

The Consideration of Rape: The Effect of Target Information Disparity on Judgments of Guilt¹

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We hypothesized that increasing the amount of individuating but case-irrelevant information about a target in a date-rape trial (i.e., either the defendant or the victim/witness) would increase attributions of responsibility for that target and would thus influence judgments of defendant guilt. As predicted, merely adding trivial information, such as the victim's age, college major, and city of residence, to the rape trial vignette decreased judgments of guilt for the defendant; whereas adding corresponding information regarding the defendant increased judgments of his guilt. Ratings of perceived similarity to defendant and victim correlated significantly with responsibility and guilt, but were unaffected by the information manipulation. We suggest that target information increases target salience, which results in an increase of attributions of responsibility.

Compared to other violent crimes (e.g., murder, manslaughter), the felony conviction rate for rape in this country is low. For example, rape is one fourth as likely as murder to result in a prison sentence (Petersilia, 1994). This is in spite of the fact that the nature of rape implies that there is almost always an eyewitness.

Rushton (1995) compared 76 countries worldwide on 1990 rape report data. Among Western countries, the rate of 41.2 occurrences per 100,000 people in the United States was over twice as high as the next highest Western country, Sweden (16.4), and placed the United States fourth highest overall. According to a National Victims Center estimate, 683,000 rapes occurred in the United States in 1992 (Sinclair & Bourne, 1998). The FBI Uniform Crime Report (UCR) claims that only 109,062 rapes were actually reported, and of those, only 3.6% resulted in a rape conviction (Sinclair & Bourne, 1998).

Rape is widely considered among the most underreported crimes (Anderson, Cooper, & Okamura, 1997) and appears to be a crime in which the violators are seldom punished. Obviously, not every person charged with rape is guilty, but it

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may be that the actual percentage of guilty defendants is many times what the conviction rate would suggest. Why might so many alleged perpetrators evade the full brunt of the blame for a rape, as evidenced by the 3.6% of reported rapes that resulted in conviction in 1992 (Sinclair & Bourne, 1998)?

In many rape cases, the question of guilt or innocence revolves around whether intercourse took place. In these instances, physical evidence is the primary factor in judging guilt (McCahill, Meyer, & Fischer, 1979). Stranger rape is often considered by the general public to be the default definition of rape (Sinclair & Bourne, 1998; Williams & Holmes, 1981). In cases where both parties admit that intercourse occurred (e.g., date/acquaintance rape), the question becomes one of consent and culpability. Guilt is then determined by whom the jury believes and whom the jury finds most responsible. Trials involving rape by a stranger are more likely to result in guilty verdicts (Simonson & Subich, 1999). Although some sources have the breakdown between date/acquaintance rape and stranger rape at around 50% (McCahill et al., 1979; Williams & Holmes, 1981), 1995 Department of Justice data (Walsh, 1997) estimated the rate of a victim knowing her attacker at 80%.

Saliency

There are two plausible psychological mechanisms that could be responsible for the lower than expected conviction rates, especially in rape trials hinging on victim consent. One mechanism involves the information disparity between the victim and the accused that is inherent in the way rape trials are conducted. This individuating information disparity results in the victim/witness becoming the more salient attributional target in the minds of jurors. Defendants in a rape case are not required to testify because of self-incrimination laws, while victims frequently are the primary or only eyewitness to testify on the event (Madigan & Gamble, 1991; McCahill et al., 1979). These trial characteristics often result in the victim spending a substantial amount of time speaking and answering questions before the jury, while the defendant remains in the backdrop, sitting silently at the defense table (Madigan & Gamble, 1991). Given the powerful impact that target saliency has on causal attributions (Taylor & Fiske, 1978; Taylor, Crocker, Fiske, Sprinzen, & Winkler, 1979), one would suspect that this context would lead to biased attributions of responsibility to the more salient victim, which in turn would lead to decreased judgments of guilt for the defendant.

Jurors in this situation essentially are required to attribute the cause of a target's action to either situational forces or to their dispositional characteristics (Heider, 1958). A guilty judgment is a consequence of attributing causal responsibility for the event in question to the defendant. A correspondent inference bias (Gilbert & Malone, 1995; Jones & Harris, 1967) exists generally within Western cultures where social observers have a tendency to attribute internal dispositional

causes to a target's behavior in question. At first blush, this would seem to apply to the defendant on trial (i.e., "Was the defendant responsible/culpable for the sexual intercourse?"). Thus, the correspondent bias would lead us to expect a tendency for jurors to see defendants in trials as guilty, simply as a result of the question being framed (i.e., "What caused him to do that?").

