Prospective Lawyers' Rape Stereotypes and Schematic Decision-Making about Rape Cases[*]

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RUNNING HEAD: PROSPECTIVE LAWYERS' RAPE STEREOTYPES

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Abstract

Two studies explored stereotypic information processing in rape cases by prospective lawyers in Germany. In Study 1, 451 undergraduate law students rated rape scenarios varying with respect to defendant-complainant relationship and coercive strategy (force versus exploitation of the complainant's alcohol-induced defenselessness). Acceptance of rape myths was also measured. Likelihood of defendant liability was rated to be lower when there was a prior relationship between the parties and when the defendant exploited the complainant's defenselessness as compared to when he used force (except in the ex-partner rapes where blame was higher in the alcohol-related than in the force-related cases). Complainant blame was higher when there was a prior relationship between the parties and was higher in the alcohol-related cases than in the force-related cases, except in the ex-partner rape where the pattern was reversed. Participants with high rape myth acceptance held the defendant less liable and blamed the complainant more, especially when the two had known each other. Study 2 largely replicated these findings with 129 postgraduate trainee lawyers and showed that sentencing recommendations also varied as a function of defendant-complainant relationship and coercive strategy. Providing participants with the legal definition of rape did not reduce reliance on rape-stereotypes.

*Key Words*: Rape, Rape Attitudes Rape Myths, Judicial Decision Making, Blame Attribution

Prospective Lawyers' Rape Stereotypes and Schematic Decision-Making about Rape Cases

Across the Western world, conviction rates for rape and sexual assault are extremely low relative to victimisation rates and low in terms of the number of rapes recorded by the police (Temkin, 2002). Whilst many countries have noted considerable increases in rapes reported to the police over the last two decades, this development is not matched by corresponding increases in the number of cases in which charges are brought against a suspect and in which a conviction results (Kelly, Lovett, & Regan, 2005). German data reported by Regan and Kelly (2003) for the period of 1998 to 2001 show that close to a third of reported cases were prosecuted and 25% ended in convictions. In England and Wales, attrition rates for the same period were even higher, with only eight per cent of reported cases ending in a conviction (Regan & Kelly, 2003, p. 13). This rate has decreased further to just over five percent in 2005 (Her Majesty's Inspectorate of Constabulary, 2007). Attrition is a complex process affected by a variety of variables. However, there is a consensus among practitioners and researchers that stereotypical conceptions of rape shared by the public and members of the criminal justice system play an important role in this problem (Temkin & Krahé, 2008). These include the belief that women often precipitate rape through their own behavior or appearance and that accusations of rape made against a former sexual partner are likely to be fabricated (see Temkin & Krahé, 2008, Chapter 2, for a review).

Despite the fact that legal decision-making is normatively defined as data-driven, i.e. relying exclusively on the facts and the evidence, there is plenty of scope for schematic conceptions about rape rooted in rape myths to infiltrate. In common law systems, a familiar strategy adopted by the defence at trial is to seek to undermine the complainant's credibility in the eyes of the jury by casting doubt on her truthfulness and reputation, e.g., by questions about

her lifestyle and sexual conduct. This strategy is rooted in widely shared beliefs that "real rape" is an attack by a stranger on an unsuspecting victim who is overcome by force (Stewart, Dobbin, & Gatowski, 1996), and also in gender stereotypes delineating what is fit and proper behavior for women (Krahé, 1988). If such stereotypic beliefs are endorsed by legal professionals, this may assist in undermining the position of the victim in the criminal justice system and may be a causal factor underlying the high attrition rates in rape cases (Brown, Hamilton, & O'Neill, 2007). Lawyers' rape-related stereotypes also matter in countries that do not have a jury system and where the judge alone or presiding over a small number of lay judges is in charge of both convicting and sentencing defendants. This is true for Germany where the present research was conducted (Bliesener, 2006).

The present research offers a social-cognitive perspective on the problem of attrition in sexual assault cases. In theoretical terms, it draws on the distinction between data-driven and schema-driven information processing (Kunda, 1999). In schema-driven processing, perceivers interpret incoming social stimuli on the basis of generalised, i.e. abstracted knowledge structures and assimilate the specific stimulus information into that pre-existing knowledge structure. In contrast, in data-driven processing perceivers engage in a careful examination of the available evidence. The distinction between schematic versus data-driven information processing is immediately relevant in the legal context. Decision-making in criminal trials is normatively defined as data-driven, which means that judgements about the culpability of a defendant need to be based firmly on evidence specific to the case in question. Individuals involved in this process either as professional lawyers or lay members of the public are required to assess the evidence in its own right without being affected by their personal feelings and beliefs or by extraneous

information. Hence the impact of schematic-processing on such judgements violates the fundamental principles on which the legal processing of rape complaints should be based.

A substantial body of research has shown that the pre-existing attitudes of those involved in the decision-making process in rape cases infiltrate the appraisal of the data in a given case. Stereotypic beliefs about rape affect judgments of the credibility of complainants, the legal culpability of the assailant, and the extent to which the complainant is blamed for the assault. These studies have shown that there is a general tendency to attribute less blame to the perpetrator and more blame to the victim of a rape scenario when the rape occurred between dating or marital partners than when victim and perpetrator were presented as strangers (e.g., Cowan, 2000; Gölge, Yavuz, Müderrisoglu & Yavuz, 2003). It has also been shown that victim blame increased when the victim showed behavior at odds with stereotypical notions of female respectability, such as drinking or dressing in skimpy clothes (e.g., Krahé, 1988; Schuller & Wall, 1998; Wenger & Bornstein, 2006).

Studies have also looked at attitudinal differences between individuals in terms of rape myth acceptance (Burt, 1980; Lonsway & Fitzgerald, 1994). Rape myths represent "descriptive or prescriptive beliefs about sexual aggression (i.e., about its scope, causes, context, and consequences) that serve to deny, downplay or justify sexually aggressive behavior that men commit against women" (Gerger, Kley, Bohner, & Siebler, 2007, p. 425). Evidence from a range of studies shows that individuals accepting rape myths or holding traditional gender role beliefs tend to assign less blame to the perpetrator and more blame to the victim of a sexual assault (see Anderson, Cooper, & Okamura, 1997; Ward, 1995, for reviews). Furthermore, it has been found that individuals accepting rape myths are more susceptible to contextual information, such as victim-perpetrator relationship, when rating victim and perpetrator blame. The impact of rape

stereotypes has been found to be stronger for date rape and partner rape than for stranger rape (e.g., Frese, Moya, & Megías, 2004).

Gender differences have been reported with regard to both perceptions of defendant and complainant blame and rape myth acceptance. Men are more likely to blame the alleged victim and exonerate the alleged perpetrator than women (e.g., McDonald & Kline, 2004; Wakelin & Long, 2003), and they are also more likely to endorse rape myths (Anderson et al., 1997).

In combination, these studies provide evidence of schematic processing of information about rape cases that is incompatible with the normative prescription of data-driven information processing as a basis for decision-making in this context. However, most of the research was conducted with psychology undergraduates. This research is unable to gauge the extent to which prospective lawyers are susceptible to the influence of rape stereotypes on their judgments about rape cases. Few studies have examined the responses of professionals dealing with rape victims, particularly members of the police force and the judiciary (e.g., Stewart et al., 1996; Temkin, 2000; Ward, 1995). The present research was designed to address this issue by exploring the extent to which prospective lawyers are influenced by stereotypic views about rape in their assessment of specific rape cases. Two studies were conducted which examined the impact of rape myth acceptance and rape stereotypes on judgements about rape scenarios in two samples of undergraduate law students and postgraduate trainee lawyers in Germany. In Germany, the vast majority of undergraduates studying for a first degree in law go on to become professional lawyers. Of those engaged in postgraduate training to qualify as lawyers, a substantial proportion will proceed to a professional career in criminal law as defence counsel, prosecutors, or judges (Abele & Heismann, 2007). Thus, both undergraduate law students and postgraduate trainee

lawyers are highly relevant target groups for the study of decision-making about rape in the German legal system.

