Juror decision making in acquaintance and marital rape: The influence of clothing, alcohol and pre-existing stereotypical attitudes

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Abstract

Stereotypical biases about women's roles in intimate relationships including their marital status and lifestyle choices such as clothing and alcohol use influence juror attributions of rape case defendant guilt, potentially reducing access to justice for victims. Across two mock-juror decision making experiments, participants read identical fictitious sexual assault vignettes varying in intoxicated defendant-complainant relationship (married vs. acquaintance), accompanied by photographs of complainant clothing at the crime (body revealing vs. plain) and in court (smart vs. casual). Experiment 2 additionally described the defendant's alcohol consumption as either under or over the drink drive limit. Most participants delivered guilty verdicts (Experiment 1: 86.7%; Experiment 2: 75.5%), recommending mean prison sentences of 5.04 years in Experiment 1 (n = 218 students) and 4.33 years in Experiment 2 (n = 1,086 members of public). In Experiment 1, guilty verdict rates and sentences were significantly higher when the married - but not the acquaintance - complainant dressed smartly rather than casually in court. In Experiment 2, significantly more guilty verdicts were delivered by females (80.3%) than males (66.9%), while sentence lengths were longer in acquaintance (M = 4.52 years) than married conditions (M = 4.10). Significant interactions between defendant alcohol use and clothing choice of the married - but not the acquaintance complainant - at the crime also influenced sentencing decisions. Higher scores on additionally administered scales measuring rape myth acceptance and sexist attitudes, but not alcohol expectancies, predicted lenient sentencing decisions in both experiments. These findings highlight how 'rape myths' concerning marriages drive juror decisions. Prosecuting lawyers should use these results to better challenge these attitudes in court. Internationally, rape is often unreported to the police, and married victims may be more willing to come forward if they believe unbiased access to justice is likely.

Introduction

International research suggests that most victims do not report rapes to the police, and when reported, few cases reach court (e.g., Hohl & Stanko, 2015; Kruttschnitt, Kalsbeek, & House, 2014). In 2014-15, of the 60-95,000 estimated rapes in England and Wales (Home Office and Ministry of Justice, 2013), 6% were prosecuted, while 56.9% of trials resulted in convictions (Crown Prosecution Service, 2015). This gap may be due to a lack of physical, objective evidence, while cases rest on the conflicting word of the protagonists. Juror judgements of defendant guilt may also be biased by 'rape myths' (e.g., Burt, 1980; for a review see Bohner, Eyssel, Pina, Viki, & Siebler, 2009), or crime, victim, and assailant stereotypes that "serve to deny and justify male sexual aggression against women" (Lonsway & Fitzgerald, 1994, p. 134). Partner rape is the most common type (Home Office and Ministry of Justice, 2013), yet rape myths impact guilt attributions in acquaintance more than stranger rapes (e.g. Krahé, Temkin, & Bieneck, 2007), and are aggravated when parties are married (e.g. Ferro, Cermele, & Saltzman, 2008), possibly due to beliefs that consent is an intrinsic element of the marital contract (e.g., Kirkwood & Cecil, 2001; Spohn & Horney, 1992).

Theories classify rape myths as attributional biases that (a) view rape as exclusive to certain societal groups, (b) doubt the allegations, (c) blame the victim, or (d) exonerate the offender (e.g., Bohner *et al*., 2009; Dinos, Burrowes, Hammond, & Cunliffe, 2015). One common myth is that false allegations are common (Payne, Lonsway, & Fitzgerald, 1999); and partly to undermine cases in court, defence lawyers often attempt to activate rape myths in jurors, by highlighting evidence linking to these prevailing attitudes (Smith & Skinner, 2017). Measures of rape myth acceptance reveal negative correlations between belief strength and interpretation of sex without consent as rape. Closer victim-perpetrator relationships increase victim blaming, and reduce perpetrator blaming (Krahé *et al*., 2007; Van der

Bruggen & Grubb, 2014, although see Stromwall, Landstrom, & Alfredsson, 2014), and recommended punishments (e.g., prison sentences) (Cowan, 2000; Viki, Abrams, & Masser, 2004). This may be due to increased ambiguity surrounding the issue of reasonable belief in consent. The aim of this research was to enhance understanding of how these myths operate when parties are married or acquaintances, in order to assist those responsible for presenting cases to the triers of fact – the jury - to best ensure outcomes are fair.

In general, males are more accepting of rape myths (McGee, O'Higgins, Garavan, & Conroy, 2011; Suarez & Gadalla, 2010), particularly those involving marriage, in that they are less likely to view marital rape as an offence (e.g. Ferro *et al*., 2008; Spohn & Horney, 1992). These views are more prevalent in other sections of society (e.g., older, non-white, less educated; Basile, 2002; although see Luddy & Thompson, 1997). This is not surprising given that the first UK marital rape conviction occurred relatively recently in 1991 (R *v* R, 1992), and that marital rape was not criminalised in the 50 US states until 1993 (Bergen & Barnhill, 2006).

