

JUDGMENTS OF SEXUAL ASSAULT: THE IMPACT OF COMPLAINANT EMOTIONAL Demeanor, GENDER, AND VICTIM STEREOTYPES

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The sexual assault victim “who comes to the attention of the authorities has her victimization measured against the current rape mythologies” (R v. Seaboyer, 1991). This is particularly troubling given that lay beliefs regarding the crime of sexual assault are at odds with the data documenting the circumstances surrounding actual rape. Research has consistently demonstrated that lay people (hence, jurors) will question the validity of a sexual assault claim and judge the victim more harshly, if the circumstances surrounding the assault and/or the characteristics and actions of the sexual assault complainant do not comport with people’s expectations about the event. In this paper we report the results of a juror simulation that examines the impact of victim’s postassault emotional demeanor on judgments, in the context of independent manipulations of gender stereotypicality and victim stereotypicality. Results revealed that the complainant’s emotional display had a powerful impact on participants’ judgments, with the claim viewed as more valid when the complainant was portrayed as tearful/upset as opposed to calm/controlled, but only when the complainant was portrayed as gender stereotypic.

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In Canada,¹ as in Australia,² the United States³ and a number of other countries (e.g., New Zealand,⁴ Scotland,⁵ and England and Wales⁶), the attrition of sexual assault cases, at all stages of the criminal justice system, is alarmingly high. One of the key factors identified as underlying these troubling attrition statistics involves decision makers' conceptions (or perhaps more aptly, their misconceptions) about sexual assault and sexual assault complainants more generally.⁷ For instance, at the trial level, where corroborating evidence is minimal or absent, and the existing evidence typically circumstantial and ambiguous (i.e., the divergent accounts of "he said/she said"), it is perhaps not surprising that these beliefs can take on a significant role in jurors' decisions.⁸ As noted in *R v. Seaboyer* (1991),⁹ the sexual assault victim "who comes to the attention of the authorities has her victimization measured against the current rape mythologies."¹⁰

1. Janice Du Mont, Karen-Lee Miller & Terri L. Myhr, *The Role of "Real Rape" and "Real Victim" Stereotypes in the Police Reporting Practices of Sexually Assaulted Women*, 9 *Violence Against Women* 466–86 (2003).

2. Australian Bureau of Statistics (ABS), *Personal Safety Survey Australia* (2005).

3. Patricia A. Frazier & Beth Haney, *Sexual Assault Cases in the Legal System: Police, Prosecutor, and Victim Perspectives*, 20 *Law & Hum. Behav.* 607–28 (1996).

4. Sue Triggs, Elaine Mossman, Jan Jordan & Venezia Kingi, *Responding to Sexual Violence: Attrition in the New Zealand Criminal Justice System*, commissioned by The Ministry of Woman's Affairs (2009).

5. Linda Regan & Liz Kelly, *Rape: Still a Forgotten Issue* (2003).

6. Jennifer Temkin & Barbara Krahé, *Sexual Assault and the Justice Gap: A Question of Attitude* (2008); Jeanne Gregory & Sue Lees, *Attrition in Rape and Sexual Assault Cases*, 36 *Brit. J. Criminology* 1–17 (1996).

7. Temkin & Krahé, *supra* note 6.

8. The more ambiguous the available evidence, the greater the influence of general beliefs and sentiments: Dennis J. Devine, Jennifer Buddenbaum, Stephanie Houpp, Nathan Studebaker & Dennis P. Stolle, *Strength of the Evidence, Extraevidentiary Influence, and the Liberation Hypothesis: Data from the field*, 33 *Law & Hum. Behav.* 136–48 (2009); Natalie Taylor, Jacqueline Joudo & Australian Institute of Criminology, *The Impact of Pre-Recorded Video and Closed Circuit Television Testimony by Adult Sexual Assault Complainants on Jury Decision-Making: An Experimental Study* (2005). Temkin & Krahé, *supra* note 6.

9. *R v. Seaboyer*, 7 C.R. (4th) 117 (1991).

10. "The woman who comes to the attention of the authorities has her victimization measured against the current rape mythologies, i.e. who she should be in order to be recognized as having been, in the eyes of the law, raped; who her attacker must be in order to be recognized, in the eyes of the law, as a potential rapist; and how injured she must be in order to be believed. If her victimization does not fit the myths, it is unlikely that an arrest will be made or a conviction obtained," *R v. Seaboyer*, at 171.

This is particularly troubling given that lay beliefs regarding the crime of sexual assault are squarely at odds with the body of data documenting the circumstances surrounding actual rape.¹¹

In the current article we consider the role of these (mis)beliefs—that is, cognitive schemas that guide and organize the decision makers' interpretation of evidence—and focus on the role of some of these beliefs in decision makers' perceptions and evaluations of sexual assault. To gain a better understanding of the way in which rape-related schemas are utilized, and under what conditions, we present the results of a juror simulation study that examines the impact of three variables that potentially impact on perceptions of victims, and consider their impact on decision makers' evaluations of sexual assault. In clarifying and exposing the elements that may underlie the impact of these beliefs and stereotypes on decision makers, we hope to identify avenues for future research and procedural mechanisms that may reduce the influence of these rape-related stereotypes at trial.

RAPE MYTHS AND VICTIM STEREOTYPES

In accounting for individuals' reactions to rape victims and perpetrators, one of the most consistent predictors of heightened victim blame¹² and decreased perpetrator blame¹³ has been rape myth endorsement. Rape myths have been characterized as a series of oversimplified and rigid cognitive schemas that center on the perpetrator, the rape act, and the victim.¹⁴ In content, rape myths

11. Temkin & Krahe, *supra* note 6.

12. Susan L. Brinson, *The Use and Opposition of Rape Myths in Prime-Time Television Dramas*, 27 *Sex Roles* 359–75 (1992); Emily Finch & Vanessa E. Munro, *Juror Stereotypes and Blame Attribution in Rape Cases Involving Intoxicants: The Findings of a Pilot Study*, 45 *Brit. J. Criminology* 25–38 (2005); Bettina Frese, Miguel Moya & Jesús L. Megias, *Social Perception of Rape: How Rape Myth Acceptance Modulates the Influence of Situational Factors*, 19 *J. Interpersonal Violence* 143–61 (2004).

13. Gerd Bohner, Friederike Eyssel, Afroditi Pina, Frank Siebler & G. Tendayi Viki, *Rape Myth Acceptance: Affective, Behavioural, and Cognitive Effects of Beliefs that Blame the Victim and Exonerate the Perpetrator*, in Miranda Horvath & Jennifer Brown eds., *Rape: Challenging Contemporary Thinking* (2009); Frese et al., *supra* note 12; Barbara Krahe, *Social Psychological Issues in the Study of Rape*, in Wolfgang Stroebe & Miles Hewstone eds., 2 *Eur. Rev. Soc. Psychol.* 279–309.