The undergraduate and postgraduate law students who participated in our two studies were presented with rape scenarios that differed with regard to defendant-complainant relationship, presenting them as strangers, acquaintances, or ex-partners.[1] The scenarios also differed in terms of the coercive strategy employed by the defendant to make the complainant engage in sexual intercourse. In half of the scenarios, the defendant used physical force. In the other half, he exploited the complainant's defenselessness brought about by alcohol. The general proposition on which both studies are based is that the more a rape case departs from the "real rape" stereotype which restricts genuine rapes to attacks by strangers who overcome their victims by force, the more room there is for the influence of information that is legally irrelevant but undermines the complainant's chances of being recognised as a victim of rape.

The case material presented to participants in our scenarios provided much less room for interpretation than would be the case in a real trial (see Appendix for an example). Participants were not left to work out the events which occurred from the disputed accounts of the complainant and defendant. Instead they were told what happened in each scenario although in a couple they were left to decide if they believed the defendant's explanation for these events. Therefore, participants were presented with a much stronger set of data than in a courtroom. If it can be shown that even in this situation, which leaves little room for interpretation, participants are affected in their decision-making by rape stereotypes, then it may be concluded that the problem of schematic processing is likely to be magnified under conditions of uncertainty as they prevail in a real-life trial.

STUDY 1

This study examined schematic processing of rape cases in a sample of undergraduate law students who were on their way to becoming professional lawyers. Four hypotheses were proposed about the influence of schematic processing on the basis of rape stereotypes.

(1) We predicted that ratings of defendant liability and complainant blame would be influenced by information about a previous relationship between the parties, with lowest ratings of defendant liability and highest ratings of complainant blame in the ex-partner rapes.

(2) We also assumed that participants would respond differently to scenarios in which the defendant used physical force than to cases where he exploited the complainant's inability to resist because she was affected by alcohol. Defendant blame was predicted to be higher and complainant blame lower when physical force was used.

(3) We hypothesized that the more participants endorsed rape myths, the less they would be inclined to hold the defendant liable and the more they would blame the complainant.

(4) Finally, we predicted that men would hold the defendant less liable and attribute more blame to the complainant, and that this was due to men's greater acceptance of rape myths.

Method

*Sample and Procedure*

A total of 451 students (226 men and 225 women, mean age = 23.2 years, *SD* = 2.90) enrolled in undergraduate law courses at a range of universities in Germany participated in the study. On average, participants were in their third year of the undergraduate curriculum (mean number of semesters = 5.6, *SD* = 3.55, in a curriculum extending over nine semesters, two per year). They were invited to participate in an online study entitled "Thinking about Sexual Assault" through their student council networks and completed the questionnaire via the internet.

The online survey was chosen as a cost-effective means of drawing a sample from the target group of undergraduate law students from a range of German universities. Systematic studies comparing online and paper-and-pencil methods of data collection have shown the two methodologies to yield comparable results (e.g., Gosling, Vazire, Srivastava, & John, 2004).

*Instruments*

*Rape scenarios.* Six written rape vignettes of around 250 words were used in the study. All contained a clear statement of the complainant's non-consent but varied with regard to complainant-defendant relationship prior to the assault (stranger, acquaintance without a sexual relationship, ex-sexual partners; see Appendix for an example). They also differed in terms of the coercive strategy used by the defendant (force as against exploitation of the complainant's alcohol-induced incapacity to resist). Neither aspect is relevant to the legal definition of rape in the German criminal code (§ 177 Strafgesetzbuch; see Note 2 below) which states that both the threat or use of force and the exploitation of a situation in which the victim is defenseless constitute rape with no reference being made to the relationship between the assailant and the victim. In the three scenarios involving the exploitation of the complainant's defenselessness, the complainant had consumed moderate amounts of alcohol but, because she was not used to drinking, was disproportionately affected by it (feeling sick and dizzy). There was no indication in the scenarios that the assailant had intentionally made the complainant drunk, but it was stated that he took advantage of her alcohol-induced defenselessness. The scenarios were used successfully in previous studies (Krahé, Temkin, & Bieneck, 2007; Temkin & Krahé, 2008, Studies 2 and 3).

Following each scenario, participants were asked to rate defendant criminal liability and complainant blame as well as recommend a sentence in case the defendant was found guilty.

(1) *Defendant liability*. Six questions were asked: (a) "How much do you think D [defendant's name] is to blame for the incident?"; (b) "How likely do you think it is that D thought C [complainant's name] consented to have sex with him?"; (c) "How certain are you that the incident meets the legal definition of rape?"; (d) "How strongly do you think that D [defendant's name] ought to be held criminally liable for rape?"; (e) "If you were a member of the jury, how certain are you that you would decide to convict D of rape?"; (f) "How certain are you that D should be given a prison sentence?" All responses were made on a seven-point scale ranging from (1) = not at all to (7) = very much.

(2) *Complainant blame*. Four questions were used to measure complainant blame. (a) "How much do you think C [complainant's name] is to blame for what happened?"; (b) "How much do you think C had control over the situation?"; (c) How likely do you think it is that C could have avoided the incident?"; (d) "How sorry do you feel for C?" (reverse coding; higher score indicating less blame). A seven-point response scale was used. To control for potential order effects, six versions of the questionnaire were created in which each scenario appeared once in each position from first to sixth.

*Rape Myth Acceptance*

The *Acceptance of Modern Myths about Sexual Aggression Scale* (AMMSA; Gerger, et al., 2007) was used as a measure of participants' rape myth acceptance. The AMMSA contains more subtle and less obvious misconceptions about rape than previous instruments. It was designed to measure acceptance of "modern" myths about sexual aggression, defined as "descriptive or prescriptive beliefs about sexual aggression (i.e. about its scope, causes, context, and consequences) that serve to deny, downplay or justify sexually aggressive behavior that men commit against women" (Gerger et al., 2007, p. 425). Example items are "Many women tend to

misinterpret a well-meant gesture as a "sexual assault", or "Many women tend to exaggerate the problem of male violence." A 16-item short form of the scale was used in the present study, based on research by Eyssel, Bohner, and Siebler (2006). Responses to each statement were made on a scale ranging from (1) = completely disagree to (7) = completely agree. Half the participants received the AMMSA scale prior to the scenarios, the other half received them after the scenarios.

<div align="center">Results</div>

*Descriptive Statistics*

The items measuring defendant liability and complainant blame, respectively, were combined into overall scores for each scenario. Cronbach's Alphas ranged from .77 to .86 for the six ratings of defendant liability and from .73 to .83 for the six ratings of complainant blame. Across all six scenarios, the mean score for defendant blame was $M = 6.04$ ($SD = .67$) and the mean score for complainant blame was $M = 2.52$ ($SD = .79$). There was a negative correlation between the two blame ratings of $r = -.63$, $p < .001$. The AMMSA scale also had a high internal consistency, Cronbach's Alpha = .84. The mean of 2.97 (SD = .84) was below the midpoint of 4 on the response scale, indicating that the sample as a whole tended more towards rejection than acceptance of the rape myth statements.

*Predicting Defendant Liability and Complainant Blame*

To test the predictions in Hypotheses 1 to 4, two ANOVAs were conducted with defendant-complainant-relationship (stranger, acquaintance, ex-partner) and coercive strategy (force vs. exploitation of alcohol-induced incapacity) as within-subjects factors and gender and rape myth acceptance as between-subjects factors. Ratings of defendant liability and complainant blame were the dependent variables. Participants were assigned to one of four groups of rape myth

acceptance on the basis of their responses to the AMMSA scale: very low (more than 1 *SD* below the mean), low (1 *SD* or less below the mean), high (1 *SD* or less above the mean) and very high (more than 1 *SD* above the mean).