In England and Wales, the Sexual Offences Act (2003) requires jurors to acquit if it was reasonable for the defendant to assume that consent was given. However, when both parties are known to one another and have consumed alcohol, beliefs concerning intoxication and cognitive impairment may increase consent interpretation ambiguity (Frese *et al*., 2004). Males with negative attitudes towards societal use of alcohol also tend to view drunk female victims as more responsible (Baldwin, 2015), while intoxicated victims wearing revealing clothing may drive perceptions of (reasonable) consent, or are viewed as exhibiting sexual interest (Johnson *et al*., 2016; Wall & Schuller, 2000). On the other hand, intoxicated victims are judged as more complicit when perpetrators are more intoxicated (Norris & Cubbins, 1992; Wall & Schuller, 2000).

Pre-existing sexist attitudes also sway juror judgements of consent (e.g. Hammond, Berry, & Rodriguez, 2011). High levels of *hostile sexism*, or paternalistic, derogatory attitudes towards women predict attributions of responsibility to acquaintance rape victims, as complainants are perceived to act seductively to control men (Cohn, Dupuis, & Brown, 2009; Lonsway & Fitzgerald, 1994). Stronger effects are often found from *benevolent sexism* (e.g., Abrams, Viki, Masser, & Bohner, 2003; Pedersen & Stromwall, 2013), or protective paternalism, and idealization of women, leading to negative evaluations when victims do not conform to traditional gender roles (Glick & Fiske, 1996; Viki *et al*., 2004). Both factors were examined here.

A quarter of a century after R *v* R (1992), the experiments reported here examined whether the myths associated with heterosexual *marital* rape, as being less serious than *acquaintance* rape, still prevail, and whether differences in protagonists' relationship status, as well as the complainant's clothing choices, drive judgements of defendant guilt. Many reported offences occur after those involved have consumed alcohol, and whilst most past research has examined single situational or personal factors only, or jury decision making in general (Goodman-Delahunty & Graham, 2010), the current research allowed for investigation of these effects simultaneously. Photographs of the intoxicated complainants and defendants allowed assessment of the impact of clothing on juror attributions. General attribution theory (Kelley, 1967) predicts clothing choice communicates responsibility, status and power (Turner-Bowker, 2001), and may influence juror forming judgements of complainant reliability. As such, the *provocativeness* of the complainant's clothing at the time of the crime (body-revealing vs. plain) was varied. The complainant's clothing *smartness* (smart vs. casual) during the court case was also varied, making this the first juror research to examine clothing choice in two environments, which may have interacting effects on complainant reliability attributions. The same article of clothing may generate different

attributions if worn by different people (Davis, 1984; Howlett, Pine, Cahill, Orakcioglu, & Fletcher, 2015). Therefore, to ensure effects were not actor-specific, photographs of different complainant and defendant actors were employed in Experiment 1 (university students) and 2 (members of the general public). The defendant's *alcohol consumption* was additionally varied in Experiment 2 (above vs. below the drink drive level), while further measures examined the influence of pre-existing attitudes toward rape, sexism and alcohol.

High defendant guilt attribution levels were expected to result in higher guilty (vs. not guilty) verdict rates and longer recommended prison sentences. Based on previous research (e.g. Ferro et al., 2008), defendant guilt perceptions were predicted to be higher in the acquaintance than marital rape condition, particularly when the complainant dressed in plain, rather than body-revealing clothing prior to the crime. As clothing in court has not been examined previously, no specific predictions could be derived. In Experiment 2, larger participant numbers allowed us to test the prediction that females would be more likely to provide guilty verdicts than males (e.g. McGee *et al*., 2011); while levels of defendant guilt were predicted to be lower when he had consumed higher levels of alcohol (e.g., Wall & Schuller, 2000). Finally, defendant guilt attributions were predicted to be mediated by rape myth acceptance – in particular beliefs that false allegations are common; as well as hostile and benevolent sexism, and attitudes towards alcohol.

Method

Participants

Participants were jury-eligible students attending a university in the south of England (Experiment 1, n = 218; female = 83.0%; aged 18-62 years, M = 24.1, SD = 9.7), or British members of the public (Experiment 2, n = 1,084, female = 60.8%, aged = 18-68, M = 30.0,

SD = 10.7) invited by adverts following unconnected online cognitive research projects. It was not possible to assess numbers viewing the adverts, although after clicking on the research URL, participants were randomly assigned to conditions.