However, in date-rape trials, the victim is not only the primary witness for the event being considered, but also a participant/actor in the event. Therefore, as she testifies, she becomes an attributional target herself as the jurors contemplate the parallel question "What caused *her* to do that?" Consequently, the same correspondent bias applies, and in this case leads to a biased attribution of responsibility for the victim. Generally speaking, whoever is the most salient and vivid target will be the one for whom biased attributions of responsibility will be made (e.g., Storms, 1973).

Increasing available target information has been shown to increase a target's vividness and salience, which leads to an increase in causal attributions (Taylor et al., 1979). Taylor et al. showed that the more salient the target, the more causal responsibility perceivers attribute to them. In general, any additional information that makes a given target more vivid and salient will make him or her more causally responsible for whatever situation in which he or she is observed (Fiske & Taylor, 1991).

In a rape trial, the nature of the presentation of evidence creates an information disparity such that the victim is always the more vivid and salient of the two principals involved. Therefore, the nature of rape trials hinging on victim consent is biased such that jurors should attribute more responsibility to the victim for the event (i.e., intercourse) because it is she who takes the stand and is the more vivid character.

Belief in a Just World

Another well-understood mechanism that can account for the low conviction rate in rape cases has to do with the inordinate amount of blame placed on rape victims (Madigan & Gamble, 1991; McCahill et al., 1979). In cases that hinge on consent, observers of both genders tend to distribute the blame of a rape between the victim and the attacker (Deitz, Blackwell, Daley, & Bently, 1982; Sinclair & Bourne, 1998). Many observers consider a victim's behavior or appearance preceding the rape to be relevant to the amount of blame she should receive. For example, some observers consider women dressed in revealing clothing to be more responsible for their plight than those dressed more conservatively (Deitz et al., 1982). Quite often, this results in observers finding the victim blameworthy.

According to Simmons and Lerner (1968), "People are motivated by a need to believe in a world where there is an appropriate correspondence between a

person's fate and the fate he deserves by virtue of his actions or intrinsic worth" (p. 216). The authors go on to say that observers have two choices in coping with the perceived plight: They can either alleviate the other person's suffering, or formulate reasons why the suffering is deserved. In this way, if the victim's behavior or personal attributes are to blame for the event, the event was not a result of chance and the observers can feel as though they are not potential victims. This is referred to as *just-world thinking* (Lerner & Simmons, 1966).

In one of the seminal studies of the just-world literature, Lerner and Simmons (1966) had participants observe a person receiving a shock. In one condition, participants were allowed to vote whether a victim of shock should be rewarded financially. In the second condition, they were not given a vote. When allowed to compensate the victim, most participants did just that. When not allowed to compensate the victim, however, the participants derogated the victim, rating him or her as less attractive and less likable than did participants in the compensation condition. The authors claimed that participants found the victim less attractive so that the fit between the victim's fate and character was more appropriate.

Similar victim derogation has been observed in rape trial scenarios. Sinclair and Bourne (1998) had participants read a rape scenario and were told either that the defendant was found guilty, not guilty, or were told nothing about the outcome. When provided with a guilty verdict, participants actually blamed the victim more than when provided with a not-guilty verdict or no verdict. This seems to indicate that when harm toward a target is demonstrated, observers are quick to attribute blame to the target's actions and not the external world.

Lerner and Simmons (1966) felt that observers witnessing a misfortune befall a target are threatened in that they see the world as a riskier, more random place. If the unfortunate target is victimized, then anyone can be victimized, including the observer. To reduce this threat, the observer must hold the belief that the victim somehow deserved his or her fate and is therefore a *bad person*. This motivates observers to find themselves as dissimilar to the victim as possible, because if they are not similar to the victimized target (i.e., they are *good*), this unfortunate event will not befall the observers.

