

Extract from William Collins's *The Empathy Gap: Male Disadvantages and the Mechanisms of Their Neglect*, Section 19.6

19.6 False Allegations of Rape

Few things are as contentious as claims regarding the percentage of rape allegations which are false. I had considered including here a Table of estimates of false allegation rates made in various studies, of which there are many. On reflection, however, I am of the view that this would give such estimates a credence which is undeserved. Instead I give a discussion which sets estimates in context. However, I will say at the outset that the rate of false allegations is certainly not trivial, as some try to claim. Towards the end of this long section I will give an estimate of the rate of false allegations which is both alarming and also hard to discredit.

For many years a figure of 2% was cited by many people. This derived from Susan Brownmiller's 1975 book 'Against Our Will: Men, Women and Rape'. This is the delightful work in which the author opines that rape is 'a conscious process of intimidation by which all men keep all women in a state of fear'. This is a statement which I can categorically refute immediately. It is a claim about *all* men and is stated to be a *conscious* process. Because I am a man and I am not conscious of any such thing, the statement therefore stands refuted (sorry to deploy patriarchal logic on you). Brownmiller's 2% figure turns out to have no credible basis, being a remark made in a speech by a judge in 1974 but of provenance there is none, ([Greer, 2000](#)).

The most egregious piece of misinformation about the frequency of false rape accusations is that put about by the CPS when Kier Starmer was the Director of Public Prosecutions (DPP, head of the CPS). In March 2013 the CPS published a report titled 'Charging Perverting the Course of Justice and Wasting Police Time in Cases Involving Allegedly False Rape and Domestic Violence Allegations', ([CPS Equality and Diversity Unit, 2013](#)). It was co-authored by Alison Levitt QC. As a matter of personal history, it was this report, together with some VAWG documents, which caused me to become a blogger on men's issues in 2013. It opened my eyes to the degree to which the establishment were committed to misinformation and bias.

The Foreword, by Kier Starmer, notes that 'closer working with the police and specialist services has helped to address the types of ingrained practices which can ignore, or even add to, the victimisation of women and girls'. This is a rather odd message in a report about prosecuting false allegations of rape and DV, given that most false allegations are against men and made by women, i.e., it is a report ostensibly investigating male victimisation but expresses particular sympathy for women. This makes the mindset clear.

The Foreword continues, 'In recent years we have worked hard to dispel the damaging myths and stereotypes which are associated with these cases', and states that, 'One such misplaced belief is that false allegations of rape and domestic violence are rife. This report presents a more accurate picture'. It does not. It does exactly the opposite, and deliberately so.

The report takes data from a 17 month period between 2011 and 2013. The relevant data are contained in this quote, 'In the period of the review, there were 5,651 prosecutions for rape and 111,891 for domestic violence. During the same period there were 35 prosecutions for making false allegations of rape, 6 for making false allegations of domestic violence'. Hence, of all prosecutions for rape, only 0.6% (i.e., 35 out of 5,651) result in a prosecution for false allegation of rape, a very small percentage. The report deliberately misleads by concluding as follows,

'The review has allowed us to examine the suggestion that false allegations of rape and/or domestic violence are rife. It is plain that there were a large number of prosecutions for rape and domestic violence but that only a very small number of individuals were prosecuted for having made a false complaint.'

The juxtaposition of these two sentences gives the impression that the claim made in the first sentence is justified by the second sentence. It is not. The second sentence is not in the least surprising to

anyone: no one has disputed that the rate of prosecution for false allegation of rape is very low. However the first sentence is false. The reader is being led by the presentation to conflate the number of prosecutions for false accusation with the actual number of false accusations. But it is the claimed huge disparity between these two things which is actually in dispute. The report has not addressed the issue at all. It is not true that the review ‘has allowed us to examine the suggestion that false allegations of rape and/or domestic violence are rife’. Actually the rate of false rape or DV allegations has not been addressed by this report at all. The DPP’s claim that ‘this report presents a more accurate picture’ is untrue. It presents a grossly misleading picture, and does so deliberately because the authors are not so foolish as to be ignorant of the distinction between false allegations and prosecutions for false allegations. The success of this misinformation is proved by the number of people since March 2013 who have been quoting a false allegation rate of 0.6% on the basis of this report. It was always the intention of the report to create a woofle. This is the degree of institutionalised dishonesty we are dealing with.