Overall design

The primary design of both experiments was between-groups. Common factors were *relationship type* (*married* vs. *acquaintance*); victim's *crime clothing* (*revealing* vs. *plain*) and victim's *court clothing* (*smart* vs. *casual*). Experiment 2 also examined defendant's *alcohol consumption* (*under* vs. *over* the UK drink driving limit the following day), and participant-juror *gender* (*male* vs. *female*).[1] The dependent variables were *verdict* (guilty vs. not-guilty), and *recommended sentence length* (0-10 years). Correlational components examined the influence of *sexist attitudes* (*Ambivalent Sexism Inventory:* ASI) (Glick & Fiske, 1996), *rape myth acceptance* (*Updated Illinois Rape Myth Acceptance Scale:* IRMAS) (Payne *et al*., 1999), and *alcohol expectancies* (*Alcohol Expectancies Questionnaire:* AEQ-3) (George *et al*., 1995) on prison sentence recommendations.

Materials and procedure

Participants first provided informed consent and proceeded to read one of eight vignettes in Experiment 1 (16 in Experiment 2).

Rape scenario: A fictitious vignette adapted from Hammond *et al.* (2011) describes the complainant (Emily) meeting the defendant (Daniel) at a bar. Daniel is Emily's separated but co-habiting husband (*married*) or a friend (*acquaintance*). In Experiment 1, Emily and Daniel drink heavily before returning to their marital home (*married*) or to a mutual friend's

[1] Random allocation resulted in low numbers of male participants in some conditions in Experiment 1, meaning it was not possible to include gender as a variable in analyses.

house that was nearby, since it was late and neither wanted to travel the longer distance to their homes (*acquaintance*). In Experiment 2, Daniel is either *under* or *over* the UK drink driving legal limit the following morning when breathalysed by the police for an unrelated driving offence. All other written details were identical. Emily claims that at home she changed clothing and fell asleep in a bedroom, where Daniel forced her to have sex, despite repeatedly telling him 'no' and pushing him away. Daniel states he believed Emily had consented because the door was open and he saw her remove her clothes. His defence is based on his 'reasonable' belief that by her actions she had consented to sex.

Participants were also presented with randomly allocated photographs of the white young adult female complainant dressed in *revealing* (short low-cut tight dress) or *plain* clothing (top and jeans), from the time of the alleged offence; and *smart* (trouser suit) or *casual* clothing (top and trousers) at court. Additional photos depicted the white young adult male defendant dressed in smart clothing at court, as well as the bar visited beforehand. All within-experiment photos were identical in all conditions, although the two experiments employed images of different protagonists wearing different clothing but meeting the same descriptions, to ensure effects were not actor-specific.

Crown Prosecution Service (CPS) guidance from the Sexual Offences Act (2003) Crown Court Bench Book (Juridical Studies Board, 2010) was then provided, stating that, "a person consents only if they agree by choice, and they, at the relevant time, have the freedom and capacity to make that choice. When you assess whether the defendant's belief (in consent) was reasonable, you must have regard to all the circumstances and any steps taken by the defendant to ascertain whether the complainant was consenting."

Questions requested participant age and gender, and case verdicts (guilty vs. not guilty). A page break followed and participants were then asked to recommend a prison sentence length, 'on the assumption that the defendant was found guilty by the majority of the

jury', measured in one-year intervals from 0-10 years. The following scales were then included in counterbalanced order. As internal consistencies (below) were adequate, mean sub-scale scores were computed after reverse-coding negative items (see Tables 3 and 4).

Updated Illinois Rape Myth Acceptance Scale (IRMAS, Payne *et al*., 1999; revised version McMahon & Farmer, 2011): This 22-item scale (1:'strongly agree' to 5:'strongly disagree') measures rape victim blame and consists of four subscales: -'*she asked for it'*, '*he didn't mean to'*, '*it wasn't really rape'* and '*she lied'*. Questions include, 'If a girl is raped while she is drunk, she is at least somewhat responsible for letting things get out of hand' ('she asked for it'), and 'rape accusations are often used as a way of getting back at guys' ('she lied'). The scale is psychometrically reliable (Payne *et al*., 1999), while the revised version with updated language has high construct validity (McMahon, 2010). A high mean score indicates high rape myth acceptance (max = 5.0). Internal reliability was high (Experiment 1: Cronbach's α = .94; Experiment 2: α = .93).

Ambivalent Sexism Inventory (ASI, Glick & Fiske, 1996): This 22-item 6-point (0: 'strongly agree' to 5: 'strongly disagree') scale assesses two positively correlated components of sexism: '*hostile'* and '*benevolent*' It has high convergent, discriminant and predictive validity. Questions include 'no matter how accomplished he is, a man is not truly complete as a person unless he has the love of a woman' ('benevolent'), and 'most women interpret innocent remarks or acts as being sexist' ('hostile'). High scores indicate sexist attitudes (max = 5.0). Internal reliability was high (Experiment 1: Cronbach's α = .84; Experiment 2: α = .91).