In a rape trial, jurors view two targets in an unenviable situation: One is the victim of rape, and the other is accused of rape. The victim takes the stand and provides a wealth of personal and behavioral information. Jurors could use this individuating information about the victim to find ways to conclude that she is different from them personally. The apparent dissimilarity (unless there is a close correspondence between traits of the two parties) can decrease the empathy felt by the juror for the victim (Batson, Duncan, Ackerman, Buckley, & Birch, 1981). The victim, therefore, becomes easier to blame. This, in turn, facilitates the motivated belief that the jurors themselves will not suffer this horrible fate because they are different from the target. Females account for an overwhelming majority of rape victims and have been shown to be more fearful of rape (Bohner,

Weisbrod, Raymond, & Barzvi, 1993). Thus, this process would be expected to occur more strongly in female jurors.

Since little is known about the defendant, the same opportunity to find him dissimilar is not available to jurors. However, it is plausible to expect that male jurors more than female jurors would be subject to more motivated information processing with respect to the defendant. Nevertheless, the information disparity always works to the disadvantage of the female victim/witness, and thus could contribute to the low percentage of convictions.

Hypothesis

It is proposed that case-irrelevant, individuating, biographical information about a target increases observer perceptions of responsibility for that target in a date-rape trial situation. Two possible mechanisms can drive this. Jurors may feel threatened by the events they are considering, and they may be motivated to psychologically distance themselves from the principals. The informational disparity between victim/witness and defendant makes it easier for the jurors to distance themselves from the victim and thus makes it easier to attribute more blame to her for her plight. The more blame attributed to her, the less likely the jurors will be to convict the defendant.

In addition, the salience hypothesis predicts that biographical information increases the vividness and salience of a target, which, in turn, compels observers to attribute more responsibility to the target. In date-rape trials, the victim/witness is more salient, which compels the juror to attribute causal responsibility to her for the rape. The increased attributed responsibility to the victim leads to a decrease in the judgments of responsibility and guilt for the defendant. Thus, there are two mechanisms—one hot and one cold—that predict that the information disparity inherent in rape trials will lead to a leniency bias in judgments of guilt and convictions.

Method

Overview

Each participant was given one of four scenarios reflective of what might be considered in a rape trial. After reading the scenario, participants rated the following: (a) how similar they were to each target (victim and defendant); (b) how responsible each target was for the rape; and (c) whether they found the defendant guilty or not guilty. All scenarios were identical, except for the amount of neutral, nondiagnostic, biographical information provided about the defendant or the alleged victim. The scenarios featured either present or absent victim information and either present or absent defendant information, thereby creating the four information conditions.

Participants

Participants were 18 years old and over, and were enrolled in an introductory psychology class. They received extra credit in exchange for their participation. Of the participants, 93 (51 female, 42 male) completed the study. Analyses involving guilt judgments are based on fewer participants because several respondents apparently did not notice that item on their questionnaire.

Procedure

Participants were told to imagine themselves as jurors in a trial as they read a one-page, fictitious account of a date rape. The scenario (Appendix) was an amalgam of accounts read by participants in previously conducted rape perception experiments (Deitz et al., 1982; Fischer, 1997; Schuller & Wall, 1998).

The scenario described the fictitious case of Rebecca Marshall, a college student who went to a party and met a young man named Roger Carlson. According to both plaintiff and defendant, the two went for a short walk and started to kiss. The defendant claimed that the intercourse that followed was consensual, while the plaintiff claimed it was forced. After the facts of the case were presented, participants were instructed by the judge in the scenario to "vote in accordance with your conscience."

Information manipulation. Two levels of victim information were created. In the information-absent condition, participants were told that the victim was 5'4" (1.62 m) tall and weighed 125 pounds (56.70 kg). In the information-present condition, they were told that she was a 5'4" (1.62 m), 125-pound (56.70-kg), 20-year-old Methodist from Fort Collins, Colorado, who was majoring in marketing at Colorado State University, employed at a department-store jewelry counter, and had a boyfriend who was attending college out of state. This additional information served to make the target more individuating and vivid to participants, but was irrelevant to the rape issue at hand. Two levels of defendant information corresponding in content to the victim's information were also created. Participants were told that the defendant, Roger Carlson, was a 5'10" (1.78 m), 175-pound (79.38-kg) male. He was a 22-year-old nondenominational Christian from Denver, Colorado, majoring in business. He worked in a men's clothing store and recently ended a monogamous relationship. Again, only height and weight were provided in the information-absent condition.

