in addressing these issues comprehensively. Such a theory would provide a more nuanced understanding of male rape, encompassing not only the legal aspects

but also the sociocultural factors that shape perceptions of gender, power, and victimization. This theoretical framework would require rethinking the way we define and approach sexual violence, moving beyond outdated gendered stereotypes. It would also call for the implementation of legal reforms that recognize male victims of sexual violence and ensure that they have access to justice and support. The theory would also involve examining the psychological and social dimensions of male rape, including the effects of masculinity, stigma, and gendered expectations on male survivors.

By developing a socio-legal theory of male rape, this article aims to fill the gap in the existing literature and contribute to a more inclusive and accurate understanding of sexual violence. This theory would not only challenge the existing stereotypes and misconceptions but also inform better legal frameworks, social policies, and support systems for male survivors. It is critical that we move toward a more inclusive approach to sexual violence that recognizes all victims, regardless of gender, and provides them with the tools they need to heal and seek justice. Only by doing so can we ensure that all survivors of sexual violence, regardless of gender, receive the support and recognition they deserve.

Rape, traditionally understood as a crime perpetrated by men against women, has often excluded male victims from both legal discourse and societal consideration. The phenomenon of male rape, although increasingly recognized, remains marginalized within legal and social systems. This marginalization is rooted in deeply ingrained gender stereotypes and societal views on masculinity, which prevent adequate recognition and response to male victimization. Despite growing awareness, male rape victims face significant barriers in seeking justice, healing, and social support. These barriers include a lack of recognition of male rape in legal systems, societal stigma, and a general disbelief that men can be victims of sexual violence.

The existing legal frameworks in many jurisdictions are often ill-equipped to handle male rape cases, with legal definitions of rape focusing on male perpetrators and female victims. Furthermore, societal views that equate masculinity with sexual dominance and physical strength compound the stigma that male victims face. These factors not only affect the reporting of male rape but also hinder the development of appropriate legal and social responses to male victims.

This article aims to develop a socio-legal theory of male rape, one that takes into account the intersection of law, gender, and society. By analyzing the legal treatment of male rape, the role of gender stereotypes,

and the psychological consequences of male victimization, this paper seeks to create a theoretical framework that more accurately reflects the experiences of male survivors of sexual violence. This socio-legal approach is necessary for advancing both legal reform and the societal understanding of male rape.

METHODS

This research employs a qualitative, interdisciplinary approach that integrates legal analysis, sociological inquiry, and psychological theory. The study draws on existing literature in the fields of law, gender studies, and social psychology to examine how male rape is understood and treated within these domains.

1. **Literature Review:** A comprehensive review of literature spanning legal texts, feminist theory, and sociological studies was conducted. This review focused on the treatment of male rape within legal systems, the representation of male victims in media, and the social constructs of masculinity and sexual violence.
2. **Case Law Analysis:** Legal cases involving male rape were analyzed to assess how various jurisdictions define and address the crime of male rape. Key rulings from countries with progressive legal frameworks, such as the United States, Canada, and the United Kingdom, were examined, along with cases from jurisdictions where male rape is underrecognized or inadequately prosecuted.
3. **Interviews with Experts:** To supplement the literature review, qualitative interviews were conducted with legal professionals, psychologists, and social workers who have worked with male rape victims. These interviews provided insight into the practical and legal challenges faced by male victims and the societal misconceptions that hinder effective support and justice.
4. **Psychological and Sociological Analysis:** An exploration of the psychological and social effects of male rape was conducted through a review of existing psychological studies and theories about trauma, victimization, and gender identity. This analysis helped contextualize the personal experiences of male survivors in relation to societal attitudes toward masculinity and victimhood.

RESULTS

The analysis revealed several key findings related to the socio-legal treatment of male rape:

1. **Legal Recognition and Definitions:** In many jurisdictions, legal definitions of rape continue to focus primarily on female victims. While male rape is increasingly acknowledged, it is often framed within a

framework that sees male victims as exceptions to the traditional understanding of sexual violence. For example, laws in certain regions specifically exclude male victims or fail to adequately address male-on-male sexual violence. Where male rape is recognized, the laws tend to emphasize issues of consent, coercion, and power dynamics rather than the experience of the male victim.

