University of Kentucky

UKnowledge

Theses and Dissertations--Psychology   Psychology

2021

Himpathy? The Impact of Defendant Social Status on Perceptions of a Rape Legal Case

Andrea Pals
University of Kentucky, ari275@uky.edu
Author ORCID Identifier:
https://orcid.org/0000-0003-0568-7190
Digital Object Identifier: https://doi.org/10.13023/etd.2021.037

Right click to open a feedback form in a new tab to let us know how this document benefits you.

Recommended Citation

Pals, Andrea, "Himpathy? The Impact of Defendant Social Status on Perceptions of a Rape Legal Case" (2021). *Theses and Dissertations--Psychology*. 188.
https://uknowledge.uky.edu/psychology_etds/188

Himpathy? The Impact of Defendant Social Status on Perceptions of a Rape Legal Case

_____

THESIS

_____

A thesis submitted in partial fulfillment of the
requirements for the degree of Master of Science in the
College of Arts and Sciences
at the University of Kentucky

By

Andrea Marie Pals

Lexington, Kentucky

Director: Dr. Jonathan M. Golding, Professor of Psychology

Lexington, Kentucky

2021

ABSTRACT OF THESIS

Himpathy? The Impact of Defendant Social Status on Perceptions of a Rape Legal Case

There is limited work regarding multiple indicators of social status in the legal system (e.g., power and SES). The present study investigated the influence of defendant social status on case judgments in a first-degree rape case. The experiment used a 2 (defendant power: high vs. low) x 2 (defendant SES: high vs. low) x 2 (participant gender) between-subjects design. A sample of 282 community members were recruited via Amazon's Mechanical Turk. Participants were presented with a case summary, asked to make guilt and credibility judgments, complete the system justification gender scale (gender SJ: Jost & Kay, 2005), and answer standard demographic questions. Main effects were found such that female participants and defendants rated higher in power (i.e., legal authority), led to increases in pro-victim judgments (i.e., guilty verdicts). No main effect of defendant SES was found. Further, the effects of power and wealth were mediated by victim credibility, such that increases in defendant power led to increased victim credibility, raising the number of guilty verdicts. However, this mediation varied based on participants' gender SJ scores. Overall findings indicate that when a defendant was rated as high in legal authority, participants viewed rape as an abuse of power, and/or the victim as braver (i.e., credible) for coming forward.

KEYWORDS: rape, sexual violence, legal psychology, social status, socioeconomic status

Andrea Marie Pals

03/26/2021
Date

Himpathy? The Impact of Defendant Social Status on Perceptions of a Rape Legal Case

By
Andrea Marie Pals

Jonathan M. Golding
Director of Thesis

Mark Fillmore
Director of Graduate Studies

03/26/2021
Date

DEDICATION

To my family and friends – thank you for supporting me through my numerous academic, career, and life changes. I could not have done it without all of you.

ACKNOWLEDGMENTS

TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

CHAPTER 1.   LITERATURE REVIEW

Sexual violence continues to be a pervasive problem in U.S. society. According to the Rape, Abuse, and Incest National Network (RAINN; 2019), one out of six women has been the victim of attempted or completed rape, and one out of 33 men have experienced the same. Despite the large number of people who experience sexual violence, conviction rates and punitive measures remain relatively low. Tjaden and Thoennes (2006) estimate that only 3.4% of rapes total lead to conviction of a rapist. Of those who perpetrate rape, are convicted, and serve time, over half serve less than five years in prison (Kaeble, 2018). This issue of achieving justice in rape legal cases has recently been brought into the public eye by the #MeToo movement (Burke, 2006). This social movement focuses on bringing awareness to how many people have been affected by sexual violence. In particular, #MeToo has caught the public's attention for helping to bring high-status offenders to justice. Two such offenders with high social status, Harvey Weinstein and Bill Cosby, were able to sustain careers of sexual violence for decades by leveraging their power with no legal consequences, until their very recent criminal convictions (Burke, 2006; Feuer, 2020; Levenson & Cooper, 2018).

In western society we tend to equate status with credibility (e.g., the halo effect: Kaplan, 1974; what is beautiful is good effect: Eagly et al., 1991). The purpose of the present study is to explore how aspects of defendant social status affect perceptions of guilt in rape legal cases. This will be achieved by examining two indicators of defendant social status (power and socioeconomic status) to shed light on inequity of guilt judgments in these sexual assault cases. These indicators may unfairly increase positive

perceptions of a defendant's credibility, and thereby sway individuals against a rape victim in court.

As seen with the Cosby and Weinstein cases, there appear to be different, albeit unwritten societal rules regarding culpability for rape when it comes to individuals that society perceives as high status (in terms of power and/or socioeconomic status). One potential explanation of this can be found in the philosophical concept of *himpathy*, or undue sympathy that is extended toward high-status men by our society (Manne, 2018). Himpathy is described as a function of misogyny, such that society values an accused male rapist's potential more than a female victim's trauma (Manne, 2018). To clarify, Manne posits that the public judges rape cases by weighing loss of future opportunities for an alleged rapist against the amount of trauma they believe that a victim has suffered, at least when that the legal case appears ambiguous (i.e., no strong evidence to support the defendant's guilt or innocence; Manne, 2018). Although an intriguing philosophical explanation, it has yet to be tested experimentally. It is this philosophical concept that inspired the present study.