Alcohol Expectancies Questionnaire (AEQ-3, George *et al*., 1995): This 40-item, 6-point scale (1: 'disagree strongly' to 6: 'agree strongly'), measures anticipated experiences of alcohol consumption and consists of eight sub-scales. Here only two relevant sub-scales were analysed: - '*global positive*' (5 items) and '*power and aggression*' (6 items), as these measure

positive expectancies of alcohol consumption respectively.[2] Questions include 'drinking makes me feel warm and flushed' ('power and aggression') and 'I can't act as quickly when I've been drinking' ('global positive'). It possesses high reliability and invariance across different gender and ethnic groups (George *et al*., 1995; Rohsenow, 1983). A high score is indicative of high positive alcohol expectancies (max = 6.0). Again, Cronbach's alpha was acceptable (Experiment 1: α = .97; Experiment 2: α = .94).

Following scale completion, participants were debriefed.

Results

All analyses were conducted using SPSS.[3] The Bonferroni correction maintained alpha at p = .05. All participants provided verdicts and recommended prison sentences. Occasional missing responses to scale questions were excluded from specific analyses. Backward elimination hierarchical log-linear analyses, and independent-measures ANOVAs measured the influence of experimental conditions on verdicts and prison sentences. Mediation analyses tested underlying relationships between attributional measures and recommended sentences.

Initial analyses examined mock-juror verdicts and mean recommended sentence lengths as a function of experimental condition (see Table 1 for Experiment 1; Table 2 for Experiment 2). Most participants found the defendant guilty (Experiment 1: 86.7%; Experiment 2: 75.5%), recommending mean prison sentences of about 5 years (Experiment 1: M = 5.04, SD = 2.97; Experiment 2: M = 4.33, SD = 2.85). There were weak correlations between verdict (1 = guilty; 0 = not-guilty) and recommended sentence lengths in Experiment

[2] Additional AEQ-3 subscales include *'social and physical pleasure', 'social expressiveness', 'sexual enhancement', 'tension reduction and relaxation', 'cognition and physical impairment'*, '*careless unconcern'*.
[3] IBM SPSS Statistics for Windows, Version 20.0. Armonk, NY: IBM Corp.

1, $r(218) = 0.29$, $p < .001$; and in Experiment 2, $r(1084) = 0.24$, $p < .001$, both were significant.

Table 1 about here

Experiment 1 verdicts: A 2 (relationship: married, acquaintance) x 2 (crime clothing: revealing, plain) x 2 (court clothing: smart, casual) x 2 (verdict: guilty, not guilty) backward elimination hierarchical log-linear analysis (probability for removal $p < .05$) revealed only a three-way interaction between relationship, court clothing and verdict with a likelihood ratio [$\chi^2(8) = 1.57$, $p = .99$]. With small effect sizes, simple effects revealed higher guilty verdict rates when the married complainant wore smart clothing in court rather than casual clothing [$\chi^2(1, n = 109) = 6.30$, $p < .05$, Cramer's V = .240]. There were no court clothing effects with acquaintances [$\chi^2(1, n = 109) = .61$, $p < 1$, Cramer's V = .075].

Table 2 about here

Experiment 2 verdicts: A 2 (relationship) x 2 (defendant's alcohol level: under, over drink drive limit) x 2 (crime clothing) x 2 (court clothing) x 2 (participant gender) x 2 (verdict) log-linear analysis revealed no effects with relationship, crime and court conditions ($p > .2$). Interactions were found however between participant gender and verdict; and between alcohol level and verdict [$\chi^2(1) = 0.46$, $p = .500$]. Bonferroni-corrected tests with small effect sizes found females returned more guilty verdicts (80.3%) than males (66.9%) [$\chi^2(1, 1031) = 22.84$, $p < .05$, Cramer's V = .149]. Guilty verdicts rates were higher when the defendant had been over, rather than under the drink drive limit, although effects were not significant [$\chi^2(1, 1031) = 2.65$, $p > .1$, Cramer's V = .049].

Experiment 1 recommended sentences: A 2 (relationship) x 2 (crime clothing) x 2 (court clothing) ANOVA on sentences found no significant main effects [all effects $F(1, 196) < 1$]. However, the interaction between relationship and court clothing was significant [$F(1, 196) = 4.84$, $p = .029$, $\eta^2 = .024$]. Effect sizes were small, and Bonferroni-corrected simple effects were not significant. However, sentences were slightly longer when the married complainant wore smart clothes ($M = 5.28$, $SD = 3.10$) rather than casual clothes in court ($M = 4.43$, $SD = 2.83$) [$F(1, 196) = 1.98$, $p < .1$, $\eta^2 = .010$]. In contrast, sentences were slightly longer when the acquaintance complainant wore casual clothes ($M = 5.72$, $SD = 3.03$) rather than smart clothes in court ($M = 4.76$, $SD = 2.84$) [$F(1, 196) = 2.90$, $p < .1$, $\eta^2 = .015$].