For defendant liability, the analysis yielded three main effects: (1) a main effect for defendant complainant relationship, $F$ (2, 397) = 46.76, $p$ < .001, partial eta² = .19. In line with Hypothesis 1, defendant liability decreased from stranger (*M* = 5.95) to acquaintance (*M* = 5.75) to ex-partner (*M* = 5.54); (2) a main effect for coercive strategy, $F$ (1, 398) = 48.97, $p$ < .001, partial eta² = .11. As predicted in Hypothesis 2, liability ratings were higher when the defendant used force (*M* = 5.87) than when he exploited the complainant's alcohol-induced incapacity (*M* = 5.63); and (3) a main effect for rape myth acceptance, $F$ (3, 398) = 12.15, $p$ < .001, partial eta² = 08, with the very low (*M* = 5.96) and low (*M* = 5.94) rape myths acceptance groups regarding the defendant as significantly more liable than the high (*M* = 5.64) and very high (*M* = 5.47) rape myth acceptance groups, as predicted in Hypothesis 3. The main effect of gender was nonsignificant.

The three main effects were qualified, however, by three two-way interactions. First, an interaction between relationship and participant gender, $F$ (2, 397) = 7.36, $p$ < .001, partial eta² = .04, shown in the top panel of Figure 1. Follow-up *t*-tests indicated that men saw the defendant as significantly less liable in the stranger rapes than women did, $t$ (445) = -2.20, $p$ < .05. However, the difference between men's and women's perceptions of defendant liability in the acquaintance and ex-partner rapes was non-significant.

Second, a significant interaction was found between relationship and coercive strategy, $F$ (2, 397) = 50.26, $p$ < .001, partial eta² = .20, as shown in the bottom panel of Figure 1. Follow-up dependent sample *t*-tests indicated that in the force-related scenarios, ratings of defendant

liability went down significantly from stranger over acquaintance to ex-partner, $t$s ranging from 3.91 to 12.06, $p < .001$. In the alcohol-related cases, defendant liability was seen to be significantly lower in the acquaintance rape than in the stranger $t$ (413) = -4.45, $p < .001$, and ex-partner rapes, $t$ (413) = 3.15, $p < .001$. In the ex-partner rapes, the defendant was seen as significantly more liable when he exploited the complainant's defenselessness than when he used force, $t$ (423) = -4.38, $p < .001$.

Third, a significant interaction was found between relationship and rape myth acceptance, $F$ (6, 796) = 2.93, $p < .01$, partial eta² = .02. The corresponding means are presented in Figure 2. They show that participants with very low and low acceptance of' rape myths did not vary substantially in their ratings of defendant liability depending on defendant-complainant relationship. The more participants endorsed rape myths, the more they took defendant-complainant relationship into account, with liability highest in the stranger rapes and lowest in the ex-partner rapes. Thus, whilst defendant-complainant relationship did not affect perceptions of defendant liability among participants unaccepting of rape myths, those who accepted rape myths held the defendant less liable the closer his relationship to the complainant.

A parallel ANOVA was carried out on ratings of complainant blame, yielding a similar pattern of results. A main effect was found for defendant-complainant relationship, $F$ (2, 394) = 57.69, $p < .001$, partial eta² = .23. In line with Hypothesis 1, complainant blame was lower in the stranger rapes ($M = 2.30$) than in the acquaintance ($M = 2.75$) and ex-partner ($M = 2.61$) rapes. A main effect was also found for coercive strategy, $F$ (1, 395) = 269.69, $p < .001$, partial eta² = .41. As predicted in Hypothesis 2, the complainant was blamed less when the defendant allegedly used force ($M = 2.23$) than when he exploited her alcohol-induced incapacity ($M = 2.88$). A third main effect was found for rape myth acceptance, $F$ (3, 395) = 36.67, $p < .001$, partial eta² = 22,

with complainant blame increasing from the very low ($M = 2.04$) and low ($M = 2.27$) to the high ($M = 2.74$) and very high ($M = 3.17$) rape myth acceptance groups, as predicted in Hypothesis 3. All four means were significantly different at $p < .05$. The main effect for participant gender was not significant.

The main effects of relationship, coercive strategy, and rape myth acceptance were qualified by three significant two-way interactions between relationship and coercive strategy $F (2, 394) = 267.70$, $p < .001$, partial eta² = .58, between relationship and rape myth acceptance, $F (6, 790) = 2.11$, $p < .05$, partial eta² = .02, and between coercive strategy and rape myth acceptance $F (3, 395) = 3.81$, $p < .01$, partial eta² = .03. The means corresponding to these effects are presented in Figure 3.

Mirroring the pattern for defendant liability, the top panel of Figure 3 shows that more blame was attributed to the complainant in the stranger and acquaintance rapes when the defendant exploited the complainant's alcohol-induced incapacity than when he used force. This was reversed in the ex-partner rapes, where the complainant was blamed less in the alcohol-related than in the force-related cases.

The interaction of rape myth acceptance and defendant-complainant relationship is shown in the middle panel of Figure 3. It indicates that participants very low on rape myth acceptance not only blamed the complainant least, they also did not differentiate between stranger, acquaintance, and ex-partner rapes. Those participants low on rape myth acceptance assigned higher blame to the victim of an acquaintance rape than to the victim of a stranger or ex-partner rape. Those high and very high on rape myth acceptance blamed the complainant more not only in the acquaintance but also in the ex-partner rapes. The bottom panel of Figure 3 shows that whilst participants at all four levels of rape myth acceptance blamed the complainant more in the

alcohol-related than in the force-related cases, the difference was greater among those high and very high on rape myth acceptance.

Finally, a significant two-way interaction was found between relationship and participant gender, $F(2, 394) = 10.87$, $p < .001$, partial eta² = .05. Both men and women attributed less blame to the complainant in the stranger rapes ($M_{Men} = 2.28$; $M_{Women} = 2.32$) than in the acquaintance rapes ($M_{Men} = 2.63$; $M_{Women} = 2.86$). However, men attributed equally high blame to the complainant in the ex-partner cases ($M = 2.73$), whereas women saw her as less blameworthy when the perpetrator was an ex-partner ($M = 2.50$).

Hypothesis 4 referred to the role of rape myth acceptance as a mediator of the relationship between participant gender and ratings of defendant liability as well as complainant blame. Since no evidence was found for a main effect of gender on defendant liability and complainant blame, this hypothesis had to be rejected. However, this does not rule out the possibility of an indirect effect of gender on judgments of defendant and complainant blame. Men and women differed on the measure of rape myth acceptance. Men were more accepting of myths about sexual aggression ($M = 3.19$ as against $M = 2.76$ for women, $F[1, 450] = 30,72$, $p < .001$). As a result, men and women were represented differently at the four levels of rape myth acceptance which were used in the preceding analyses. Of the men, 28.7% were in the very high category as compared to 9.8% of women. Because rape myth acceptance was related to differences in defendant liability and complainant blame, gender was indirectly associated with these differences.

## Discussion

This study was designed to examine the proposition that the tendency to rely on schematic processing rather than engaging in data-driven appraisal of the evidence leads to judgements

about rape cases that put the complainant at a disadvantage. The findings show that both case characteristics that make a rape scenario less similar to the "real rape" stereotype and perceivers' rape-supportive attitudes reduced the extent to which undergraduate law students held the defendant liable and increased attributions of blame to the complainant. Defendants were held less liable when their alleged victim was an acquaintance or an ex-partner rather than a stranger and when he exploited the complainant's defenselessness due to alcohol rather than using force. There was only one exception to this pattern: Exploiting the defenselessness of a former partner due to alcohol increased defendant liability and reduced complainant blame compared to the use of force. The more participants accepted rape myths, the more they responded to information about defendant-complainant relationship and coercive strategy, showing more downward adjustment of defendant liability and a greater increase in complainant blame when there had been a previous relationship and when the complainant was incapacitated by alcohol rather than succumbing to force.

Regarding the role of gender, the present findings point to an indirect effect on judgments about defendant and complainant blame via rape-supportive attitudes. Rape myth acceptance was a consistent predictor of the tendency to exonerate the defendant and blame the complainant, and men were overrepresented among those who strongly believed in these myths. Thus, when we conclude that those who more strongly believe in modern rape myths are more inclined to blame the complainant and less inclined to hold the defendant liable, we must also conclude that these individuals are more likely to be men than women. Whilst it is true to say that rape-supportive attitudes and not gender affected perceptions of defendants and complainants, these attitudes are more prevalent among men than women, highlighting the role of gender as a marker of differences in rape-related judgments.