In a study primarily about anonymity for those accused of rape, the MOJ noted that ‘various studies have estimated that 8% to 11% of rape allegations in England and Wales are false’ and refers to a range of sources, ([Ministry of Justice, 2010a](#)). However it adds that ‘the lack of a consistent definition of what constitutes a false rape allegation, as well as variations in recording practices by police and others in the CJS, make accurate assessment of the true extent of such allegations very difficult’.

One of the oft-repeated claims is that false allegations of rape are no more common than false reports of other crimes. Another MOJ report, ([Burton et al, 2012](#)), makes the following observation on a sample of cases examined in detail,

“False allegation” is not an officially recorded case outcome. However casefiles were reviewed to identify those cases that were seen as false. Files indicating a false allegation were then coded by the research team using the broad and narrow definitions highlighted by practitioners as part of the qualitative research. Taking the broader definition of false allegations would classify 12% of cases in the database reported as rape as false. However, the narrower definition focusing on ‘malicious’ complaints only would suggest a much lower figure of 3%. The prevalence of false allegations in GBH cases was lower than for rape and sexual assault. Some 2% of our sample of cases reported as GBH were considered false by police taking the broad definition covering both ‘malicious’ and ‘non-malicious’ allegations.’

The quest to determine the rate of false allegations of rape is like hunting the snark: one does not even know what it is one is looking for, let alone where to find it. Exactly what constitutes a false allegation? Certainly an allegation which is entirely fabricated, where no sexual encounter at all ever took place. But what if sexual intercourse did take place and is not disputed, but consent is disputed? What if the inebriation of the complainant is the issue? Because rape hinges upon consent, whether the crime of rape took place at all is not objectively verifiable. This little problem is brushed under the carpet. Consequently, those, like myself, who seek a factual position are ultimately frustrated by the nature of the crime itself: it has been rendered ineffable. The hard-line feminist position is that rape took place if the woman says it did – full stop. And that is why they want to see all accused men convicted – because they are all guilty as soon as accused. The conflict in perspectives is epistemological: the feminists have no truck with the idea that there is an objective truth. Truth is what they say it is.

Even if one could agree on a definition and quantification of false allegations, as a percentage of what should it be expressed? As a percentage of those prosecuted? Or as a percentage of all reports to the police? The latter is the only meaningful measure (since it is perfectly possible – in fact quite likely – that the number of false allegations considerably exceeds the number of prosecutions for rape).

The reader may wish to pursue the matter further, in which case I will reference a couple of studies as a place to start. Firstly, [Lisak et al \(2010\)](#) which, on the basis of their own study and also reviewing other referenced studies, concluded that ‘the prevalence of false allegations is between 2% and 10%.’ Their paper may be consulted for a review of a number of other studies, many of which report far higher rates of false allegations (such as in the 30s or 40s of percent). However, Lisak et al remind us

of the definition recommended by the International Association of Chiefs of Police (IACP), which emphasises the need to determine falsity through evidence of absence (as opposed to absence of evidence),

‘The determination that a report of sexual assault is false can be made only if the evidence establishes that no crime was committed or attempted. This determination can be made only after a thorough investigation. This should not be confused with an investigation that fails to prove a sexual assault occurred. In that case the investigation would be labelled unsubstantiated. The determination that a report is false must be supported by evidence that the assault did not happen.’

Hence, studies reporting higher rates than about 10% tend to fall foul of this criterion. The other review the reader may wish to peruse is that of [Rumney \(2006\)](#). His Table 1 quotes the results of 20 studies which give false allegation rates ranging from 1.5% to 90%, which demonstrates rather well that the true rate is almost totally unknowable from such studies. 17 of the 25 quoted rates are in the range 10% to 47%. Rumney also critiques his sources and, rightly, indicates that the higher percentages result from studies in which either the reasons for designation of reports as “false” were unclear, or the reason fell well short of an actual demonstration of falsity.