The interaction between crime clothing and court clothing was also significant [$F(1, 196) = 5.52$, $p = .020$, $\eta^2 = .027$]. Effect sizes were small, and again, Bonferroni-corrected simple effects were not significant, particularly in the revealing crime clothing condition ($M = 5.05$, $SD = 2.99$) [$F(196) = 2.37$, $p < .1$, $\eta^2 = .012$]. However, mean sentence lengths were longest when the complainant wore plain clothes at the crime and casual clothes in court ($M = 5.53$, $SD = 3.23$); and shortest when the complainant wore plain clothes at the crime and smart in court ($M = 4.48$, $SD = 2.54$) [$F(196) = 3.16$, $p < .1$, $\eta^2 = .016$], although these were marginal effects.

Experiment 2 recommended sentences: A 2 (relationship) x 2 (crime clothing) x 2 (court clothing) x 2 (gender) x 2 (alcohol consumption) independent measures ANOVA revealed significant main effects of relationship [$F(1, 936) = 4.76$, $p = .029$, $\eta^2 = .005$], and gender [$F(1, 936) = 12.65$, $p < .001$, $\eta^2 = .013$]. Effect sizes were small. Sentence lengths were longer in acquaintance ($M = 4.52$, $SD = 2.93$) than married conditions ($M = 4.10$, $SD = 2.74$); while female jurors recommended longer sentences ($M = 4.55$, $SD = 2.92$) than males ($M = 3.90$, $SD = 2.63$).

The interaction between relationship, crime clothing and alcohol consumption was also significant [$F(1, 936) = 4.10$, $p = .043$, $\eta^2 = .005$]. Effect sizes were small, and Bonferroni-corrected post hoc interaction effects revealed that there were no effects of crime clothing and alcohol consumption when protagonists were acquaintances [all effects $F(1, 502) < 1$, $\eta^2 < .001$]. In contrast, a significant interaction in the married condition [$F(1, 506) = 5.97$, $p < .05$, $\eta^2 = .012$] was driven by marginally significantly longer sentences when the complainant wore revealing clothes at the crime and the defendant was over the drink drive limit ($M = 4.51$, $SD = 3.03$); than when the defendant was under the drink drive limit ($M = 3.73$, $SD = 2.62$) ($p < .1$). No effects were found in the plain crime clothes condition ($M = 4.09$, $SD = 2.62$) ($p > .2$).

Correlational analysis: Pearson's correlational analyses assessing the relationships between sentence length and the sub-scales of the IRMAS (four sub-scales), ASI (two sub-scales) and AEQ-3 (two sub-scales) are depicted in Table 3 (Experiment 1) and Table 4 (Experiment 2). As expected, sentence length positively correlated most strongly with the four rape myth IRMAS subscales particularly, 'she lied', and negatively with hostile and benevolent sexism from the ASI. However, the AEQ-3 sub-scales measuring attitudes towards alcohol did not correlate with sentence length in either experiment.

Table 3 about here

Table 4 about here

Mediation analysis (Experiment 1): Multiple regression analyses examined hostile and benevolent sexism impact on sentences, and moderating influences from the 'she lied' rape myth acceptance sub-scale. The 'she lied' subscale was chosen due to the pivotal role

false allegations play in rape myths, further supported by the current results revealing a robust correlation between this sub-scale and sentence length. First, hostile sexism positively correlated with the 'she lied' rape myth = (β = -0.67, $t(185) = -11.47$, $p < .001$), and sentence length (β = -.1.00, $t(185) = -4.56$, $p < .001$). 'She lied' also correlated with sentence length (β = -.84, $t(185) = -3.11$, $p < .001$). Mediation analysis using 5000 bootstrapping re-samples with bias-corrected 95% confidence interval estimates of the indirect effects (see Hayes, 2013; Preacher & Hayes, 2008) found the 'she lied' sub-scale significantly mediated the relationship between hostile sexism and sentence length (CI = -.96 to -.16). However, the direct effect of hostile sexism on sentence length became non-significant (β = -.44, $t(185) = -1.56$, $p = .12$) when controlling for the 'she lied' sub-scale. Figure 1 displays the results (see also virtually identical results in Experiment 2).