Although participants in the present study had been enrolled in legal training for an average of almost three years, it could be argued that the extent to which judgements about rape are influenced by rape stereotypes and general attitudes supportive of rape myths might decline the more knowledgeable prospective lawyers become about the law and the more experience they gain in their professional community. If this was the case, prospective lawyers at a more advanced stage of their training could be expected to be less prone to make judgments in line with rape stereotypes, and the present findings would not give great cause for concern. To address this issue, a second study was conducted with postgraduate law students who were engaged in the practical phase of their legal training.

STUDY 2

The first objective of Study 2 was to replicate the findings from Study 1 with a group of prospective lawyers at a more advanced level of their legal training. Postgraduate legal training in Germany is organised in the form of a two-year internship in which students work under supervision in different areas. Working at a court of justice and covering the area of criminal law are compulsory elements in this phase of training. All postgraduate students are required to have a first degree in law. Thus, the postgraduate law students participating in this study had received extensive legal education. Unlike the undergraduate students in Study 1, they had also gained some practical experience through their internship at the time of the study. Data on the career paths of law students in Germany suggest that a substantial proportion of them take up positions within the criminal justice system, as defence counsel, prosecutors or judges (e.g., Abele & Heismann, 2007). Therefore, studying postgraduate trainee lawyers' judgements about rape is important to establish whether the schematic reasoning that was found in undergraduate students in the first stage of their legal studies is replaced by the normatively required data-driven

appraisal of case material as students progress through the training or whether it is still present among more advanced legal trainees who are about to graduate from the system as fully qualified lawyers.

Participants were asked to make judgements about the same case scenarios used in Study 1 and rate defendant liability and complainant blame. In addition, they were asked, for each case, to recommend an appropriate sentence in case the defendant was found guilty. In line with the findings of Study 1, we predicted that ratings of defendant liability and complainant blame as well as recommended sentences would be influenced by information about a previous relationship between the parties, with lowest ratings of defendant liability, shortest recommended sentences and highest ratings of complainant blame in the ex-partner rapes (Hypothesis 1). We also predicted that participants would blame the defendant more, recommend a longer sentence, and blame the complainant less in the cases where force was used than in the cases where the complainant was unable to resist due to alcohol-induced incapacity (Hypothesis 2). Further, it was hypothesized that the more participants endorsed rape myths, the less inclined they would be to hold the defendant liable, the more they would blame the complainant, and the shorter the sentence they would recommend if the defendant was found guilty (Hypothesis 3). Participant gender was expected to influence perceptions of complainant blame indirectly via men's greater belief in rape myths (Hypothesis 4).

The second aim of the study was to explore the importance of knowing the legal definition of rape when making judgments about the case scenarios. In general terms, one reason why individuals rely on schematic information processing is that they find the available case-based information incomplete and refer to their stored knowledge as a useful heuristic or rule of thumb for filling the gaps. Applied to the task of judging rape cases, it could be argued that reliance on

rape stereotypes is due to a lack of knowledge about the legal definition (and the exact criteria for concluding that an incident qualifies as rape). If this was the case, informing participants about the legal definition of rape should reduce the impact of rape stereotypes. The theoretical basis for expecting that presenting participants with the legal definition of rape *before* they judge the scenarios would suppress schematic processing relies on the concept of "cognitive priming" drawn from social cognition research. According to this concept, by presenting a stimulus (the "prime") immediately prior to a judgement task, the associations attached to the stimulus will be activated and will influence subsequent responses (Kunda, 1999). The contents of the legal definition of rape, in particular the emphasis on the use or threat of force and the exploitation of the victim's inability to resist, were assumed to serve as a prime for triggering data-driven processing. Specifically, they should make participants more responsive to information about the defendant's use or threat of force or exploitation of the complainant's incapacitated state as contained in the rape scenarios.

Previous research has shown that providing facts about rape, including the legal definition, has no effect on attitudes about rape or empathy for the victim (see Schewe, 2002, for a summary). However, these studies were mostly conducted with undergraduate students from a range of disciplines other than law who had no prior knowledge about the law relating to sexual assault. Furthermore, the definition was typically embedded in a variety of other factual information about rape, so it is unclear what exactly its effect was. Therefore, the present study included an experimental variation in which half the participants were given the legal definition of rape prior to reading the case scenarios. In German law, the relationship between defendant and complainant is irrelevant and both the use of force *and* the exploitation of the victim's inability to resist the assailant meet the defining criteria of rape.[2] If, despite being primed with a

text that conveys this information, participants judge the cases differently depending on defendant-complainant relationship and whether or not force was used, this is an indication of the robustness of their tendency to engage in schematic processing on the basis of rape stereotypes.

Method

*Sample and Procedure*

A total of 129 postgraduate trainee lawyers (*Gerichtsreferendare*) participated in the study. Seventy-eight were men, 49 were women, two failed to indicate their sex. The average age was 28.2 years (*SD* = 2.41). All participants held a first degree in Law (1. Juristisches Staatsexamen) and were enrolled in postgraduate training. They were working under supervision in different branches of legal practice. The study had to be conducted *in situ* to prevent those participants who had not been given the legal definition of rape from accessing it, e.g., by looking it up in the criminal code. Participants completed the questionnaire at the regular small group meetings with their supervisors with time being specifically allocated for this during the sessions.

*Instruments*

*Rape Scenarios and Rape Myth Acceptance*

The scenarios and dependent measures of defendant liability and complainant blame were the same as those used in Study 1. In addition, an open-ended question about *sentencing* was asked following each case: "If D is convicted of rape, what sentence do you think he ought to receive in this case?" Rape myth acceptance was measured as in Study 1 with the 16-item short form of the *Acceptance of Modern Myths about Sexual Aggression* scale (AMMSA; Gerger et al., 2007).

*Presentation of the Legal Definition of Rape*

Half the participants, selected at random, were given the legal definition of rape prior to reading the case scenarios. The text was taken verbatim from the German Criminal Code (Article 177, Strafgesetzbuch) and was introduced as follows: "Please base your assessment of the cases that follow on the definition provided by the law. Here is the relevant article from the criminal code." The other half of the sample did not receive this information.

<div align="center">Results</div>

*Descriptive Statistics*

Across the six scenarios, the mean score for ratings of defendant liability was $M = 6.13$ ($SD = .62$) and the mean score for ratings of complainant blame was $M = 2.22$ ($SD = .75$). The two measures were negatively correlated, with $r$ (129) = -.62, $p < .001$. Participants' open-ended sentencing recommendations were coded in terms of years' imprisonment. The overall mean across the six cases was $M = 2.42$ years ($SD = 1.29$). The correlations of sentencing recommendations with defendant liability ($r$ [120] = .10) and complainant blame ($r$ [120] = -.17) were nonsignificant. The AMMSA scale had a mean of 2.92 ($SD = .75$) and showed good reliability (Cronbach's Alpha = .77). Both the mean score and the internal consistency are highly similar to Study 1.

*Hypothesis Testing*

ANOVAs were conducted with defendant-complainant relationship and coercive strategy as within-subjects factors and rape myth acceptance and participant gender as between-subjects factors. Defendant liability, recommended sentences, and complainant blame were included as dependent variables. Participants were divided into four groups on the basis of their rape myth acceptance scores as in Study 1. Group 1 scored more than one standard deviation below the

mean, Group 2 within one standard deviation below the mean, Group 3 within one standard deviation above the mean, and Group 4 more than one standard deviation above the mean.