14. Gerd Bohner, *Rape Myths: Social Psychological Studies on Attitudes that Exonerate the Assailant and Blame the Victim of Sexual Violence* (1998); Amy M. Buddie & Arthur G. Miller, *Beyond Rape Myths: A More Complex View of Perceptions of Rape Victims*, 45

essentially “serve to deny and justify male sexual aggression against women,”¹⁵ and can serve to absolve the perpetrator and highlight the gender specificity of rape.¹⁶ Most notably, however, and most relevant for the current study, these belief structures provide a framework around which the complex information surrounding a sexual assault can be interpreted and organized.¹⁷

Rape myths can be both descriptive and prescriptive.¹⁸ They provide the decision maker with a simplified evaluative, cognitive representation, or stereotype, of a genuine victim of rape—even though this representation does not necessarily reflect reality.¹⁹ Using the concept of “scripts,”²⁰ rape

Sex Roles 139–60 (2001); Katherine E. Edward & Malcolm D. MacLeod, *The Myth and Reality of Sexual Violence: Implications for the Criminal Justice System*, 7 *Expert Evidence* 37–58 (1999).

15. Kimberly A. Lonsway & Lousie F. Fitzgerald, *Rape Myths: In Review*, 18 *Psychol. Women Q.* 133–64, 134 (1994).

16. Martha R. Burt, *Cultural Myths and Supports for Rape*, 38 *J. Personality & Soc. Psychol.* 217–30 (1980); Patrick Chiroro, Gerd Bohner, G. Tendayi Viki & Christopher I. Jarvis, *Rape Myth Acceptance and Rape Proclivity: Expected Dominance Versus Expected Arousal as Mediators in Acquaintance-Rape Situations*, 19 *J. Interpersonal Violence* 427–42 (2004); Mary P. Koss, Lisa A. Goodman, Angela Browne, Louise F. Fitzgerald, Gwendolyn P. Keita & Nancy F. Russo, *No Safe Haven: Male Violence Against Women at Home, at Work, and in the Community* (1994).

17. Galen V. Bodenhausen, *Stereotypic Biases in Social Decision Making and Memory: Testing Process Models of Stereotype Use*, 55 *J. Personality & Soc. Psychol.* 726–37 (1988); Bohner, Eyssel, Pina, Siebler & Viki, *supra* note 13. Rape myths have been conceptualized as serving a number of functions. For instance, rape myths have been conceptualized as constituting a specific case of a belief in a just world (Melvin J. Lerner, *The Belief in a Just World: A Fundamental Delusion* (1980)), and can serve to buffer women from the negative psychological consequences of the threat of rape (Gerd Bohner, Frank Siebler & Yvonne Raaijmakers, *Salience of Rape Affects Self-Esteem: Individual Versus Collective Self-Aspects*, 2 *Group Processes & Intergroup Relations* 191–99 (1999)).

18. Bohner, *supra* note 14. Barbara Krahe, Jennifer Temkin & Steffen Bieneck, *Schema-Driven Information Processing in Judgments About Rape*, 21 *Applied Cognitive Psychol.* 601–19 (2007).

19. Lonsway & Fitzgerald, *supra* note 15; see also Temkin & Krahe, *supra* note 6.

20. Krahe et al., *supra* note 18. Research demonstrates that both victims and outside observers may rely on rape scripts, or schemas, about what typically occurs during a rape when rendering decisions about whether the events constitute sexual assault: Zoë D. Peterson & Charlene L. Muehlenhard, *Was It Rape?: The Function of Women’s Rape Myth Acceptance and Definitions of Sex Labeling Their Own Experiences*, 51 *Sex Roles* 129–44 (2004). Like rape myths, these scripts are believed to represent a stereotypical representation of a sexual assault incident: Arnold S. Kahn & Virginia A. Mathie, *Understanding the Unacknowledged Rape Victim*, in Cheryl B. Travis & Jacquelyn W. White eds., *Sexuality, Society, and Feminism* (377–403); Arnold S. Kahn, Virginia A. Mathie & Cyndee Torgler,

myths have been conceptualized as including elements that are both descriptive, specifying the behaviors and actions that typically occur in the situation, as well as prescriptive or normative, specifying the behaviors and actions one expects to occur in the situation.²¹ Research has consistently shown that, although the majority of sexual assaults are committed by someone known to the victim, complainants are far less likely to be believed if they have been assaulted by an acquaintance because the typical sexual assault is perceived to be committed by a stranger to the victim. This is especially so if evidence of violence and physical injury is lacking.²² In contrast to this narrow conception of “real” or “genuine rape,” researchers have consistently demonstrated that lay people (hence, jurors) will question the validity of a sexual assault, judge the victim with greater skepticism,²³ and blame her more²⁴ if the context of the assault and/or the characteristics and actions of the victim do not fit with their expectations.²⁵

Within the rape literature centering on female victims of sexual assault, these expectations have typically been conceptualized in terms of victims’ violations of gender stereotypes.²⁶ As such, research has consistently dem-

Rape Scripts and Rape Acknowledgment, 18 *Psychol. Women Q.* 53–66 (1994). For example, when asked to describe a sexual assault, Ryan found that participants described an attack that occurred outdoors, involved a highly aggressive male stranger as the perpetrator, with the victim being described as extremely fearful: Kathryn M. Ryan, *Rape and Seduction Scripts*, 12 *Psychol. Women Q.* 237–45 (1988).

21. Krahe et al., *supra* note 18, at 687.

22. Margaret J. McGregor, Ellen Wiebe, Stephen A. Marion & Cathy Livingstone, *Why Don’t More Women Report Sexual Assault to the Police?* (Research Letter), 162 *Canadian Med. Ass’n J.* 660 (2000). See also Du Mont et al., *supra* note 1.

23. Julie Horney & Cassia Spohn, *The Influence of Blame and Believability Factors on the Processing of Simple Versus Aggravated Rape Cases*, 34 *Criminology* 135–62 (1996); Cassia Spohn & Jeffrey Spears, *The Effect of Offender and Victim Characteristics on Sexual Assault Case Processing Decisions*, 13 *Just. Q.* 401–31 (1996).

24. Jane P. Sheldon & Sandra L. Parent, *Clergy’s Attitudes and Attributions of Blame Toward Female Rape Victims*, 8 *Violence Against Women* 233–56 (2002).

25. According to Larcombe, a rape victim “is not only morally and sexually virtuous she is also cautious, unprovocative, and consistent” and that during a trial the defense “tactics for discrediting rape testimony involve exposing the complainant’s alleged failure to comply with the sexual and behavioural standards of the normative victim”: Wendy Larcombe, *The “Ideal” Victim v. Successful Rape Complaints: Not What You Might Expect*, 10 *Feminist Legal Stud.* 131–48, 131 (2002).