Judgments. After reading the scenario, participants were asked to provide a verdict of *guilty* or *not guilty* (i.e., whether or not the defendant was guilty). They were also asked to rate how responsible each of the targets was for the rape, using a 7-point scale ranging from 1 (*not at all responsible*) to 7 (*very responsible*). Following this, participants were asked how similar they felt to the defendant and how similar they felt to the victim, again using a 7-point scale.

Table 1

Percentage of Verdicts in Which the Defendant Is Found Guilty by Information Condition

Defendant information	Victim information				<i>M</i> (%)
	Present		Absent		
	%	<i>n</i>	%	<i>n</i>	
Present	78.3 _{ab}	23	90.9 _b	22	84.4
Absent	53.8 _a	26	68.2 _{ab}	22	60.4
<i>M</i> (%)	65.3		79.5		

Note. Cells with different subscripts differ significantly from each other.

Results

Judgments of Defendant Guilt

Verdicts pertaining to the guilt of the defendant are reported in Table 1. As predicted, participants in the victim-information-absent/defendant-information-present condition found the defendant guilty the highest proportion of the time (90.9%), and participants in the victim-information-present/defendant-information-absent condition found the defendant guilty the lowest proportion of the time (58.3%).

A $2 \times 2 \times 2$ ANOVA (Victim Information \times Defendant Information \times Participant Gender) was conducted on verdicts.³ The main effect for victim information was significant, $F(1, 85) = 4.14$, $p < .05$ ($r = .21$).⁴ When information was provided about the victim, verdicts finding the defendant guilty decreased from 80% to 65%. The main effect for defendant information was also

³Rosenthal and Rosnow (1991) pointed out that nominal data can be analyzed effectively using ANOVA instead of nonparametric tests (in this case, chi square) after the qualitative data have been converted into quantitative data via dummy coding. With the exception of very small studies with few degrees of freedom (< 20) or studies featuring extreme splits of 0 versus 1 data, the F tests obtained from these ANOVAs have been shown to be accurate (Edwards, 1972; Hsu & Feldt, 1969; Lunney, 1970; Snedecor & Cochran, 1967, 1980; Winer, 1971), in some cases more so than chi-square tests (Cochran, 1950). The overall chi-square test was also found to be significant, $\chi^2(3, N = 93) = 8.77$, $p < .05$.

⁴ r is a convenient effect size for reporting single degree-of-freedom F s since it refers to the strength and direction of an association between two variables (Rosenthal & Rosnow, 1991). The effect size of $r = (\text{sum of squares effect of interest} / \text{sum of squares effect of interest} + \text{sum of squares within})$.

significant, $F(1, 85) = 5.91, p < .05$ ($r = .25$). When information was provided about the defendant, verdicts finding the defendant guilty increased from 60% to 85%. The interaction effect between defendant and victim information was not significant.

Although it was not predicted, a significant interaction was found between victim information and gender of participant, $F(1, 85) = 5.25, p < .05$ ($r = .15$). Guilt judgments did not differ for females across victim information conditions, $t(49) = 0.03, p = .98$; but male participants who received more individuating information about the victim were less likely to judge the defendant guilty (86% vs. 48%), $t(40) = -2.79, p < .01$.

Victim Responsibility

Participants were asked to rate how responsible the victim was for the rape and how responsible the defendant was for the rape. According to the just-world-driven, information dissimilarity hypothesis, it was thought that females would be more threatened by the idea of being raped and that males would be more threatened by the idea of being accused of rape. As a result of this threat, increasing the amount of available information about a same-gender target should lead to increased ratings of responsibility for that same-gender target. The data, however, did not support this hypothesis. No effect was found for the victim-information manipulation on the victim responsibility scores of female participants. However, male participants ($M = 4.88$) did rate the victim as more responsible for her plight than did female participants ($M = 3.90$), $F(1, 85) = 8.14, p < .01$ ($r = .29$).

Ratings of victim responsibility decreased when participants were given more information about the defendant ($M = 3.80$ vs. 4.85). A main effect from a $2 \times 2 \times 2$ ANOVA (Victim Information \times Defendant Information \times Participant Gender) shows this difference to be significant, $F(1, 85) = 9.11, p < .01$ ($r = .31$). No other effects were significant. This result is consistent with the salience-causal attribution hypothesis, because as defendant information (i.e., salience) increased, defendant responsibility presumably increased as well, leading to a decrease in victim responsibility for the event.