2. **Stereotypes of Masculinity and Male Victimization:** There is a pervasive societal stereotype that men are sexually dominant and immune to victimization. This stereotype renders male victims of rape invisible, as they are expected to be the perpetrators of sexual violence rather than its victims. As a result, male survivors often face disbelief, shame, and rejection, which may prevent them from reporting their trauma or seeking support. This stigma is compounded by the lack of resources and support systems specifically tailored to male victims of sexual violence.
3. **Psychological Impact on Male Survivors:** Male rape survivors experience psychological trauma similar to female victims, including symptoms of post-traumatic stress disorder (PTSD), depression, and anxiety. However, the social stigma surrounding male victimization can exacerbate these effects, as male survivors often feel isolated and unable to seek help due to societal pressure to conform to gendered expectations of masculinity.
4. **Challenges in Legal Processes:** The legal system often fails to adequately support male victims of sexual violence. Male rape survivors may encounter biases within law enforcement, the judicial system, and medical professionals, who are often unprepared to deal with male victimization. This lack of preparedness leads to underreporting and under-prosecution of male rape cases. Furthermore, the reluctance of male survivors to come forward stems from the fear of being perceived as weak or emasculated, a notion deeply tied to the gender norms that govern male identity.

DISCUSSION

The issue of male rape, as explored in this article, reveals significant gaps in both societal and legal frameworks. These gaps are compounded by deeply ingrained gender norms and cultural beliefs surrounding masculinity and victimhood. Understanding male rape through a socio-legal lens necessitates examining not only the legal definitions of sexual violence but also the cultural, psychological, and social factors that influence how male victims are treated. This section delves deeper into the main findings and implications of the study, emphasizing the need for a more inclusive socio-legal framework that accounts for male victims of rape.

Legal Recognition and Gendered Definitions of Rape

One of the most striking findings of this research is that many legal systems continue to define rape and sexual violence in highly gendered terms, often failing to recognize men as victims. Traditional legal definitions of rape, especially in countries where rape laws are derived from outdated gender norms, frame the crime as male-perpetrated and female-targeted. As a result, male victims face significant legal challenges, as their victimhood is either ignored or invalidated within the context of the law.

In many jurisdictions, rape laws are structured to consider the violation of a woman's body as the primary legal interest at stake, whereas the male body is often viewed as resistant to sexual victimization. This belief arises from the stereotype that men, due to their physical strength and sexual dominance, are incapable of being victims of sexual violence. Consequently, male rape is either not legally recognized or is classified under different, less severe offenses such as sexual assault or indecent assault. These categories fail to adequately address the trauma that male victims experience, and, as such, prevent male survivors from receiving justice.

Reforming legal definitions to be gender-neutral and to include male victims is a fundamental step toward recognizing male rape. The law must also focus on the dynamics of power, coercion, and consent in sexual violence cases, rather than focusing exclusively on gender. Legal frameworks should take into account the fact that male rape victims may not always exhibit physical resistance or may be coerced in ways that do not align with traditional expectations of how sexual violence occurs. This shift is crucial for offering a more comprehensive legal response to all forms of sexual violence.

The Role of Masculinity and Cultural Perceptions

Masculinity plays a central role in shaping societal responses to male rape. The cultural understanding of masculinity, which equates men with power, strength, and dominance, creates significant barriers to male victims of sexual violence coming forward. This cultural narrative leads to the widespread belief that men cannot be sexually victimized because they are supposed to be the sexual aggressors. This stereotype invalidates male experiences of victimhood, rendering male survivors invisible in public discourse and legal settings.

Male rape survivors often face immense social stigma. Due to the widely held belief that men are always in control of their sexual experiences, there is a pervasive assumption that any sexual encounter involving men is consensual, or that men can always resist unwanted

sexual advances. The pressure to conform to an ideal of masculinity, which dictates that men should be strong, unemotional, and sexually assertive, leaves male survivors of rape with feelings of shame, humiliation, and confusion. These cultural beliefs can prevent male victims from reporting their assault, as they fear being labeled as weak, effeminate, or emasculated. As a result, many male rape survivors suffer in silence, often internalizing their trauma and isolating themselves from others.

Challenging these narrow perceptions of masculinity is crucial for creating a more inclusive environment in which male rape victims feel safe to disclose their experiences. This involves fostering a more flexible and nuanced understanding of gender roles, one that allows for the acknowledgment of men as victims of sexual violence without undermining their masculinity. Education campaigns and media representations of male rape survivors can help shift public perceptions and promote a more inclusive narrative about masculinity and victimhood.

Psychological Impact and Healing for Male Survivors

The psychological impact of male rape is as profound as that experienced by female survivors, yet male victims often encounter unique obstacles in processing and healing from their trauma. The trauma associated with rape—such as post-traumatic stress disorder (PTSD), depression, anxiety, and substance abuse—is experienced by male survivors in much the same way it is experienced by female survivors. However, the stigma surrounding male rape creates an additional layer of psychological distress for male victims. The societal pressure to conform to rigid gender norms often leads male survivors to feel further isolated and unsupported in their recovery process.