26. Barbara M. Masser, Kate Lee & Blake M. McKimmie, *Bad Woman, Bad Victim?: Disentangling the Effects of Victim Stereotypes, Gender Stereotypes, and Benevolent Sexism on Acquaintance Rape Victim Blame*, 62 *Sex Roles* 494–504 (2010).

onstrated that women are more likely to be evaluated as genuine victims of rape if they are chaste and respectable,²⁷ are unknown to their assailant,²⁸ are sober,²⁹ have fought back (with injuries to prove it),³⁰ and report the incident immediately to the police.³¹ Consistent with this, researchers have demonstrated that people tend to evaluate female victims of sexual assault as more blameworthy if their behavior violates traditional gender role norms of appropriate female behavior.³² Abrams and colleagues³³ have documented a positive relationship between belief in traditional gender

27. Du Mont et al., *supra* note 1.

28. Lynda A. Szymanski, Ann S. Devlin, Joan C. Chrisler & Stuart A. Vyse, *Gender Role and Attitudes Toward Rape in Male and Female College Students*, 29 *Sex Roles* 37–57 (1993).

29. Liz Kelly, *A Research Review on the Reporting, Investigation and Prosecution of Rape Cases*, Her Majesty's Crown Prosecution Service Inspectorate (2002); Jan Jordan, *Beyond Belief? Police, Rape and Women's Credibility*, 4 *Crim. Just.* 29–59 (2004); Georgina S. Hammock & Deborah R. Richardson, *Perceptions of Rape: The Influence of Closeness of Relationship, Intoxication and Sex of Participant*, 12 *Violence & Victims* 237–46 (1997); Suresh Kanekar & Maharukh B. Kolsawalla, *Responsibility of a Rape Victim in Relation to Her Respectability, Attractiveness, and Provocativeness*, 112 *J. Soc. Psychol.* 153–54 (1980); Regina A. Schuller & Anne-Marie Wall, *The Effects of Defendant and Complainant Intoxication on Mock Jurors' Judgements of Sexual Assault*, 22 *Psychol. Women Q.* 555–73 (1998); Karla J. Stormo, Alan R. Lang & Werner G. K. Stritzke, *Attributions about Acquaintance Rape: The Role of Alcohol and Individual Differences*, 27 *J. Applied Soc. Psychol.* 279–05 (1997); Jane E. Workman & Elizabeth W. Freeburg, *An Examination of Date Rape, Victim Dress, and Perceiver Variables Within the Context of Attribution Theory*, 41 *Sex Roles* 261–77 (1999); Anne-Marie Wall & Regina A. Schuller, *Sexual Assault and Defendant/Victim Intoxication: Jurors' Perceptions of Guilt*, 30 *J. Applied Soc. Psychol.* 253–74 (2000).

30. Bree Cook, Fiona David & Anna Grant, *Sexual Violence in Australia*, Australian Institute of Criminology (2001); Susan L. Ehrlich, *Representing Rape: Language and Sexual Consent* (2001); S. Lees, *Carnal Knowledge: Rape on Trial* (1996).

31. Spohn & Spears, *supra* note 23; Mary W. Stewart, Shirley A. Dobbin & Sophia I. Gatowski, "Real Rapes" and "Real Victims": The Shared Reliance on Common Cultural Definitions of Rape, 4 *Feminist Legal Stud.* 159–77 (1996).

32. Antonia Abbey, Pam McAuslan, Tina Zawacki, A. Monique Clinton & Philip O. Buck, *Attitudinal, Experiential, and Situational Predictors of Sexual Assault Perpetration*, 16 *J. Interpersonal Violence* 784–807 (2001); Schuller & Wall, *supra* note 29; Wall & Schuller, *supra* note 29; Regina A. Schuller & Patricia A. Hastings, *Complainant Sexual History Evidence: Its Impact on Mock Jurors Decisions*, 26 *Psychol. Women Q.* 252–61 (2002); Workman & Freeburg, *supra* note 29.

33. Dominic Abrams, G. Tendayi Viki, Barbara Masser & Gerd Bohner, *Perceptions of Stranger and Acquaintance Rape: The Role of Benevolent and Hostile Sexism in Victim Blame and Rape Proclivity*, 84 *J. Personality & Soc. Psychol.* 111–25 (2003).

roles (as assessed through benevolent sexism³⁴) and the level of blame apportioned to victims of acquaintance rape.

One of the complexities of the extant victim blame literature is the possibility that researchers have inadvertently confounded two different (and distinguishable) stereotypes.³⁵ In presenting participants with scenarios centering on, for example, the perceived sexual and moral purity of the victim rather than on gender stereotypicality per se, research has potentially confounded gender stereotypicality and victim stereotypicality—or judgments of genuineness—of the victim. In short, whilst an alleged rape victim who is known to have invited her assailant into her apartment may be judged as behaving in a counter-stereotypical way for a “genuine” victim of sexual assault, she is also likely to be viewed as counter-stereotypical in terms of gender for behaving in a way that does not uphold traditional values.³⁶

Even though many dimensions of rape victim and gender stereotypes overlap, they may have distinct effects on evaluations of victims of sexual assault. In an exploration of the impact of independent manipulations of both stereotypes, Masser and colleagues³⁷ sought to build on Abrams and colleagues³⁸ and explore the relationship between traditional gender role endorsement (assessed through benevolent sexism) and acquaintance rape victim blame. Pilot research established the independence of two key aspects of the victim’s behavior to decision makers’ perceptions of her victim stereotypicality, specifically, physically resisting her assailant and cooperation with the police in their enquiries. Similarly, the victim’s alleged neglect of her children (by leaving them home alone while she partied) impacted on her perceived gender stereotypicality independent of her victim stereotypicality. In the context of the main study, Masser and her colleagues found that the previously noted association between gender stereotypicality and traditional gender role endorsement was evident only in the context of victims who were counter-stereotypical. In short, and contrary to Abrams and colleagues, traditional gender role endorsement was only positively

34. Peter Glick & Susan T. Fiske, *The Ambivalent Sexism Inventory: Differentiating Hostile and Benevolent Sexism*, 70 *J. Personality & Soc. Psychol.* 491–512 (1996).

35. Masser et al., *supra* note 26.

36. Abrams et al., *supra* note 33.

37. Masser et al., *supra* note 26.

38. Abrams et al., *supra* note 33.

associated with acquaintance rape victim blame when the victim was doubly deviant in terms of both victim and gender stereotypes.