Figure 1 and 2 about here

Similar analysis found that benevolent sexism positively correlated with the 'she lied' IRMAS subscale (β = -.38, $t(185) = -5.07$, $p < .001$); and sentence length (β = -.27, $t(185) = -1.10$, $p < .001$); and 'she lied' with sentence length (β = -.91, $t(185) = -4.05$, $p < .001$). The 'she lied' scale significantly mediated the relationship between benevolent sexism and sentence length (CI = -.58 to -.16), Figure 2 displays the results (see also virtually identical effects in Experiment 2).

Discussion

Two mock-juror decision making experiments examined whether guilty verdict rates and recommended sentence lengths would be influenced by the intoxicated heterosexual protagonists being married or acquaintances; as well by photos varying the complainant's

clothing ‘provocativeness’ before the alleged crime, and it’s ‘smartness’ in court. The defendant’s alcohol consumption was also varied in Experiment 2. Most participants found the defendant guilty (Experiment 1: 86.7%; Experiment 2: 75.0%), recommending prison sentences of about 5 years (Experiment 1: 5.04 years; Experiment 2: 4.33 years). Shorter sentences were as expected associated with stronger sexist attitudes and beliefs in ‘rape myths’. Males appeared more accepting of rape myths, as females delivered more guilty verdicts and recommended longer sentences.

Guilt attributions were, as expected, higher in acquaintance than married conditions particularly in Experiment 2, in which the married defendant received a significantly shorter sentence (M = 4.10 years) than the acquaintance defendant (M = 4.52 years). This demonstrates that a quarter of a century after House of Lords’ judges determined that a husband could be convicted of raping his wife (R *v* R, 1992), perceptions of marital rape being less grave persist (Kirkwood & Cecil, 2001). In Experiment 1, these effects depended upon the complainant’s clothing, as sentence lengths were slightly longer when the married complainant wore smart, rather than plain clothing in court – whereas the opposite clothing effects were found if parties were acquaintances. Furthermore, regardless of relationship status, sentence lengths were longest when the complainant wore plain clothes at the crime and casual clothes in court; and shortest when the complainant wore plain clothes at the crime and smart in court. However, effect sizes were weak and marginal. The broad prediction that provocative clothing at the time of the crime would lead to lower guilt attributions was not supported, but these results indicate that jurors appraise the implications of complainant’s clothing differently depending on the protagonists’ relationship status. Whilst past research demonstrates that jury decision making in general is affected by complainant’s appearance (Goodman-Delahunty & Graham, 2010), the authors believe this may be the first research to demonstrate that complainant’s clothing in court can drive attributions of rape case defendant

guilt. It should be acknowledged that effects were not replicated in Experiment 2, which employed photos of different actors playing the role of defendant and complainant, suggesting effects may have been actor-specific. Nevertheless, these results highlight the importance of enhancing realism, as the use of photographs uncovered effects that might not be accessed by the use of written vignettes alone as is common in this type of research.

In Experiment 2, contrary to predictions, when the married complainant wore revealing clothing before the crime, sentences were longer when the defendant was over, rather than under the drink driving limit. In contrast, when the married complainant wore plain clothing, longer sentences were recommended when the defendant was under the drink drive limit. This suggests that higher alcohol consumption on the part of the defendant and revealing clothing was not interpreted as a mitigating factor, which "excused" the husband's belief that he thought she displayed sexual interest. The defendant was described as over the drink drive limit the next morning, and this effect may have been driven by breaking drink driving law, rather than the rape itself. This limits conclusions, and further research could examine whether effects would be consistent if not confounded by a second offence. Nevertheless, these outcomes indicate that the standards by which married intoxicated defendants are scrutinised can depend on extra-legal factors. Indeed, no defendant-alcohol consumption or complainant-clothing effects were found in the acquaintance condition. Taken together with married defendants receiving shorter sentences in Experiment 2, these effects support the proposal that a patriarchal perspective of marriage, whereby a husband has a 'right' to his wife's body regardless of her consent, exists (Russell, 1998).

Guilty verdicts and sentences were lower in Experiment 2 than Experiment 1. This may be a consequence of the different participant samples. Experiment 1 recruited students only, and were mainly female. Experiment 2's participants were non-students, older and contained proportionally more males. Males are typically more accepting of rape myths than

females (e.g. McGee *et al*., 2011) and the significant gender effect found in Experiment 2 similarly revealed that female mock jurors returned significantly more guilty verdicts than males. Gender analyses in Experiment 1was not possible due to low cell counts nevertheless, these findings highlight the importance of challenging rape myths, particularly in males. A possible solution in overcoming this trend may lie in the implementation of compulsory rape myth prevention programmes which could be introduced within schools and colleges worldwide.