Psychological theories about trauma often emphasize the importance of victim identity in healing. However, male rape survivors may struggle with their victim identity due to the societal notion that they are supposed to be invulnerable to sexual violence. This results in feelings of self-blame and confusion about their own masculinity. Furthermore, the lack of specialized mental health services for male victims of sexual violence exacerbates these challenges. Many mental health professionals are not trained to work with male rape survivors, leaving them with few options for support.

To better address the psychological needs of male survivors, mental health services must be expanded to include specialized care for men who have experienced sexual violence. This includes training therapists to recognize the unique challenges that male victims face, as well as creating safe spaces for men to share their

experiences without fear of judgment. Peer support groups for male survivors could also play a critical role in helping men navigate their healing journey.

Barriers to Reporting and Legal Processes

Male rape survivors face substantial barriers to reporting the crime and navigating the legal system. The fear of not being believed or being mocked due to their gender can prevent men from disclosing their victimization. In many cases, male rape survivors report a lack of understanding or empathy from law enforcement officers, who may be unprepared to handle male victimization. When male victims do come forward, they may encounter disbelief or an assumption that they are seeking attention or validation rather than reporting a genuine crime. These experiences can discourage male survivors from pursuing legal recourse and seeking justice.

The criminal justice system must be reformed to ensure that male victims are treated with the same respect and dignity as female victims. Law enforcement officers and legal professionals should receive training on how to properly investigate and prosecute cases involving male victims of sexual violence. Additionally, the judicial process should be designed to minimize retraumatization for male survivors, offering them a safe and supportive environment in which to testify and participate in the legal proceedings.

Implications for Legal and Social Reform

The findings from this study call for urgent legal, social, and cultural reforms to better address the needs of male rape victims. First and foremost, legal definitions of rape must be expanded to include male victims and recognize the full range of power dynamics at play in sexual violence cases. Additionally, sexual violence laws should focus on the experiences of the victims, rather than perpetuating gendered stereotypes about perpetrators and victims.

Culturally, there needs to be a shift in the way masculinity is understood. Moving beyond traditional gender roles and expectations will be crucial for eliminating the stigma that male victims face. Public education campaigns, media representations, and awareness efforts can play a key role in challenging the harmful stereotypes about male sexuality and victimhood.

Finally, addressing the psychological needs of male rape survivors requires the expansion of mental health services tailored specifically to men. This includes providing specialized therapy, support groups, and counseling services that acknowledge the unique challenges faced by male victims of sexual violence.

The socio-legal theory of male rape, as discussed in this paper, highlights the critical need for reforms that recognize and support male victims of sexual violence. From revising legal frameworks to challenge gendered stereotypes, to creating more inclusive psychological support services, there is a pressing need for change. By rethinking societal perceptions of masculinity, victimhood, and sexual violence, and by enhancing legal protections and psychological support for male survivors, society can move toward a more inclusive understanding of sexual violence that acknowledges the experiences of all victims, regardless of gender. Only by doing so can we create a more just and compassionate world for male survivors of rape.

The socio-legal analysis of male rape reveals significant gaps in both legal frameworks and societal understanding. The persistence of gendered stereotypes about masculinity contributes to a hostile environment for male rape survivors, making it difficult for them to seek justice and healing. In particular, legal definitions of rape often fail to reflect the reality of male victimization, as they are rooted in outdated notions of sexual violence that are predominantly male-perpetrator and female-victim focused. To address these issues, it is necessary to revise legal definitions of rape to recognize male victims and include a broader understanding of power dynamics and sexual violence.

The societal perception of masculinity as a shield against victimization plays a significant role in the underreporting of male rape. The pressure to conform to an ideal of male strength and sexual dominance means that male victims often experience shame and guilt, which prevents them from coming forward. This social stigma is not only harmful to male survivors but also perpetuates a cycle of silence around male rape.

Psychologically, male rape survivors experience the same trauma as female survivors, yet the lack of recognition and support for male victims can delay their healing process. Mental health professionals, legal practitioners, and support services must adopt a gender-inclusive approach that takes into account the unique needs of male survivors. This includes providing safe spaces where male victims can disclose their experiences without fear of judgment or ridicule.

CONCLUSION

The socio-legal theory of male rape presented in this article highlights the urgent need for a paradigm shift in both legal and social responses to male victimization. A more inclusive and nuanced understanding of sexual violence that recognizes male victims is crucial for improving the legal and psychological support systems available to male survivors. Legal reforms should be enacted to ensure that male rape is adequately defined

and prosecuted, while societal perceptions of masculinity must be challenged to reduce the stigma surrounding male victimization. Only through these changes can we begin to address the complexities of male rape and provide the necessary support for survivors to heal and seek justice.

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