Ratings of defendant liability were significantly affected by information about a prior relationship with the complainant, $F(2, 116) = 13.25$, $p < .001$, partial eta² = .19. As predicted in Hypothesis 1, defendant liability was seen as lowest in the ex-partner cases ($M = 5.82$), followed by the acquaintance rapes ($M = 6.11$), and highest in the stranger cases ($M = 6.30$). All three means differed significantly at $p < .01$. Supporting Hypothesis 2, coercive strategy (force vs. alcohol) also produced a significant effect, $F(1, 117) = 34.36$, $p < .001$, partial eta² = .23. Defendant liability was seen to be higher when he used force ($M = 6.34$) than when he exploited the complainant's intoxicated state ($M = 5.81$). Finally, a significant main effect was found for rape myth acceptance, $F(3, 116) = 7.60$, $p < .05$, partial eta² = .08, with mean ratings of defendant liability decreasing the more participants believed in rape myths (means of 6.36, 6.10, 5.89, and 5.82 for the very low, low, high, and very high groups, respectively). The low and very low group differed significantly from the high and very high groups. This finding supports Hypothesis 3.

These main effects were qualified, however, by a significant interaction of relationship and coercive strategy, $F(2, 116) = 31.83$, $p < .001$, partial eta² = .35. The corresponding means are presented in the top half of Figure 4. In the cases involving the use of force, liability decreased as defendant-complainant relationship got closer. In the alcohol-related cases, defendant liability was lower overall and unaffected by defendant-complainant relationship. As in Study 1, in the ex-partner cases, perceived defendant liability was lower in the force-related case ($M = 5.81$) than in the alcohol-related case ($M = 5.97$), although the difference was only marginally significant, $t(125) = -1.71$, $p < .10$.

Recommended sentences in case the defendant was found guilty were also affected by defendant-complainant relationship and coercive strategy. Significant main effects for relationship ($F$ [2, 76] = 17.44, $p$ < .001, partial eta² = .32; longest sentence in the stranger rapes, followed by acquaintance and ex-partner rapes) and coercive strategy ($F$ [1, 77] = 17.02., $p$ < .001, partial eta² = .18; longer sentences for force-related than for alcohol-related rapes) were qualified by a significant interaction of relationship and coercive strategy, ($F$ [2, 76] = 19.62, $p$ < .001, partial eta² = .34), as displayed in the bottom half of Figure 4. Using force against a stranger was seen as deserving a longer sentence than using force against an acquaintance, which in turn was seen as deserving a longer sentence than the rape of an ex-partner. A similar distinction was not made for alcohol-related rapes, for which sentences were low across all three types of relationship. Neither the main effect for rape myth acceptance nor any interaction involving this measure were significant. The main effect for gender and its interactions were also nonsignificant.

Ratings of complainant blame were influenced by information about the prior relationship between the complainant, $F$ (2, 116) = 15.48, $p$ < .001, partial eta² = .22. Ratings were significantly higher in the ex-partner ($M$ = 2.44) and acquaintance ($M$ = 2.34) cases than in the stranger rape ($M$ = 1.99). In addition, more blame was attributed to complainants in the alcohol-related scenarios ($M$ = 2.55) than in the force-related cases ($M$ = 1.96), $F$ (1 ,117) = 54.47, $p$ < .001, partial eta² = .32. However, these effects were qualified by a significant interaction of relationship and coercive strategy, $F$ (2, 116) = 57.66, $p$ < .001, partial eta² = .50. The corresponding means are presented in Figure 5. In the scenarios in which force was used, more blame was attributed to the complainant the closer her relationship with the defendant. In the alcohol-related rapes, complainant blame was significantly higher than in the force-scenarios in

the stranger and acquaintance rapes. However, the pattern was reversed in the ex-partner rapes where the complainant was blamed less when the defendant exploited her alcohol-induced defenselessness than when he used force, supporting the effect found in Study 1.

A further main effect was found for rape myth acceptance, with complainant blame increasing the more participants accepted rape myths, $F$ (1, 117) = 4.78, $p$ < .01, partial eta² = .11. The two groups showing the highest rape myth acceptance assigned the highest blame to the complainant ($M$ = 2.87 in the very high and $M$ = 2.32 in the high group), and they differed significantly from the lowest group ($M$ = 1.87).

No significant main effects or interactions were found for participant gender. However, men and women differed on the measure of rape myth acceptance. Men were more accepting of myths about sexual aggression ($M$ = 2.84 as against $M$ = 2.58 for women, $F$ [1, 126] = 5.15, $p$ < .05). As a result, men and women were represented differently at the four levels of rape myth acceptance which were used in the preceding analyses. All participants in the "very high" rape myth acceptance group were men. Since rape myth acceptance affected both defendant liability and complainant blame, support was found for the indirect role of gender in judgments about rape, as predicted in Hypothesis 4.

The final question addressed in this study was whether presenting participants with the legal definition of rape prior to their judgments about the case scenarios would reduce the impact of rape myth acceptance. ANOVAs with rape definition and rape myth acceptance as between-subjects factors and defendant-complainant relationship and coercive strategy as within-subjects factors were conducted for the three dependent measures of defendant liability, recommended sentence, and complainant blame. No significant main effect for rape definition and no significant interactions involving this variable were found in these analyses. Therefore, it can be

concluded that priming participants with the legal definition of rape before they made judgments about the scenarios failed to have an impact on the way they assessed defendant liability, complainant blame, and appropriate sentences.

Discussion

The purpose of this study was to replicate and extend the evidence of schematic information processing in judgments about rape from the sample of undergraduate students in Study 1 with a group of postgraduate trainee lawyers who were engaged in practical training. Using the same materials as in Study 1, an experimental variation was added, based on the concept of "cognitive priming", in which half the participants were given the legal definition of rape prior to reading the case scenarios. In addition, a free-response question about recommended sentence in case the defendant was found guilty was asked for each scenario.

The pattern of results was highly similar to Study 1, suggesting that prospective lawyers in an advanced stage of their legal training are no less influenced than undergraduate law students by stereotypic thinking about rape when judging individual cases. Like the participants in Study 1, they held the defendant less liable and blamed the complainant more the closer the previous relationship between them, and they also recommended shorter sentences. However, this difference was apparent only in the cases involving physical force. In the alcohol-related scenarios, ratings of defendant liability and recommended sentences were lower than those for the force-related cases. The one exception to this pattern was the rape of an ex-partner, which was seen as less serious than stranger and acquaintance rapes (as indicated by lower defendant liability and higher complainant blame) when force was used but as more serious when the defendant allegedly exploited a former partner's alcohol-induced incapacity.

The findings about the influence of rape myth acceptance on judgments about defendants and complainants in rape cases were highly consistent with the first study. When judging identical case scenarios, participants believing in rape myths were less inclined to hold the defendant liable, were more ready to blame the complainant, and recommended shorter sentences than those who accepted these beliefs to a lesser degree or not at all. It can be concluded that the outcome of the decision-making process about rape cases is shaped not only by the available information about a case but also by decision-makers' general beliefs about rape that work to the disadvantage of the complainant.

In terms of counteracting the impact of rape myths, the present study was unable to find evidence that using the legal definition of rape as a prime has any effect on reducing participants' reliance on rape stereotypes when judging defendant liability and complainant blame or recommending a sentence.

<p style="text-align:center">General Discussion</p>

Based on a social-cognitive model of schematic decision-making, the two studies examined the proposition that one of the reasons for the high attrition rate in sexual assault cases is the robust influence of rape myths and stereotypes on judgements about specific rape cases that contravenes the normative requirement of data-driven appraisal of the evidence. Both undergraduate law students and postgraduate trainee lawyers were found to be influenced by rape stereotypes and case-irrelevant information tapping into these stereotypes when asked to assess defendant liability and complainant blame. Participants responded to information about defendant-complainant relationship and the use of force versus exploitation of the woman's inability to resist in their ratings of defendant liability and complainant blame as well as their sentencing recommendations. Our findings corroborate earlier research by showing that

differential information about defendant-complainant relationship significantly affected ratings of defendant blame, complainant blame, and recommended sentences despite the fact that the defining feature of rape, i.e., victim's expression of non-consent, was present in all scenarios. The two samples of undergraduate and trainee law students clearly differed in terms of the extent of their legal training and the practical experience they had in working in the legal profession. However, this difference did not translate into a closer adherence by the more experienced trainee lawyers to the normative prescription of data-based decision-making. Like the undergraduate students in the first study, and like students without any legal training studied in previous research (e.g., Krahé et al., 2007), they referred to rape stereotypes when judging rape cases, and they differed in their tendency to blame the complainant and exonerate the perpetrator as a function of their endorsement of rape myths.