My interpretation of this sea of confusion is that, if care is taken to include only cases where falsity is demonstrated, then the rate lies in the 2% to 10% range. However, all this establishes is a lower bound to the actual rate of false allegations. Even in the small percentage of cases which are tried in court one cannot be sure if a false allegation has been made. A conviction does not prove that the allegation was not false: there are plenty of case histories of such miscarriages of justice. Similarly, a not-guilty verdict does not prove that the allegation was false, or even that the man was innocent. And these are the cases which have received most investigative attention. We have seen above that the large majority of reports of rape do not result in prosecutions. It is not the focus of the police to compile evidence that the complaint is untruthful. Their focus is to attempt to compile evidence which makes a prosecution case for rape, and if they cannot do so, then the case does not go forward to the CPS. In many cases it will be difficult to find evidence that the allegation is false, and in most cases the attempt to do so is not made. It is sufficient for police purposes, as regards not proceeding with a case, that evidence supporting a rape prosecution is not sufficient. In short, for the bulk of cases, evidence of falsity is not sought and may not exist if it were. Consequently, the 2% to 10% estimate for the rate of false allegations is not only a lower bound, but may well be a wildly conservative lower bound, i.e., the actual rate may be far greater since the police make no attempt to find evidence which demonstrates falsity.

If the CPS takes the prize for the most reprehensible misinformation, Laura Bates, proprietor of the web site Everyday Sexism, takes the prize for the silliest. She is currently touring UK schools telling boys that ‘a man is 230 times more likely to be a victim of rape than to be falsely accused of rape’. She adds, ‘they’re being fed all these misleading lies’, ([Aitkenhead, 2019](#)). Indeed they are, and Ms Bates is responsible for some of them. To see how silly her claim is, suppose for sake of argument the CPS’s figure of 0.6% were the correct rate of false rape allegations. In the year ending September 2018 there were 50,470 reports to police of rape of females (or 56,688 if rape of males is included). The number of false allegations would thus be 340. If a man were truly 230 times more likely to be a victim of rape than to be falsely accused of rape, there would have to be $340 \times 230 = 78,000$ rapes of males annually, 28 times the actual current rate of reporting adult male rapes to the police. But, I have argued above, the *lower bound* to the false allegation rate is in the range 2% to 10%. That gives us 1,134 to 5,669 false allegations per year, and hence – if Bates were right – an implied number of male rapes annually of 261,000 to 1,300,000, the latter being 470 times greater than the reporting rate to the police of adult male rapes. Err, no, I don’t think so. Bates’s claim is absurd. The false allegation rate only has to exceed 5%, as seems almost certain, for the probability of an adult man being falsely accused to exceed his

probability of being raped. Ms Bates was attempting to minimise the significance of female offenders (false accusers) by eclipsing them with male offenders (rapists). This is what feminists always do.

The incidence of false rape allegations is certainly not a trivial percentage, as is sometimes claimed. Aileen McColgan claimed the rate of false allegations of rape to be 'infinitesimal', for example, ([Rumney, 2006](#)). That lower bound estimates lie in the range 2% to 10%, and that these estimates leave the bulk of allegations uninvestigated, is sufficient to prove the point that false allegation rates are not a trivial percentage. Personally, though, I was convinced of the matter by my own exercise to identify cases of false allegation.

I confined my search to the UK and to recent years. My only source was newspaper articles, which will severely limit what can be found. My expectation is that most cases of false allegation will not be reported in newspapers (or even identified as such). Hence, my trawl could only possibly pick up a small fraction of cases. Yet I easily found 146 cases, not including politicians or celebrities. My review, together with all 146 case histories, can be found in ([Collins, W., 2018b](#)). The 146 cases involved 16 deaths. 12 of these were the suicide of the wrongly accused, one was the suicide of the falsely accused's mother, one was the suicide of the alleged false accuser, one was a homicide due to vigilante action, and one was the death in prison of an innocent man. At least 28 of these cases involved disclosure failures, possibly more but news reports are not always explicit. Disclosure is discussed further in the next section. 25 cases involved serial accusers, 14 of them had accused more than two men.