Although both victim- and gender-related stereotypes have been shown to have an impact on evaluations of victims of sexual assault, an emerging body of evidence suggests that the emotionality displayed by the victim is also important.³⁹ It is not clear from the literature whether the effect of emotionality is related to the action of one of these stereotypes, or whether it is an additional contributor to perceptions about the genuineness of victims of sexual assault. Vignette research by Calhoun and his colleagues⁴⁰ demonstrated that an emotionally controlled, as compared to emotionally expressive, victim was perceived to be less credible, less likeable, and experiencing less aversion for the rape. Similarly, Winkel and Koppelaar⁴¹ presented research participants with a short video in which a woman was interviewed by a police officer regarding her claim of rape. Results revealed

39. Anna C. Baldry, Rape Victims' Risk of Secondary Victimization by Police Officers, 25 *Issues in Criminological & Legal Psychol.* 65–68 (1996); Guri C. Bollingmo, Ellen O. Wessel, Dag E. Eilertsen & Svejn Magnussen, Credibility of the Emotional Witness: A Study of Ratings by Police Investigators, 14 *Psychol., Crime & Law* 29–40 (2008); Guri Bollingmo, Ellen Wessel, Yvonne Sandvold, Dag E. Eilertsen & Svein Magnussen, The Effect of Biased and Non-Biased Information on Judgments of Witness Credibility, 15 *Psychol., Crime & Law* 61–71 (2009); Buddie & Miller, *supra* note 14; Lawrence G. Calhoun, Arnie Cann, James W. Selby & David L. Magee, Victim Emotional Response: Effects on Social Reaction to Victims of Rape, 20 *Brit. J. Soc. Psychol.* 17–21 (1981); Louise Ellison & Vanessa E. Munro, Of “Normal Sex” and “Real Rape”: Exploring the Use of Socio-Sexual Scripts in (Mock) Jury Deliberation, 18 *Soc. & Legal Stud.* 291–312 (2009a); Louise Ellison & Vanessa E. Munro, Reacting to Rape: Exploring Mock Jurors' Assessments of Complainant Credibility, 49 *Brit. J. Criminology* 202–19 (2009b); Jonathan M. Golding, Heather M. Fryman, Dorothy F. Marsil & John A. Yozwiak, Big Girls Don't Cry: The Effect of Child Witness Demeanor on Juror Decisions in a Child Sexual Abuse Trial, 27 *Child Abuse & Neglect* 1311–21 (2003); Marc A. Klippenstine & Regina A. Schuller, Perceptions of Sexual Assault: Expectations Regarding the Emotional Response of a Rape Victim, *Psychol. Crime & Law* (forthcoming); Judith E. Krulewitz, Reactions to Rape Victims: Effects of Rape Circumstances, Victims' Emotional Response, and Sex of Helper, 29 *J. Consulting Psychol.* 645–54 (1982); Aldert Vrij & Agneta Fisher, The Role of Displays of Emotions and Ethnicity in Judgments of Rape Victims, 4 *Int'l Rev. Victimology* 255–65 (1997); Ellen Wessel, Guri C.B. Drevland, Dag E. Eilertsen & Svein Magnussen, Credibility of the Emotional Witness: A Study of Ratings by Court Judges, 30 *Law & Hum. Behav.* 221–30 (2006).

40. Calhoun et al., *supra* note 39.

41. Frans W. Winkel & Leendert Koppelaar, Rape Victim's Style of Self-Presentation and Secondary Victimization by the Environment: An Experiment, 6 *J. Interpersonal Violence* 29–40 (1991).

that when the victim's style of self-presentation was subdued (e.g., emotionally restrained and controlled manner), as compared to emotional (e.g., sobbing and in a trembling voice), participants were less likely to view her as exhibiting caution, and rated her as more responsible and as less credible.

In a series of studies, researchers have demonstrated that both judges and police investigators are similarly impacted by the emotions expressed by a sexual assault victim. Using two testimony formats, written and video, and varying the ambiguity of a sexual assault complainant's testimony, Kaufman and colleagues⁴² varied the victim's emotional display to be either congruent (e.g., despair with occasional sobs), neutral (e.g., flat, matter-of-fact manner), or incongruent (e.g., displaying positive and pleasant emotions) with what they determined were the expectations of participants. Results demonstrated that when a victim displayed a congruent emotional response, she was rated as more credible, and the perpetrator was rated as more guilty, than when her emotions were incongruent, with the neutral condition falling between these two. Similarly, Bollingmo and colleagues⁴³ found that after viewing one of the three versions of the rape victim's statement from the Kaufman study, police investigators' judgments of credibility were similarly influenced by variations in the woman's emotional response. Again, results demonstrated that the victim was rated as more credible when she was portrayed as crying and showing despair, and as less credible when she displayed neutral or incongruent emotions.

Expanding on this research, Klippenstine and Schuller⁴⁴ examined the influence of two expectations regarding the victim's emotional response, the first that the victim should be emotionally distraught and the second that she should respond consistently over time. As with the previous research, the first study revealed that, generally, more support was found for the victim's claim when she was *tearful/upset* as compared to *calm/controlled*, with participants' perceptions negatively influenced by the emotional information that was incongruent with what would be expected of a sexual assault victim. Their second study revealed that emotions displayed at different

42. Geir Kaufmann, Guri C.B. Drevland, Ellen Wessel, Geir Overskeid & Svein Magnussen, The Importance of Being Earnest: Displayed Emotions and Witness Credibility, 17 *Applied Cognitive Psychol.* 21–34 (2003).

43. Bollingmo et al. (2008), *supra* note 39.

44. Klippenstine & Schuller, *supra* note 39.

points in time over the course of a sexual assault incident (i.e., immediately following the event, during trial testimony) interacted to influence perceptions of the complainant, the perpetrator, and the event. In this latter study it was the victim who responded consistently across both points in time, regardless of the nature of that response, which resulted in an increased belief in the woman's claim.

Taken in their entirety, these studies suggest that variations in a victim's emotional display do appear to impact people's perceptions of the victim and her claim. "An emotional response to rape is perceived as normal and appropriate,"⁴⁵ and a victim, or alleged victim, who responds in a manner not expected of a sexual assault victim (e.g., numbed, controlled, nonemotional) will be believed less. Although measures of gender typicality were not collected in these studies, the body of gender stereotyping research documenting gender role expectations and prescriptions regarding emotional expressiveness would suggest that emotionality is certainly congruent with the feminine stereotype,⁴⁶ and hence a sexual assault victim who does not respond in an emotional fashion would not only be viewed as at odds with the victim stereotype but also as gender incongruent.

It is troubling to note that this impact of emotionality occurs despite the fact that the actual postvictimization trauma and demeanor of a victim can be quite variable⁴⁷ and is not a behavioral cue to deception. Indeed, research has demonstrated two basic responses to crime in general⁴⁸ and

45. Buddie & Miller, *supra* note 14, at 143; see also Taylor & Joudo, *supra* note 8.

46. Inge K. Broverman, Susan R. Vogel, Donald M. Broverman, Frank E. Clarkson & Paul S. Rosenkrantz, Sex-Role Stereotypes: A Current Appraisal, 28 *J. Soc. Issues* 59–78 (1972); Thomas L. Ruble, Sex Stereotypes: Issues of change in the 70s, 9 *Sex Roles* 397–402 (1983). Janet K. Swim, Perceived Versus Meta-Analytic Effect Sizes: An Assessment of the Accuracy of Gender Stereotypes, 66 *J. Personality & Soc. Psychol.* 21–36 (1994).