In both studies, higher rape myth acceptance was linked to lower defendant liability in cases in which there was a previous relationship between defendant and complainant. Conversely, rape myth acceptance was more closely associated with higher complainant blame the closer her relationship to the defendant. Thus, the findings provide consistent support for the conclusion that the process of impression formation about rape cases is affected by cognitive schemata about rape that interfere with the normatively prescribed data-driven appraisal of the individual case. Furthermore, it was shown that becoming more knowledgeable and experienced with regard to legal judgements does not seem to provide a safeguard against susceptibility to schematic reasoning, nor does the provision of the legal definition as a prime reduce reliance on rape schemata.

In both studies, however, one situation stood out and was at odds with the patterns described above, and this was the alleged rape of a former partner who was too incapacitated by alcohol to

resist. Under these circumstances, the defendant was held more liable and the complainant blamed less compared to the cases in which force was used and in which the defendant exploited the alcohol-induced incapacity of a stranger or acquaintance. A possible interpretation of this finding is that drinking to the point of incapacitation was regarded as more careless in the company of a stranger or acquaintance than in the company of a former partner. Participants may have felt the complainant should not have needed to be on her guard and aware of the risk of a sexual assault when interacting with a former partner in the same way as she should have been when interacting with a person she knew less well. In the same vein, they may have felt that the man should have been aware of his former partner's susceptibility to the effects of alcohol and that he exploited her trust, which made his actions particularly blameworthy and deserving a harsher sentence.

With regard to the question of gender differences, neither study found a direct effect of gender on judgments about the scenarios. However, they both showed that men were overrepresented among those who strongly believed in rape myths, and that rape myth acceptance was linked to perceptions of lower defendant liability and higher victim blame. Thus, in line with a broad range of previous studies (see Temkin & Krahé, 2008, Chapter 2), the present findings suggest that gender is a risk marker of stereotypic judgments about rape in that it indicates a higher probability for men to endorse rape myths. These findings could be seen as supporting the call for more female jurors and lawyers to be involved in rape cases since they are less likely as a group to endorse rape-supportive attitudes. However, although women on the whole were less accepting of rape myths than men, those women scoring higher on rape myth acceptance than other members of their gender group were more inclined to blame the

complainant, less inclined to blame the defendant, and more lenient in their sentencing recommendations.

The present research failed to show that using the legal definition of rape as a prime that should facilitate a greater responsiveness to the information about coercion contained in the rape scenarios has any effect on reducing the reliance on rape stereotypes when judging defendant liability and complainant blame or recommending a sentence. In this regard, it joins previous evidence from undergraduate students without any legal training which concluded that providing participants with the legal definition of rape did not change their rape-supportive attitudes (Schewe, 2002). This finding speaks against the possibility that reliance on rape schemata is due to a lack of knowledge about the law and that providing this knowledge would promote a more data-driven processing of the evidence which would disregard extralegal information. Even when such knowledge was provided, rape myths continued to influence prospective lawyers' judgments about defendants and complainants in the case scenarios. An alternative strategy, for which some success was found in an earlier study with psychology students, would be to introduce accountability by informing participants prior to presenting the cases that they will be asked to explain and justify their judgments about defendants and complainants (Krahé et al., 2007). Further evidence is needed, however, to corroborate these findings.

Some limitations to the two studies should be noted. First, each of the different constellations of defendant-complainant relationship and coercive strategy used by the defendant was only represented by one scenario. Thus, there is the possibility that the differences found between the scenarios may have been affected by information other than about these two critical variables. Secondly, the sample size in Study 2 was limited, and men were overrepresented among the participants. Both aspects need to be addressed in future studies. Finally, the case

material presented in the two studies was necessarily brief, containing far less detail than would be available to lawyers in real rape cases. However, critical appraisals of simulation studies conclude that they are capable of illuminating decision-making processes about legal cases in the real world (Kerr & Bray, 2005). It is important to note that the scenarios used in this research presented much more clear-cut evidence than would be the case in a real-life trial that a sexual offence had been committed by the defendant. Despite this strong data base, decisions about defendant liability, complainant blame, and recommended sentences were affected by rape stereotypes which suggests that the present methodology offers a conservative test of the proposed influence of schematic processing in decision-making about rape.

Altogether, a coherent pattern of findings was found in the two studies, suggesting that prospective lawyers are influenced in their ratings of rape scenarios by their rape-supportive attitudes and by information about the cases that are irrelevant in terms of the legal definition of the offense. Thus, they are a potentially significant factor in the high attrition rate in rape cases. A case can be made on the basis of the present findings for giving issues involved in rape trials, in particular the role of rape-supportive attitudes and stereotypes, greater consideration in judicial education to promote a more data-driven and ultimately fairer handling of rape cases in the courts (Temkin & Krahé, 2008, Chapter 7).

References

Abele, A., & Heismann, C. (2007). Juraabsolventinnen und - absolventen auf dem Weg vom Examen in den Beruf - Ergebnisse einer Langzeitstudie. [Law graduates on their way from the exam into the profession - Findings from a longitudinal study]. *Juristische Ausbildung, 12*, 902-905.

Anderson, K. B., Cooper, H., & Okamura, L. (1997). Individual differences and attitudes toward rape: A meta-analytic review. *Personality and Social Psychology Bulletin, 23*, 295-315.

Bliesener, T. (2006). Lay judges in the German criminal court: Social psychological aspects in the German criminal justice system. In M. F. Kaplan, & A. M. Martin (Eds.), *Understanding world jury systems through social psychological research* (pp. 179-197). Hove: Psychology Press.

Brown, J. M., Hamilton, C., & O'Neill, D. (2007). Characteristics associated with rape attrition and the role played by scepticism or legal rationality by investigators and prosecutors. *Psychology, Crime, & Law*, 13, 355-370.

Burt, M. R. (1980). Cultural myths and support for rape. *Journal of Personality and Social Psychology, 38*, 217-230.

Cowan, G. (2000). Beliefs about the causes of four types of rape. *Sex Roles, 42*, 807-823.

Eyssel, F., Bohner, G., & Siebler, F. (2006). Perceived rape myth acceptance of others predicts rape proclivity: Social norm or judgmental anchoring? *Swiss Journal of Psychology*, 65, 93-99.

Frese, B., Moya, M., & Megías, J. L. (2004). Social perception of rape: How rape myth acceptance modulates the influence of situational factors. *Journal of Interpersonal Violence, 19*, 143-161.

Gerger, H., Kley, H., Bohner, G., & Siebler, F. (2007). The Acceptance of Modern Myths About Sexual Aggression (AMMSA) Scale: Development and validation in German and English. *Aggressive Behavior, 33*, 422-440.

Gosling, S. D., Vazire, S., Srivastava, S., & John, O. P. (2004). A comparative analysis of six preconceptions about internet questionnaires. *American Psychologist, 59*, 93-104.

Gölge, Z. B., Yavuz, M. F., Müderrisoglu, S., & Yavuz, M. S. (2003). Turkish university students' attitudes toward rape. *Sex Roles, 49*, 653-661.

Her Majesty's Inspectorate of Constabulary (2007). *Without consent. A report on the joint review of the investigation and prosecution of rape offences*. Retrieved online February 9, 2007, from: http://inspectorates.homeoffice.gov.uk/hmic/inspections/thematic/wc-thematic/them07-wc.pdf?view=Binary

Kerr, N. L., & Bray, R. M. (2005). Simulation, realism, and the study of the jury. In N. Brewer, & K. D. Williams (Eds.), *Psychology and law* (pp. 322-364). New York: Guilford Press.