I also reviewed allegations of rape or sexual assault against politicians, ([Collins W., 2018c](#)), and celebrities, ([Collins W., 2018d](#)), looking for all such allegations not just false allegations. I identified 25 cases of alleged sex offences against senior politicians (not including councillors), 24 men and one woman. Whilst I cannot be certain, my judgment was that 21 of these 25 were not guilty of any criminal offence, with 4 being guilty. You may judge differently. For celebrities I identified 45 cases, all men. My opinion was that 12 men were probably guilty, 29 men were innocent, and in 4 cases the matter was not clear. So, of the 70 cases against politicians or celebrities, the allegations appeared to be false, or below the criminal level, in at least 71% of cases. I had hoped that this would provide a handle on the rate of false allegations among the general public, but on reflection this can hardly be claimed. Politicians and celebrities have a target on their back and will potentially attract accusations to a far greater extent than an unknown member of the public. Nevertheless, the 71% figure is salutary. Of course, you may disagree with my reading of the cases.

To close this section I make a simple estimate of the rate of false allegations of rape of adult women. The estimate is alarming, but is difficult to fault as all the figures which are used are official figures from the MOJ or the ONS. We have seen in section 19.2 that the CSEW central estimate was 51,200 rapes of adult women in the latest survey year (year ending March 2016), derived from ([Office for National Statistics, 2017t](#)) as 0.32 times 160,000 (see also Figure 19.3). This rate appears steady over the last few years. But in ([Office for National Statistics, 2018u](#)) we read that the CSEW also identifies the following,

"Those who had experienced rape or assault by penetration (including attempts) since the age of 16 were asked who they had personally told.... Around one in six (17%) had told the police."

Hence, these two CSEW-derived figures together imply that the number of genuine rapes of adult women reported to the police is expected to be 17% of 51,200, or 8,700 cases. But we have also seen in section 19.2 that the actual number of reports to the police of rape of adult women in the latest reported year (year ending September 2018) was 37,369, ([Office for National Statistics, 2019b](#)), see also Figure 19.5. These data imply that only 8,760 of the 37,369 cases of adult rape of women reported to the police were genuine, i.e., a false allegation rate of 77%. Since all three figures used in the estimate are MOJ or CSEW figures it is difficult to dismiss this result, despite its alarming nature.

To return to Laura Bates's preposterous claim, the above argument suggests there are 28,609 false rape allegations annually, some 11 times greater than the number of reports of adult male rape to the police, or nearly 6 times the estimated incidence of adult male rape based on the CSEW. It is fairly clear that false allegations represent a greater risk to men than rape. To express that differently: women are a greater sexual hazard to men than other men (and that only counts false allegations, not women's actual sexual assault of men).

It is worth emphasising that the number of police reports of rape of adult women was far smaller, around 10,000, in 2013 and earlier (Figure 19.5), and the CSEW estimate of the rape incidence rate was substantially larger. Consequently, in these earlier years the same method would not provide evidence for a false allegation rate. This suggests that the alarmingly high false allegation rate of 77% or thereabouts is a recent phenomenon. The huge increase in reports of rape to the police since 2013, evident in Figure 19.5, would seem to have been the result of a massive escalation in false allegations. Patrick Graham has opined that the ready availability of victim compensation may be at least part of the reason, especially as compensation payment is not even dependent upon securing a conviction, ([Graham, 2018](#)).

It is also worth noting that Figure 19.6 shows a similar steep increase in the reporting of rape by adult males since 2013, suggesting that it is not only women making false allegations, but also men who may be seeking victim payouts. However, whatever the sex of the accuser, it is overwhelmingly men who are the accused. It is reasonable to hypothesise that this apparent dramatic increase in the incidence of false allegations since 2013 is a result of the post-Savile Operation Yewtree, which started in October 2012.

These observations put the increased frequency of jury exonerations of rape defendants (Figure 19.9) in a rather different light. The considerably increased exoneration rate since 2013 may be simply because juries are failing to be fooled by fraudsters, as indeed one would wish, rather than because an increasing number of rapists are "getting away with it", as the rape activists and our political establishment would have us believe, ([Hansard, 2018](#)). This further discredits calls for juries to be scrapped in rape trials. Not only would this be a profound erosion of a basic principle of justice, but it would remove the final barrier against injustice which has not yet fallen.