47. Ellen Frank & Barbara P. Anderson, Psychiatric Disorders in Rape Victims: Past History and Current Symptomatology, 28 *Comprehensive Psychiatry* 77–82 (1987); Patricia A. Frazier, Victim Attributions and Postrape Trauma, 59 *J. Personality & Soc. Psychol.* 298–304 (1990); Patricia A. Frazier, Self-Blame as a Mediator of Postrape Depressive Symptoms, 10 *J. Soc. & Clinical Psychol.* 47–57 (1991); Patricia A. Frazier & Eugene Borgida, Rape Trauma Syndrome: A Review of Case Law and Psychological Research, 16 *Law & Hum. Behav.* 293–311 (1992); C. Buf Meyer & Shelley E. Taylor, Adjustment to Rape, 50 *J. Personality & Soc. Psychol.* 1226–34 (1986).

48. Irene H. Frieze, Sharon Hymer & Martin S. Greenberg, Describing the Crime Victim: Psychological Reactions to Victimization, 18 *Prof. Psychol.* 299–315 (1987); Ronnie Janoff-Bulman & Irene H. Frieze, A Theoretical Perspective for Understanding Reactions to Victimization, 39 *J. Soc. Issues* 1–17 (1983), Robert F. Kidd & Ellen F. Chayet, Why Do

sexual assault specifically:⁴⁹ the emotional (e.g., victim displays distress clearly visible to others) and the numbed (e.g., emotions are in check and under control) styles of responding, with many victims of rape using the latter as a coping strategy.⁵⁰ In an analysis of thirty-two semistructured interviews with sexual assault survivors, Konradi⁵¹ found that victims engaged in a number of such strategies for managing the expression of their emotions when testifying in court.⁵² Large individual differences in people's emotional reactions to social situations have also been documented,⁵³ as well as variations in people's ability to regulate their emotional behavior according to situational demands.⁵⁴

Victims Fail to Report: The Psychology of Criminal Victimization, 40 *Victimology* 39–51 (1984); Camille B. Wortman, *Coping with Victimization: Conclusions and Implications for Future Research*, 39 *J. Soc. Issues* 195–221 (1983).

49. Winkel & Koppelaar, *supra* note 41. Ann W. Burgess & Lynda L. Holmstrom, *Rape Trauma Syndrome*, 131 *Am. J. Psychiatry* 981–85 (1974a); Ann W. Burgess & Lynda L. Holmstrom, *Rape: Victims of Crisis* (1974b); Ann W. Burgess & Lynda L. Holmstrom, *Coping Behavior of the Rape Victim*, 133 *Am. J. Psychiatry* 413–18 (1976).

50. Jenny Petrak & Barbara Hedge, *The Trauma of Sexual Assault: Treatment, Prevention and Practice* (2001).

51. Amanda Konradi, *Too Little, Too Late: Prosecutors' Pre-Court Preparation of Rape Survivors*, 22 *Law & Soc. Inquiry* 1–54 (1997); Amanda Konradi, *I Don't Have to be Afraid of You: Rape Survivors' Emotion Management in Court*, 22 *Symbolic Interaction* 45–77 (1999); Amanda Konradi, *Pulling Strings Doesn't Work in Court: Moving Beyond Puppetry in the Relationship Between Prosecutors and Rape Survivors*, 10 *J. Soc. Distress & the Homeless* 5–28 (2001).

52. Although “victims perceived the courtroom to be a rational domain that called for a neutral, controlled, and polite demeanor” (Konradi (1999), *supra* note 51, at 55), survivors also believed that the demeanor of a real victim was consistent with someone who was damaged. That is, victims were aware, and informed by legal personnel, that certain demeanors and emotional reactions were consistent with women who make false allegations of sexual assault (e.g., angry, deceptive, hard, inexpressive, and unmoved), whereas others were more consistent with the responses of a “real” sexual assault victim (e.g., displayed fear, embarrassment, and was subject to an emotional breakdown). At the same time, however, survivors wanted to suppress their emotions to regain the control that was originally lost to the accused.

53. Robert S. Feldman, Jason C. Tomasian & Erik J. Coats, *Nonverbal Deception Abilities and Adolescents' Social Competence: Adolescents with Higher Social Skills are Better Liars*, 23 *J. Nonverbal Behav.* 237–50 (1999).

54. Aldert Vrij, *Credibility Judgements of Detectives: The Impact of Nonverbal Behavior, Social Skills, and Physical Characteristics on Impression Formation*, 133 *J. Soc. Psychol.* 601–10 (1993).

Given the documented influence of stereotypes in the courtroom, it is of interest to explore if, and how, perceptions of emotionality interact with victim and gender stereotypes to influence judgments of sexual assault victims. Arguably, emotionality is an element of both the gender and victim stereotypes⁵⁵—that is, both “good” women and “good” victims should be emotionally expressive. However, it is unclear whether emotionality is considered characteristic of a “good” or stereotypical victim through its association with gender stereotypes and the overlap of the victim and gender stereotype in the context of sexual assault. To clarify the relationship of emotionality to stereotypes and the resultant impact on judgments of a sexual assault victim, we considered the impact of victim emotionality in the context of independent manipulations of gender stereotypicality and victim stereotypicality. In doing so we sought to consider whether emotionality moderated the effect of either victim or gender stereotypicality on evaluations of victims of sexual assault.

OVERVIEW OF RESEARCH METHODOLOGY

The aim of the current research was to manipulate victim and gender stereotypicality, along with complainant emotionality, in a scenario depicting an acquaintance rape. All of these variables were expected to influence perceptions of the complaint’s typicality, with two of these variables (gender stereotypicality, victim stereotypicality) expected to influence typicality independently, and the third (victim emotionality) potentially impacting the influence of both gender and victim typicality.

Participants

Two hundred and ten participants (141 women, 67 men; 2 failed to indicate their gender) recruited from a large Canadian university completed the study for partial course credit and the chance to win \$100. The age of participants ranged from 18 to 50 years ($M = 23.24$, $SD = 6.23$). The sample represented a broad range of ethnic/racial backgrounds: 30 percent Caucasian, 19 percent South Asian, 14.5 percent Black, 13 percent Asian, 8 percent West Asian, 4.8 percent South American/Mexican,

55. As discussed in the preceding section and accompanying footnotes.

4.3 percent Bi-/Multi-racial, and 5.3 percent indicating another racial/ethnic background.