Defendant Responsibility

A corresponding ANOVA was run on judgments of defendant responsibility. No main effects were found. However, the three-way interaction between participant gender, victim information, and defendant information was significant, $F(1, 85) = 5.77, p < .05$ ($r = .25$). For males, information showed little influence on defendant responsibility ratings. However, female participants attributed significantly greater responsibility to the defendant than did male participants

($M = 6.42$ vs. 5.30) when they received information about the defendant but no individuating information about the victim, $t(20) = 3.01, p < .01$.

Correlations Between Verdict and Similarity Scores

Participants were asked to rate how similar they were to the victim and how similar they were to the defendant. Under the motivated cognitions mechanism, perceived similarity to a target would lead to a verdict favoring that target, whereas dissimilarity would lead to verdicts less favorable to the target. Therefore, perceptions of similarity between participants and the victim were expected to correlate positively with guilty verdicts for the defendant. Likewise, perceived similarity to the defendant should correlate negatively with guilty verdicts.

As predicted, the more similar participants considered themselves to be with the defendant, the less likely they were to judge him guilty ($r = -.32, p < .01$). Likewise, the more similar participants considered themselves to be to the victim, the more likely they were to judge the defendant guilty ($r = .28, p < .01$).

Perceptions of Similarity to Targets

According to the motivated cognitions hypothesis, receiving individuating information about a target in a threatening situation should decrease perceived similarity with that target, thereby making it easier to blame the target for that unenviable situation. A $2 \times 2 \times 2$ ANOVA (Defendant Information \times Victim Information \times Participant Gender) reveals no significant main effects or interactions on perceptions of either defendant similarity or victim similarity.

Discussion

Rape trials feature more information about the victim than the defendant (Madigan & Gamble, 1991; McCahill et al., 1979). We presented two distinct psychological mechanisms and data that show how this information disparity can lead to a disproportionate amount of acquittals.

Participants increased their inclination to rule against the target (victim or defendant) when additional individuating but trial-irrelevant information was provided about the target. Participants in the condition that most closely approximated current courtroom procedures (victim information present/defendant information absent) rendered almost as many not-guilty verdicts as in all other conditions combined. In contrast, the condition that turned this informational disparity on its head (victim information absent/defendant information present) produced a guilty verdict over 90% of the time.

A link between similarity and judgments of guilt was also established. The more participants considered themselves similar to the defendant, the less likely

they were to judge him guilty. Likewise, the more participants considered themselves similar to the victim, the more likely they were to judge the defendant guilty.

While perceived similarity was found to relate to judgments of defendant guilt, there was no evidence that target information directly influenced perceptions of similarity. Therefore, we found little evidence to support the motivated cognition mechanism for this information effect on guilt judgment bias. Instead, it would appear that the more simple and direct salience mechanism is sufficient to explain our findings.

In this case, the increase in the victim's salience would lead observers to believe that the victim's internal characteristics are responsible for the rape, not the situation in which it occurred (Taylor et al., 1979). Thus, the nature of rape trials leads jurors to a correspondent bias (Gilbert & Malone, 1995) when considering the witness/victim much more than when considering the defendant. Thus, given the nature of the event in question, the resulting bias manifests in a leniency bias for the defendant accused of rape.

What is notable in the present investigation is the limited amount of information that served as the manipulation. Howe (1989) has already shown that the amount of information provided verbally can be an important determinant of salience, as was the case here. Nevertheless, we find it incredible that the minimal and trivial amount of irrelevant, individuating information employed here could have had such a profound effect on observer assessments.

The amount and nature of the information manipulation delivered unwittingly during an actual rape trial is much more profound. In an actual rape trial, jurors see the victim walk to the witness stand. They can hear her answer a series of questions, many of which are intended by the defense to cause her the maximum amount of emotional stress (Madigan & Gamble, 1991). Her physical appearance, demeanor, facial expressions, tone of voice, and nonverbal behaviors make her far more vivid than would the simple knowledge of her age, religion, and residency, as was manipulated in the present study. The thin-slice impression literature shows us that an enormous wealth of individuating information is embedded in only a few seconds of expressive behavior, and observers are known to respond readily to it (Ambady, Bernieri, & Richeson, 2000). If anything, the manipulation employed in this study grossly underestimates that which is taking place every day in our courtrooms.