In both experiments, there were no overall relationships between responses on the Alcohol Expectancies Scale (AEQ-3) and recommended sentence lengths (see Tables 3 and 4). This means that pre-existing attitudes towards alcohol have less influence on guilt attributions than other factors relating to attitudes towards the role of women in society. In both experiments, sentence lengths were predicted by both benevolent and hostile sexism (Glick & Fiske, 1996), although the strongest predictors were the four rape myth acceptance sub-scales (McMahon & Farmer, 2011). The 'she lied' rape myth acceptance scale additionally mediated the relationship between hostile and benevolent sexism on recommended sentence lengths. This suggests complainant credibility remains an important factor for juror consideration, even though false rape allegations are rare. The CPS (2013) reported that in 17 months, only 35 false accusation cases were prosecuted, compared with 5,651 rape prosecutions.

There are some limitations with this research. Questionnaires and vignettes are simplistic and lack realism (Ellison & Munro, 2010), and rape myth questionnaire endorsement may not correlate with actual acceptance (Wicker, 1969). Verdicts were also provided privately with no normal jury deliberation processes. Nevertheless, empirical studies using written materials do not necessarily differ from real outcomes (for a review see Bornstein, 1999). Furthermore, individual juror verdicts strongly predict overall final group

verdicts, whereby minorities conform to the majority (Bornstein & Greene, 2011; Salerno & Diamond, 2010). Finally, this research only investigated heterosexual rape, employing photographs of white adults of approximate university undergraduate age. This may limit conclusions to this demographic group, although white heterosexual females at this age are at greatest risk of being rape victims in the UK (Home Office & Ministry of Justice, 2013). Nevertheless, homosexual marriage is becoming legalised worldwide, and it would also be timely for future research to examine whether similar effects would be found in same-gender contexts. Nevertheless, the current research has wide diversity implications, as any adult in the UK and many other countries may be randomly selected to sit on a jury and administer justice in rape cases. It is important that if justice is not administered fairly to any section of society, such as married women as identified here, then steps should be taken by the criminal justice system to reduce this unfairness.

In summary, the present study supported previous research finding that participant-jurors judge rape cases differently, dependent on the protagonist's relationship. Married defendants were judged less harshly than those acquainted with the complainant. Pre-existing attitudes towards what constitutes consent and the place of women in society strongly influenced judgements, and were driven by images of the complainant's clothing at the time of the crime, and her clothing in court. As such, these results may serve to better inform theory and assist in influencing prosecuting authorities to remain flexible to the impact of individual situational and personal characteristics, in particular clothing, on victim/perpetrator attributions within jury decision making in cases of rape. This may contribute to attaining the ultimate goal of achieving justice for rape victims around the world.

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Table 1: Mock juror verdicts and mean recommended sentence lengths as a function of relationship, complainant's clothing worn at the time of the crime and clothing worn at court for Experiment 1

Relationship	Clothing at Crime	Clothing in Court	Guilty verdicts		Recommended Sentence Length	
			n	(%)	*M*	*SD*
Married	Revealing	Smart	27	92.6	5.63	3.33
		Casual	27	79.3	4.33	2.60
	Plain	Smart	23	96.0	4.87	2.82
		Casual	26	75.0	4.54	3.09
Total			103	85.3	4.85	2.98
Acquaintance	Revealing	Smart	27	89.7	5.33	3.21
		Casual	25	88.9	4.88	2.77
	Plain	Smart	24	81.5	4.13	2.25
		Casual	25	92.3	6.56	3.10
Total			101	88.1	5.24	2.96

Table 2: Mock juror verdicts and recommended sentence lengths as a function of relationship type, complainant's clothing worn at the time of the crime and at court, and defendant alcohol consumption in Experiment 2

Relationship	Clothing at Crime	Alcohol Consumption	Clothing in Court		Guilty verdicts	Recommended Sentence Length	
				n	(%)	*M*	*SD*
Married	Revealing	Under	Smart	65	76.9	3.70	2.62
		Over		61	85.2	4.89	3.18
		Under	Casual	63	71.4	3.77	2.65
		Over		66	72.7	4.16	2.85
	Plain	Under	Smart	63	76.2	4.06	2.32
		Over		64	76.6	4.29	2.65
		Under	Casual	63	76.2	4.55	2.72
		Over		65	84.6	3.51	2.77
Total				510	76.5	4.12	2.74
Acquaintance	Revealing	Under	Smart	63	76.2	4.56	3.26
		Over		65	89.2	4.23	2.57
		Under	Casual	67	80.6	4.55	2.89
		Over		63	79.4	4.81	2.86
	Plain	Under	Smart	63	77.8	4.67	2.75
		Over		61	77.0	4.51	2.65
		Under	Casual	65	75.4	4.12	3.12
		Over		59	61.7	5.00	3.47
Total				506	79.3	4.55	2.95

Table 3: Mean scores on each sub-scale and Pearson's correlation coefficients between measures for Experiment 1