Sexual Assault Scenarios and Procedure

Participants were presented with a brief vignette that depicted a sexual encounter between a man (Jason) and a woman (Natalie) that ended in an allegation of sexual assault. Natalie, a woman in her early thirties, was described as a single mother of two young children (ages 1 and 4) who had plans to go out for the evening with a couple of her close friends. All participants were informed that, at the dance club, Natalie bumped into Jason, who she had seen around at her work place. When she and her girlfriends were leaving the club, Jason invited Natalie to accompany him to a nearby cafe for dessert. Natalie accepted Jason's offer, and the two headed out. On their way they decide to get their dessert to go and headed to Jason's nearby apartment. According to her account of the events, they were having a good time at Jason's, but when consensual kissing and petting was taken too far and she insisted on slowing things down, Jason did not stop and persisted until intercourse occurred. Natalie then reported the incident to the police, and when Jason was questioned about the events, he provided a different account, that the sex was consensual.

Within these basic facts of the scenario, the three variables of interest were varied. Following Masser and colleague's research,⁵⁶ the manipulation of *gender stereotypicality* occurred at the beginning of the vignette, at which point participants were either informed that Natalie left her children in the care of a trusted babysitter (*stereotypical*) or left her children asleep in their beds unattended (*counter stereotypical*). The manipulation of *victim stereotypicality* was presented in the description of the alleged assault, with participants in the *counter stereotypical* condition told that, although Natalie repeatedly told Jason to stop, she did not try to physically resist Jason; and those in the *stereotypical* condition told that, in addition to telling Jason to stop, she repeatedly tried to push Jason away and tried to cross her legs so that her clothes could not be removed. Finally, the manipulation of *victim emotionality* was presented via Natalie's account to a friend the day following the alleged assault. Specifically, in retelling the events of the evening to her friend, Natalie explained that, although she had definitely

56. Masser et al., *supra* note 26.

been attracted to Jason and had a wonderful time talking with him and even “making out,” she never wanted to take it as far as sexual intercourse. In her retelling of the events, Natalie either was visually distraught, sobbing at times (*distress/emotional*), or was emotionally calm and did not appear to be overly uncomfortable (*calm/collected*). These variations in the scenario were fully crossed, producing eight different versions of the case.

After reading the scenario, participants completed a range of dependent measures. Unless otherwise indicated, responses were obtained using 7-point rating scales anchored with the endpoints defined either by the wording of the item (e.g., very believable, not at all believable) or by the participants’ degree of endorsement of the item (e.g., strongly disagree, strongly agree). These measures included a measure of the *validity of the sexual assault claim* comprised of participants rating across 4 items ($\alpha = .74$): (1) extent to which the participants believed the events described constituted sexual assault, (2) their likelihood of supporting a guilty verdict if the case went to trial, (3) the extent to which the victim’s account of what occurred was believable, and (4) the extent to which the assailant’s account of what occurred was believable (reverse coded). *Victim and assailant blameworthiness* was assessed via participants’ ratings of the appropriateness of the target’s behavior on the evening in question and the extent to which the target was to blame for what occurred, with these two items summed and averaged to provide composite measures of target *blameworthiness* ($\alpha = .57$ and $\alpha = .70$, for victim and assailant, respectively).

To assess whether the variations in the case had their expected impact on participants’ judgments of complainant typically, participants rated the complainant across six items. Half of these items tapped perceived *gender stereotypicality* of the alleged victim (“How much is [the woman] like the typical woman?”; “How much is [the woman] similar to women in general?”; and “How typical is [the woman] of her gender?”). The other three items tapped perceived *victim typicality*, with parallel items measuring the alleged victim’s typicality, similarity, and likeness to sexual assault victims in general. The respective items for each of these measures were then summed and averaged to provide composite measures of *gender stereotypicality* ($\alpha = .88$) and *victim stereotypicality* ($\alpha = .89$). Higher scores on these measures indicated that the victim was perceived as increasingly gender or victim (respectively) stereotypical.

The final section of the questionnaire included manipulation checks that asked the participants to recall specifics of the events depicted in the

scenario (e.g., where was Natalie going for the evening), with three of these items specific to the manipulated variables. Specifically, in a forced-choice response format, participants indicated what arrangements Natalie made for her children prior to going out (left them in the care of a babysitter, left them alone, did not specify, or can't recall), the manner in which Natalie's lack of consent was conveyed (only verbally, both verbally and physically, did not specify, or can't recall), and the tone of Natalie's emotional response when recounting the events to her friend (visibly upset, emotionally flat, did not specify, or can't recall).

RESULTS

Manipulation Checks

Examination of the manipulation checks revealed that the variations in the scenario were duly noted by participants. With regard to the manipulation of gender stereotypicality, 97 percent correctly recalled whether the woman described in the scenario left her children in the care of a babysitter (stereotypic) or left them unattended (counter stereotypic).⁵⁷ With regard to the manipulation of the victim's degree of resistance, 83 percent of participants correctly recalled whether the victim resisted Jason's advances only verbally or both physically and verbally.⁵⁸ The variation in the complainant's emotional display following the assault was also noted by participants, with 95 percent correctly noting the woman's emotional state when retelling the events.⁵⁹ As the vast majority of participants did in fact accurately note the woman's behavior portrayed in the scenario, all were retained for the analyses.⁶⁰

57. Specifically, all but one participant in the stereotypic condition correctly reported that the woman left her children in the care of a babysitter, and all but four in the counter stereotypic condition correctly reported that the woman left her children unattended.

58. Twenty participants in the stereotypic condition and sixteen in the counter stereotypic condition were unable to recall the complainant's manner of resistance.

59. All but one participant in the stereotypic condition correctly reported the woman's emotional tone (emotionally distraught), whereas nine participants in the counter stereotypic condition were unable to recall the woman's emotional tone.

60. A similar pattern of results is obtained, however, if these participants are removed from the analyses.

Evaluations of Complainant Typicality

A series of 2 (gender stereotypicality: stereotypic, counter stereotypic) by 2 (victim stereotypicality: stereotypic, counter stereotypic) by 2 (victim emotionality: stereotypic, counter stereotypic) ANCOVAs, with participant gender included as a covariate,⁶¹ were conducted on the two composite measures of perceived complainant typicality (both gender and victim typicality ratings). As expected, the manipulation of gender stereotypicality resulted in a main effect only on perceived gender typicality, $F(1,198) = 8.69, p = 0.004$, with those in the gender stereotypic condition rating the complainant as more representative of women in general ($M = 4.83, SD = 1.25$) than those in the counter stereotypic condition ($M = 4.32, SD = 1.23$). And as expected, the only significant effect produced by the victim resistance manipulation was a main effect on perceived victim typicality, $F(1,198) = 5.08, p = .025$, with the complainant who resisted the defendant both physically and verbally viewed as more stereotypical of a rape victim ($M = 4.65, SD = 1.45$), compared to the woman who resisted the defendant only verbally ($M = 4.19, SD = 1.46$). In contrast, the manipulation of victim emotionality resulted in main effects both on perceived gender typicality, $F(1,198) = 5.39, p = 0.03$, and on perceived victim typicality, $F(1,198) = 44.37, p = 0.001$. The complainant portrayed as calm and collected was viewed as less representative both of women ($M = 4.32, SD = 1.25$) and of rape victims in general ($M = 3.74, SD = 1.46$) than her more emotional counterparts ($M_s = 4.83$ and $5.09, SD_s = 1.25$ and 1.45 , for perceived gender and perceived victim typicality, respectively).