Kelly, L., Lovett, J., & Regan, L. (2005). *A Gap or a chasm? Attrition in reported rape cases.* Home Office Research Study 293. Retrieved December 26, 2006, from: http://www.homeoffice.gov.uk/rds/pdfs05/hors293.pdf.

Krahé, B. (1988). Victim and observer characteristics as determinants of responsibility attributions to victims of rape. *Journal of Applied Social Psychology, 18*, 50-58.

Krahé, B., Temkin, J., & Bieneck, S. (2007). Schema-driven information processing in judgements about rape. *Applied Cognitive Psychology, 21*, 601-619.

Kunda, Z. (1999). *Social cognition*. Cambridge, MA: MIT Press.

Lonsway, K. A., & Fitzgerald, L. F. (1994). Rape myths. *Psychology of Women Quarterly, 18*, 133-164.

McDonald, T. W., & Kline, L. M. (2004). Perceptions of appropriate punishment for committing date rape: Male college students recommend lenient punishments. *College Student Journal, 38*, 44-56.

Regan, L., & Kelly, L. (2003). *Rape: Still a forgotten issue*. London: Child and Women Abuse Studies Unit. Retrieved November 20, 2006, from: http://www.rcne.com/downloads/RepsPubs/Attritn.pdf

Schewe, P. A. (2002). Guidelines for developing rape prevention and risk reduction interventions. In P. A. Schewe (Ed.), *Preventing violence in relationships* (pp. 107-136). Washington, D.C.: American Psychological Association.

Schuller, R. A., & Wall, A. M. (1998). The effects of defendant and complainant intoxication on mock jurors' judgments of sexual assault. *Psychology of Women Quarterly, 22*, 555-573.

Stewart, M. W., Dobbin, S. A., & Gatowski, S. I. (1996). "Real rapes" and "real victims": The shared reliance on common cultural definitions of rape. *Feminist Legal Studies, 4*, 159-177.

Temkin, J. (2000). Prosecuting and defending rape: Perspectives from the bar. *Journal of Law and Society, 27*, 219-248.

Temkin, J. (2002). *Rape and the legal process* (2nd ed.). Oxford: Oxford University Press.

Temkin, J., & Krahé, B. (2008). *Sexual assault and the justice gap: A question of attitude*. Oxford: Hart.

Wakelin, A., & Long, K. M. (2003). Effects of victim gender and sexuality on attributions of blame to rape victims. *Sex Roles, 49*, 477-487.

Ward, C. (1995). *Attitudes toward rape*. London: Sage.

Wenger, A. A., & Bornstein, B. H. (2006). The effects of victim's substance use and relationship closeness on mock jurors' judgements in an acquaintance rape case. *Sex Roles, 54*, 547-555.

Appendix

*Example of a Rape Scenario: No Previous Relationship - Exploitation*

Carol who was 18 agreed to go clubbing one Friday night with a group of girls from her school. She dressed with great care as she did not have a boyfriend and hoped to meet someone nice. She wore a short mini-skirt which showed her long legs to advantage and a soft clingy top. Not long after they arrived at the club the other girls were off dancing, leaving Carol standing on her own. After a while a young man, Matt, approached her and bought her a drink. They were soon chatting away merrily and he bought her several more drinks. Unused as she was to alcohol, the drink soon began to take effect and she began to feel dizzy but she was enjoying herself and accepted a further drink. They began dancing but Carol started to feel sick as well as dizzy and asked Matt to take her outside for some fresh air. He agreed and they went together to a secluded area a little way from the club. Matt kissed her and she readily responded. He then began to stroke her more intimately. She asked him not to do so and said that she did not wish to go any further and would like to return to the club. He persisted but she was unable to move away from him or push him away as she was feeling increasingly unwell. He had sexual intercourse with her and then returned on his own to the club. Carol did not sustain any internal or external injuries and told no-one about what had happened as she did not want to lose face with her friends. A month later, however, she told her mother, who decided that they should report the matter to the police. Matt was identified as the suspect with the help of the club owner.

Notes

(1) The terms "defendant" and "complainant" rather than "perpetrator" and "victim" will be used because the latter implicitly assume that the rape charge has already been established.

(2) See: http://www.iuscomp.org/gla/statutes/StGB.htm#177.