That said, however, we should note that in actual trials, the amount of evidence presented to jurors is far greater than the amount we provided to our participants. Therefore, we expect that as a trial becomes more complex, there would be a dilution effect where the abundance of case-relevant information would dilute the effect of the target information phenomenon uncovered here. However, even in these cases where the information effect may not be the most influential mechanism at work, it still could swing the result of the trial if it influences only one juror. Zeisel and Diamond (1978), for example, found that if only one juror

from a six-member jury switches from guilty to not guilty at the time of a pre-deliberation verdict, then the probability for that jury to return a guilty verdict can drop nearly 50%.

Given the impact achieved by the information manipulation employed in the present study, one is left to wonder how much more innocuous the information could have been and still have achieved a significant effect. Would mentioning that a man worked at an auto-parts store have sentenced him to a decade of imprisonment? Would the fact that a woman was wearing blue slacks with a white blouse while walking to the witness stand have branded her as responsible for her own rape?

The results are telling. Verdicts of guilt made in the present study were influenced significantly despite the sparse amount of demographic information that was manipulated. The research findings presented here hold open the possibility that the magnitude of individuating information about the rape victim, although irrelevant to the causal analysis of the event, can introduce an attributional bias that leads to an increased assignment of responsibility for the event to the victim and results in a leniency bias for the defendant accused of the criminal act of rape. If future studies bear out the findings reported here, then a serious reexamination of court procedures regarding rape, especially date/acquaintance rape, will be warranted.

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Appendix

(Underlined portions are biographical information pertaining to the victim, while boldfaced portions are biographical information that deals with the defendant.)

Please read the following account of a 1991 criminal trial involving an alleged rape as though you were serving on the jury:

The alleged event occurred on the evening of April 29, 1991, at a residence near the campus of Colorado State University. The plaintiff is Rebecca Marshall, a 5'4", 125-pound female. She is a 20-year-old Methodist from the Fort Collins area (home of Colorado State University), majoring in marketing at CSU. The defendant is Roger Carlson, a 5'10", 175-pound male. **He is a 22-year-old nondenominational Christian from Denver, majoring in business.** Although they both agree that sexual intercourse occurred on the night in question, the defendant claims that sex was consensual, while the plaintiff claims that she was coerced.

The basic trial testimony indicates that the two had met at an afternoon barbecue hosted by a friend. Although both parties recall seeing one another at prior social gatherings, up until the day in question they had not had any contact, verbal or otherwise. Both agree that they spent much of their time at the party talking about mutual interests and, at one point, they decided to go for a walk along a nearby river. After about 15 minutes, they sat down and continued talking. Although both testified that they started to kiss, their stories begin to diverge with respect to the events that ensued.

The complainant testifies that she told the defendant that she was "not interested in going all the way" and repeatedly asked him to stop fondling her. She claimed that after resisting to the point of extreme fatigue and fear of her well-being she did submit to intercourse. This is counter to the defendant's claim that at no time did the complainant indicate that she was not a willing participant. After the alleged incident, both agreed that although the defendant invited the victim to return with him to the party, she declined.

In addition to the plaintiff's testimony, two additional witnesses are called: the victim's friend who escorted her to the hospital, and the attending physician. The plaintiff's friend, who also works with the victim at the jewelry counter at L. S. Ayers department store, was not at the party and states that the plaintiff seemed to be in shock when she called approximately 1 hour after the alleged rape took place. The physician indicated that the plaintiff was treated for minor bruises and lacerations of the face and neck, which were the result of the alleged rape. The physician also indicated that evidence of sexual intercourse was found and that the patient had been in a state of shock but was able to talk about the incident in some detail. The patient was

given a mild sedative injection and released to her friend, with recommendations of rest and referral to a rape crisis center.

In the closing statements, the prosecution points out that the plaintiff is engaged in a monogamous relationship while the defendant is not. The defense counsel counters in its statement that its client had recently ended a healthy, monogamous relationship and is a model employee at the men's clothing store where he works. As to the plaintiff's relationship, the defense points out that the plaintiff is currently in a relationship with a young man attending college out of the state. The defense counsel then claims that the plaintiff claimed rape due to feeling guilt after cheating on her boyfriend.

The judge's instructions before the jury is charged include the need for the prosecution to prove beyond a reasonable doubt that the defendant did rape Rebecca Marshall and, "in the end, vote in accordance with your conscience."