Validity of Sexual Assault Claim and Target Evaluations

The manipulation checks indicated that the variations in the case scenarios were duly noted by the participants, thus a series of 2 (gender stereotypicality: stereotypic, counter stereotypic) by 2 (victim stereotypicality: stereotypic,

61. Participant gender was only included as a control variable in the analyses as the *n* for male participants was insufficient to detect reliable differences. The analysis of covariance, often referred to by its acronym ANCOVA, provides a way of measuring and removing the effects of the supplementary variables (covariates, in this case gender of participant). An exploratory set of analyses that included gender as a variable, however, revealed few main effects of participant gender, with no interaction effects involving the manipulated variables and participant gender.

Table 1. Mean ratings of validity of sexual assault as a function of complainant emotionality and gender typicality

Gender typicality	Emotionality	
	Calm	Emotional
Counter stereotypic	4.67 _a	4.85 _a
Stereotypic	4.33 _a	5.27 _b

Note: Means within the same row with different subscripts differ at $p < .05$ level of significance.

counter stereotypic) by 2 (victim emotionality: stereotypic, counter stereotypic) ANCOVAs, with participant gender included as a covariate, were conducted on the case evaluations. With respect to the composite measure tapping the validity of the sexual assault claim, the analyses revealed main effects for both victim stereotypicality, $F(1,199) = 11.84$, $p = .001$, and complainant emotionality, $F(1,199) = 13.27$, $p = .001$. Specifically, when the complainant resisted the assailant only verbally, the validity of the sexual assault claim was rated less believable ($M = 4.52$, $SD = 1.11$), compared to when she resisted physically as well as verbally ($M = 5.05$, $SD = 1.10$). With respect to the emotionality manipulation, the claim was rated more believable when the complainant was emotionally distressed ($M = 5.06$, $SD = 1.11$) compared to calm ($M = 4.51$, $SD = 1.10$). This latter effect, however, was qualified by a two-way interaction involving gender stereotypicality, $F(1,199) = 6.23$, $p = .013$. As the means displayed in Table 1 demonstrate, the impact of the emotionality manipulation was only found when the complainant was gender stereotypic, $F(1,203) = 18.23$, $p = .001$. In contrast, the emotionality manipulation had no impact when she was gender counter stereotypic, $F(1,203) < 1$, $p = ns$.

Participants' ratings of blameworthiness for victims and assailants varied as a function of different predictors. For ratings of the complainant's blameworthiness, there was a significant main effect for gender stereotypicality, with participants apportioning greater blame to the counter stereotypic woman ($M = 4.60$, $SD = 1.45$) than to the stereotypic woman ($M = 4.18$, $SD = 1.47$). The blame apportioned to the perpetrator was only influenced by the complainant's emotionality, with participants rating the assailant more blameworthy if the complainant was emotional ($M = 5.67$, $SD = 1.32$), as opposed to calm and controlled ($M = 5.26$, $SD = 1.33$).

DISCUSSION

The results of the study indicated that participants' judgments of the validity of the sexual assault claim were influenced by the complainant's typicality in terms of both her gender and her status as a victim of sexual assault. Consistent with prior research,⁶² participants' judgments of the validity of the sexual assault claim were influenced by the complainant's lack of physical resistance, with this variable influencing the degree to which she was viewed in terms of her typicality to sexual assault victims in general. As with the prior research,⁶³ displays of the complainant's emotionality also had a powerful impact on participants' judgments of the validity of the sexual assault, with the claim viewed as more valid when she was portrayed as *tearful/upset* as opposed to *calm/controlled*. This effect was, however, only observed for complainants portrayed as gender stereotypic. The validity of the claim of the complainants portrayed as gender counter stereotypic did not differ as a function of her emotional display.

These results suggest that the claims of those gender-stereotypic complainants who conform to expectations and act in an emotional way are viewed most positively. The claims of gender-stereotypical complainants responding in an unexpected nonemotional way, however, may be viewed with greater scepticism. Indeed, the validity of the claims made by the nonemotional gender-stereotypic woman was perceived to be as low as the validity of the claims made by the gender-counter stereotypic woman. Such results are consistent with the notion that the validity of an alleged victim's claim is partially assessed through her emotional reaction, with the expectation that a victim of sexual assault should be emotionally distraught. The interaction of gender stereotypicality with emotionality is of particular interest as it suggests that people may use their overall judgement of the gender stereotypicality of the complainant to anchor their expectations for the emotionality of the victim.

Consistent with emotionality as a component of the gender stereotype for women,⁶⁴ the inconsistency of a gender-stereotypical woman presenting

62. Ehrlich, *supra* note 30; Temkin & Krahe, *supra* note 6.

63. For example: Bollingmo et al. (2008), *supra* note 39; Ellison & Munro (2009a and b), *supra* note 39.

64. Inge K. Boverman, Susan R. Vogel, Donald M. Broverman, Frank E. Clarkson, & Paul S. Rosenkrantz, *Sex-Role Stereotypes: A Current Appraisal*. 28 J. Soc. Issues 59-78

in a calm and controlled manner results in the validity of her claim being questioned. In contrast, although emotionality had an effect on perceptions of both victim and gender stereotypicality, it did not interact with victim stereotypicality to impact on judgments. Consistent with past research,⁶⁵ the claims of victims behaving in a stereotypical manner (i.e., physically resisting their assailant) were considered to be more valid than the claims of those behaving in a counter-stereotypical manner.

As such, whereas it is theoretically and empirically possible to identify independent effects of victim and gender stereotypicality,⁶⁶ it is also possible that, with regard to the interpretation of emotionality, gender stereotypicality may ultimately be the central basis for evaluating victims of sexual assault. It is possible that other aspects of the victim that have previously been shown to influence perceptions (e.g., intoxication) may also have their effect primarily in conjunction with gender stereotypicality. That is, the overall gender stereotypicality of the victim is used to anchor more general expectations about the victim's behavior. This is perhaps not too surprising given the status of gender as one of the primary bases for categorization.⁶⁷

In contrast to the moderated effect observed in relation to the validity of the sexual assault claim, there were only main effects for the measures of victim and perpetrator blame. Interestingly, and consistent with past research,⁶⁸ gender stereotypicality was associated with less blame attributed to the victim; however only the emotionality manipulation influenced levels of perpetrator blame.⁶⁹ Specifically, assailants of victims who presented as emotional had more blame attributed to them than assailants of victims who presented as calm. This aspect of the results contrasts with the results of Abrams and colleagues⁷⁰ and Viki and colleagues,⁷¹ who

(1972); T. L. Rule, *Sex Stereotypes: Issues of Change in the 70s*. 9 *Sex Roles* 397–402 (1983); Swim, *supra* note 46.