Figure Captions

Figure 1. *Study 1: Interaction of Defendant-Complainant Relationship and (a) Participant Gender and (b) Coercive Strategy on Ratings of Defendant Liability.*
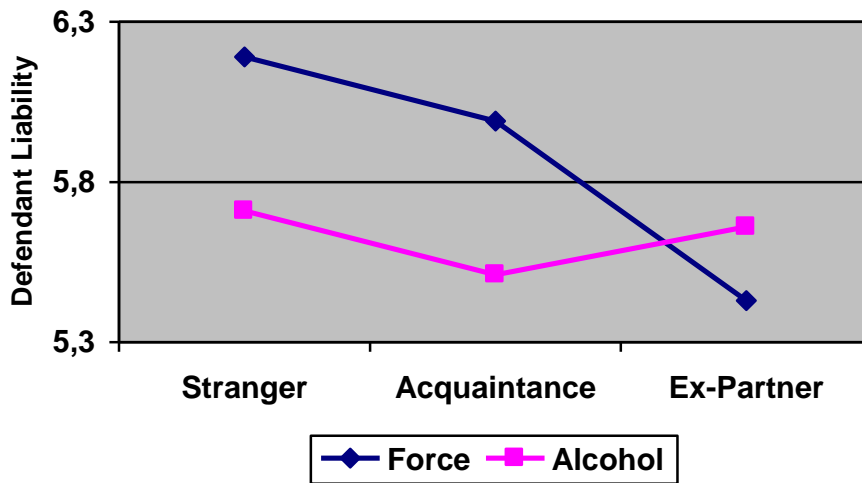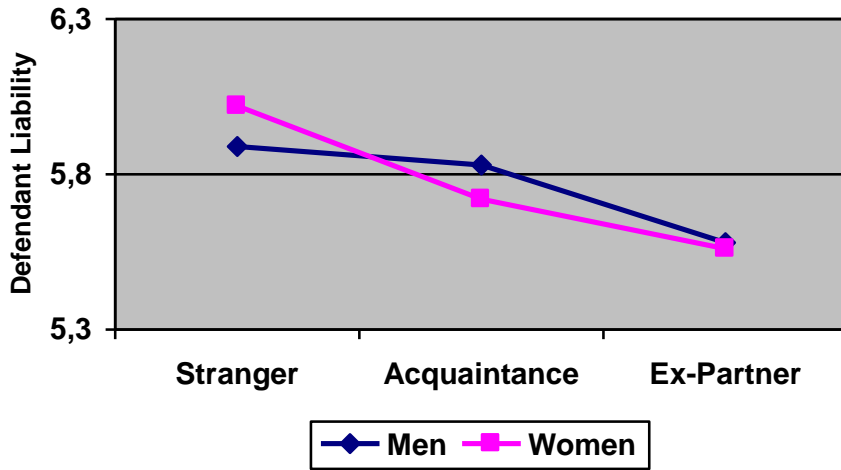
Figure 2. *Study 1: Two-Way Interactions of Rape Myth Acceptance and (a) Defendant-Complainant Relationship and (b) Coercive Strategy on Ratings of Defendant Liability.*
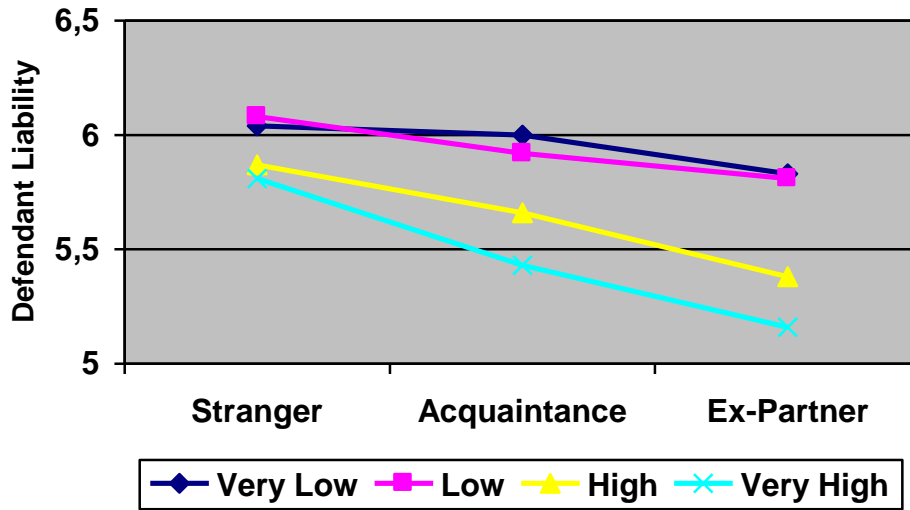
Figure 3. *Study 1: Interactions of (a) Defendant-Complainant Relationship and Coercive Strategy, (b) Defendant-Complainant Relationship and Rape Myth Acceptance and (c) Coercive Strategy and Rape Myth Acceptance on Ratings of Complainant Blame.*
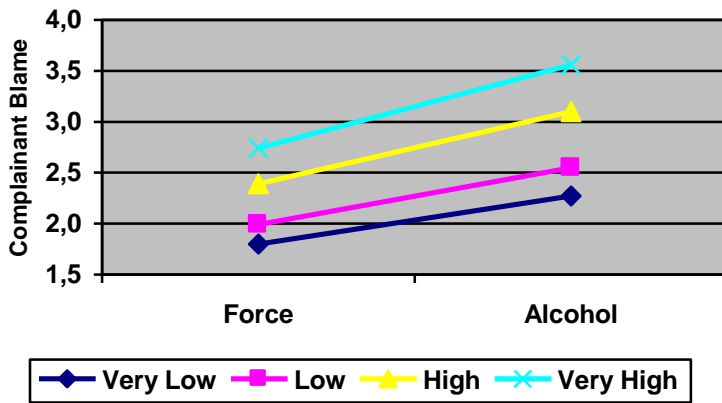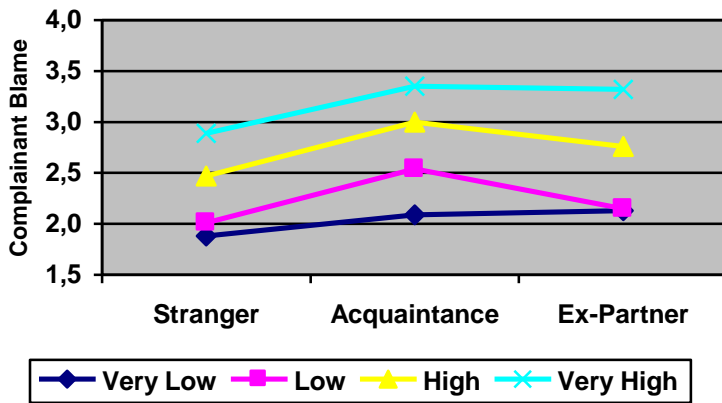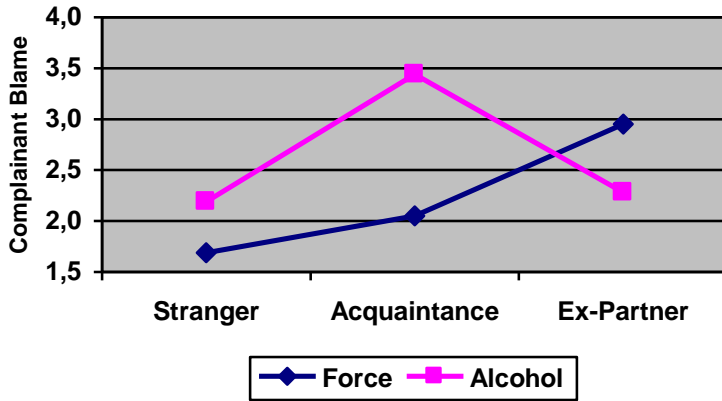
Figure 4. *Study 2: Interaction of Defendant-Complainant Relationship and Coercive Strategy on (a) Ratings of Defendant Liability and (b) Recommended Sentences.*

Figure 5. *Study 2: Interaction of Relationship and Coercive Strategy on Attributions of Blame to the Complainant.*

Figure 1. *Study 1: Interaction of Defendant-Complainant Relationship and (a) Participant Gender and (b) Coercive Strategy on Ratings of Defendant Liability.*

Figure 2. *Study 1: Interaction of Rape Myth Acceptance and Defendant-Complainant Relationship.*

Figure 3. *Study 1: Interactions of (a) Defendant-Complainant Relationship and Coercive Strategy, (b) Defendant-Complainant Relationship and Rape Myth Acceptance and (c) Coercive Strategy and Rape Myth Acceptance on Ratings of Complainant Blame.*

Figure 4. *Study 2: Interaction of Defendant-Complainant Relationship and Coercive Strategy on (a) Ratings of Defendant Liability and (b) Recommended Sentences.*
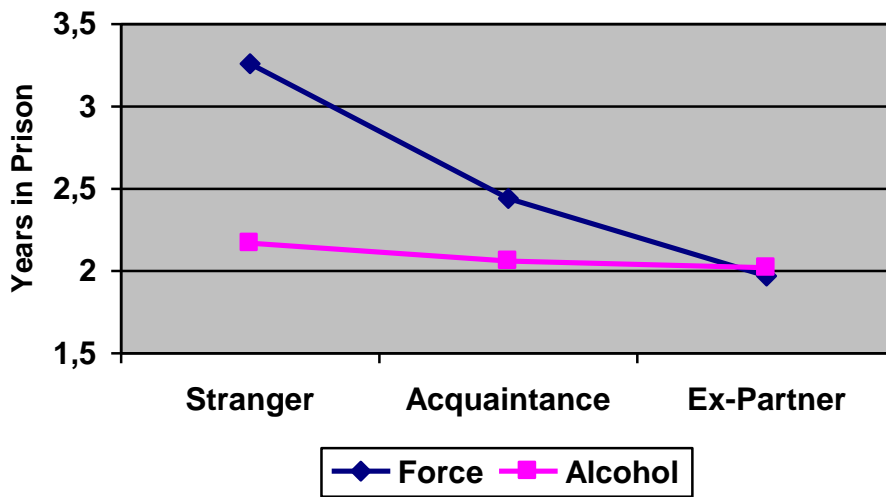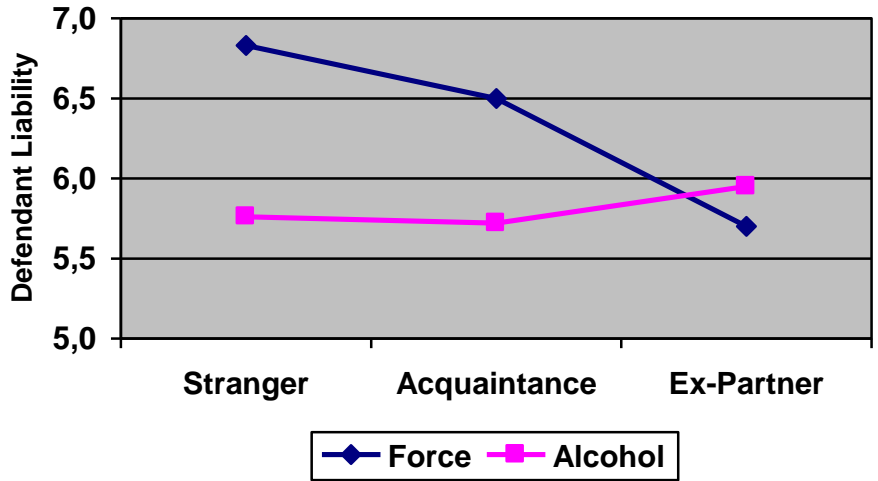
Figure 5. *Study 2: Interaction of Relationship and Coercive Strategy on Attributions of Blame to the Complainant.*