	IRMAS				ASI		AEQ-3			
	She asked for it	He did not mean to	It was not really rape	She lied	Hostile	Benevolent	Global positive	Power aggression	Mean	SD
Sentence Length	.30 **	.32 **	.31 **	.33 **	-.31 **	-.19 **	.03	.02	5.24	2.96
Rape myth acceptance (IRAS)										
She asked for it		.59 **	.66 **	.72 **	-.59 **	-.38 **	-.01	.03	3.93	0.90
He didn't mean to			.63 **	.61 **	-.42 **	-.34 **	.10	.10	3.78	0.82
It wasn't really rape				.58 **	-.36 **	-.30 **	.03	.03	4.34	0.75
She lied					-.63 **	-.34 **	.12	.05	3.52	0.98
Ambivalent sexism (ASI)										
Hostile						.52 **	-.14	-.04	2.90	0.93
Benevolent							-.04	-.01	3.15	0.88
Alcohol expectancies (AEQ-3)										
Global positive								.71 **	4.00	1.08
Power and aggression									3.87	1.12

**p<.05, **p<.01*

Table 4: Mean scores on each sub-scale and Pearson's correlation coefficients between measures for Experiment 2

	IRMAS				ASI		AEQ-3			
	She asked for it	He did not mean to	It was not really rape	She lied	Hostile	Benevolent	Global positive	Power aggression	Mean	SD
Sentence Length	.27 *	.22 *	.22 *	.25 *	-.24 *	-.16 *	-.07	-.07	4.55	2.95
Rape myth acceptance (IRAS)										
She asked for it		.63 *	.66 *	.64 *	-.58 *	-.50 *	-.03	-.05	3.97	0.90
He didn't mean to			.63 *	-.50 *	-.43 *	-.43 *	.08	.08	3.87	0.81
It wasn't really rape				.63 *	-.50 *	-.43 *	.08	.08	4.34	0.78
She lied					-.67 *	-.48 *	-.05	-.04	3.60	0.93
Ambivalent sexism (ASI)										
Hostile						.63 *	.08	.07	2.70	1.02
Benevolent							-.04	.10	2.82	0.98
Alcohol expectancies (AEQ-3)										
Global positive								.63 *	4.14	1.17
Power and aggression									3.78	1.02

** To take account of multiple comparisons and risks of Type-I errors (p <.01).*

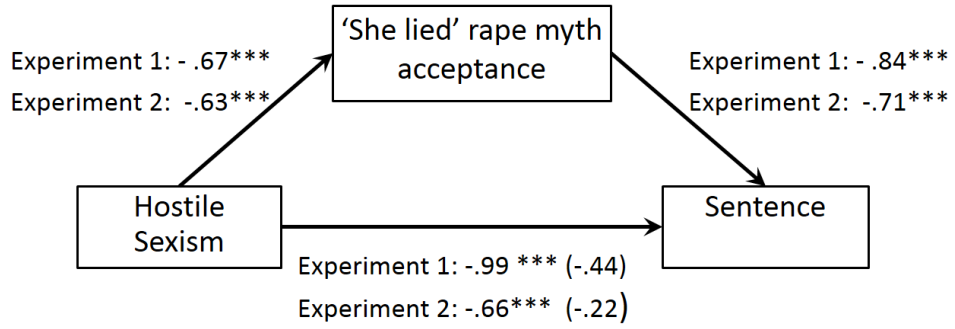

*Figure 1: Indirect effect of hostile sexism on sentence length through 'she lied' rape myth acceptance in Experiments 1 and 2 (note: *p<.05, **p<.01, ***p<.001)*

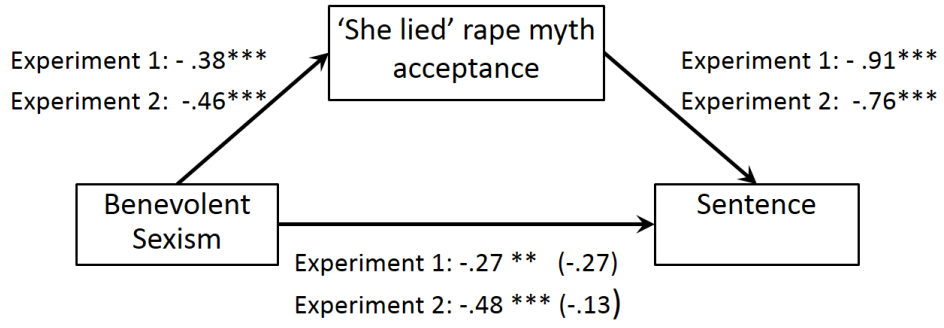

*Figure 2: Indirect effect of benevolent sexism on sentence length through 'she lied' rape myth acceptance in Experiments 1 and 2 (note: *p<.05, **p<.01, ***p<.001)*

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