65. Cook et al., *supra* note 30. Ehrlich, *supra* note 30. Lees, *supra* note 30.

66. Masser et al., *supra* note 26.

67. Diane M. Mackie, David L. Hamilton, Joshua Susskind & Francine Rosselli, *Social Psychological Foundations of Stereotype Formation*, in C. Neil Macrae, Charles Stangor & Miles Hewstone eds., *Stereotypes and Stereotyping* 41–78 (1996).

68. Abrams et al., *supra* note 33 ; Masser et al., *supra* note 26.

69. G. Tendayi Viki, Kristina Massey & Barbara Masser, *When Chivalry Backfires: Benevolent Sexism and Attitudes Toward Myra Hindley*, 10 *Legal & Criminological Psychol.* 109–20 (2004).

70. Abrams et al., *supra* note 33.

71. Viki et al., *supra* note 69.

found inverse complimentary effects for measures of victim and perpetrator blame: higher levels of benevolent sexism were associated with an increase in victim blame⁷² and a corresponding decrease in perpetrator blame.⁷³ The finding in the present study that gender stereotypicality influenced victim blame and that emotionality influenced perpetrator blame may result from the combined effects of gender stereotypicality and emotionality as seen on perceptions of validity. Alternatively, the impact of emotionality may affect more than the believability of the victim; rather, emotionality may jointly influence perceptions of the severity of the sexual assault as well. As such, the perpetrator is seen in a more negative light if the assault is perceived to have had a more severe impact on the victim. Such possible conclusions at this point are speculative, however, and must await future research.

In documenting the effects that variations in gender and victim stereotypicality and victim emotionality can have on judgments of sexual assault victims and perpetrators, the question remains as to how to reduce the impact of these variables. As noted previously, in reality, whether or not the victim is victim and/or gender stereotypical and/or presents in an emotional manner bears no relation on whether sexual assault has occurred. In attempting to reduce the impact of these variables in judgments of sexual assault, Masser, Whitting, and McKimmie⁷⁴ conducted an experiment in which participants read an acquaintance rape scenario in which the victim was either stereotypical or counter stereotypical and in which nondiagnostic biographical information about the victim was either present or absent. In support of a stereotype dilution effect, the significant association between counter stereotypicality and heightened victim blame was eliminated when nondiagnostic biographical (i.e., diluting) information was provided. The efficacy of this approach, however, awaits future research, as Bohner and his colleagues⁷⁵ have found the obverse; that is, providing participants with more case-irrelevant information decreased perceptions of perpetrator guilt, especially for participants scoring high in rape myth acceptance.

72. Abrams et al., *supra* note 33.

73. Viki et al., *supra* note 69.

74. Barbara Masser, Laura Whitting & Blake McKimmie, *Diluting Stereotypes: A Means to Eradicate the Influence of Stereotypes of "Genuine" Victims of Sexual Assault on Attributions of Blame?* (2010) (unpublished manuscript, on file with the University of Queensland).

75. Friederike Eyssel & Gerd Bohner (2008), cited in Bohner et al., *supra* note 13.

Adopting a different strategy, Winkel and Koppelaar⁷⁶ note that those who come into contact with sexual assault victims (e.g., police officers, jurors, etc.) should be made aware of the fact that different victims will respond to the event in different ways, with no particular way of responding indicative of a truthful account. With this aim in mind, Ellison and Munro conducted a jury simulation study in which they used educational guidance to mitigate juror's unrealistic expectations of sexual assault victims.⁷⁷ Specifically, they presented a small sample of mock jurors with live reenactments of sexual assault trials in which they varied the complainant's level of physical resistance, the time delay between the incident and the complainant's report to the police, as well as her emotional demeanor in court. Half of the juries were provided with some educational guidance either through expert testimony at the start of the trial or from the judge at the end of the trial, informing them of the varied reactions a sexual assault victim may display, as well as why a victim may delay reporting or fail to resist during an attack.

Although these efforts failed to mitigate the impact of jurors' unrealistic expectations regarding the complainants' degree of resistance, those provided with expert or judicial guidance were less troubled by the complainant's delay in responding and were more willing to accept the complainant's calm demeanor. Similarly, Bollingmo and colleagues found that, when participants were warned against using a complainant's emotional expression as a sign of credibility, the impact of this variable was dampened.⁷⁸ Although such educational innovations may prove efficacious in mitigating jurors' unrealistic expectations of sexual assault victims, evidence from the child witness literature suggests that care should be taken to educate jurors systematically that a range of possible reactions to assault can be indicative of a genuine claim of sexual assault.⁷⁹

In closing, it must be noted that, although the current research has contributed to the literature in systematically exploring the impact of victim and gender stereotypicality in conjunction with victim emotionality on judgments of rape victims and perpetrators, a number of methodological

76. Winkel & Koppelaar, *supra* note 41.

77. Ellison & Munro (2009a and b), *supra* note 39.

78. Bollingmo et al. (2009), *supra* note 39.

79. Margaret B. Kovera, April W. Gresham, Eugene Borgida, Ellen Gray, & Pamela C. Regan, Does Expert Psychological Testimony Inform or Influence Juror Decision Making?: A Social Cognitive Analysis, 82 *J. Applied Psychol.* 178–91 (1997).

limitations of the current study can be noted. Building on Masser and colleague's distinction between gender and victim stereotypes,⁸⁰ it may have been preferable in the context of the current study to consider the independent effect of emotionality in conjunction with victim and gender stereotypicality. This empirically would have assisted in highlighting the unique contribution of each stereotype, but practically it may have been neither possible nor desirable. As noted previously, in the context of sexual assault, victim and gender stereotypes are likely to overlap. As such, many factors demonstrated to impact on the evaluation of victims or perpetrators of sexual assault (e.g., victims who are not chaste, dress provocatively, drink, etc.⁸¹) may jointly impact on both victim and gender stereotypes. In moving experimental research forward to represent adequately the complexity of information presented to jurors at trial, of greater practical interest may be how these elements work with, or influence, stereotypical judgments known to occur in these contexts. A research agenda systematically exploring such issues, using more realistic trial materials and under more naturalistic settings (e.g., that incorporate mock jurors' deliberations), could ultimately provide some guidance for how best to address the pernicious impact that prescriptive norms surrounding emotionality can have in the adjudication of sexual assault.

80. Masser et al., *supra* note 26.

81. Du Mont et al., *supra* note 1; Kelly, *supra* note 29; Hammock & Richardson, *supra* note 29; Kanekar & Kolsawalla, *supra* note 29; Schuller & Wall, *supra* note 29; Stormo et al., *supra* note 29; Workman & Freeburg, *supra* note 29; Wall & Schuller, *supra* note 29.