Anecdotally, consider the highly publicized case of Brock Turner – a Stanford University swimmer and high-status student in terms of both social power (as a prominent college athlete) and socioeconomic status. Turner was sentenced to six months in jail for committing sexual assault, and only served three months (Stack, 2016). The presiding judge granted leniency in sentencing, largely due to character letters for Turner that discussed how being a convicted sex offender would negatively impact the defendant's life (through loss of opportunities), rather than how sexual assault had traumatized his victim. In his character letter to Judge Persky, Turner's father minimized

the victim's trauma by noting that his successful son should not be punished for "20 minutes of action," with an intoxicated and *unconscious* woman (emphasis added: Miller, 2016). The #MeToo social movement drew attention to this case as a prime example of defendant social status and victim blaming unfairly swaying the legal system (Miller, 2016; Stack, 2016). What is still not understood in the current literature is whether power and socioeconomic status singularly or jointly affect case outcomes. As will be discussed in the following literature review, research is limited on the impact of social status indicators of the defendant (in particular, power and socioeconomic status) on guilt judgments in rape cases.

1.1   Rape Legal Cases

Numerous studies of rape have focused on what attitudes and values influence individuals' perceptions of victims, and by extension legal outcomes (see Golding et al., in press for a comprehensive review of research regarding rape in the legal system). For instance, myths about rape circumstances have been found to impact how participants view rape victims and perpetrators (Bieneck & Krahe, 2011; Burt, 1980; Burt & Albin, 1981). The public often assumes rape occurs between two strangers under threat of force or cover of night, by a brutal defendant and an innocent victim. In reality, most instances of rape are perpetrated by someone known to and likely trusted by the victim (Black et al., 2011; Burt, 1980; Finkel et al., 1991; Hammond & Calhoun, 2007; Lazar, 2010; Raphael & Logan, 2009a, 2009b; Spohn et al., 2001; Tjaden & Thoennes, 2006).

Relatedly, Pickel and Gentry (2017) found that when rape is presented as stereotypical (i.e., stranger rape), participants judged a victim as less responsible, and thought it was more likely that the defendant was guilty compared to when a date rape

3

was presented. Bernard and colleagues (2015), found that a provocatively presented victim decreased the amount of blame participants attributed to the rapist (i.e., the victim's clothing and attitude decreased her believability). Yarmey (1985) replicated similar findings – that victims who were portrayed as demure were blamed less for their rape than provocative victims. Abrams and colleagues (2003) additionally discovered that sexist beliefs were associated with the belief that the victim's behavior prior to and during the rape incident was inappropriate. The literature commonly supports the notion that participant values and victim characteristics (stereotypical victim, traditional, untraditional, etc.) affect the way rape cases are judged.

Thus, there is evidence that extralegal factors (i.e., factors outside of legally admissible evidence) influence jurors' perceptions of a rape victim and by extension, legal decisions. These findings are in line with parts of the himpathy framework. Manne (2018) describes himpathy in legal decisions as a battle of status, wherein victims must prove that they are credible compared to their alleged rapist. Philosophically, Manne (2018) argues that victims have a higher chance of justice when they are higher status than an alleged rapist. According to the framework, 1) social status indicators change how the public perceives a defendant's social status in comparison to the victim; 2) the impact of defendant social status compared to victim social status changes their perceived credibility. For example, if the victim is presented as high social status and the perpetrator is presented as low social status, the victim should be perceived as more credible than the defendant; and 3) this comparison of defendant to victim social status results in inequitable changes to case outcomes (Manne, 2018). For the purposes of the

present study the himpathy framework is not being tested in full but had a substantial impact on the direction and hypotheses of the experiment.

Apart from legal evidence, it also appears that any behavior departing rape stereotypes strikes a blow to victims' social status via damage to the victim's credibility. This has been supported by previous work regarding stereotypes and prototypicality of rape victims (Devine et al., 2001; Finkel & Groscup, 1997; Groscup & Tallon, 2016; Louden & Skeem, 2007; Stuart et al., 2019). Prior research has found that counter-stereotypical behavior by a victim (intoxication, untraditional religious beliefs, etc.) may lower the victim's perceived level of trauma and/or credibility (Brown-Iannuzzi et al., 2019; Cassidy & Hurrell, 1995; Hodell et al., 2009; Workman & Freeburg, 1999). Thus, evaluating the defendant's lost opportunities versus the victim's perceived trauma may lead to negative perceptions of a victim and result in fewer guilty verdicts.

While investigations of victims and participant characteristics has covered a broad range of experimental manipulations, prior literature regarding defendant characteristics is narrower (see Golding et al., in press). Past research has found an impact of defendant race (Devine & Caughlin, 2014; Feild, 1979; Hodson et al., 2005; Hurwitz & Peffley, 1997; Klein & Creech, 1982), attractiveness (Bagby et al., 1994), and socioeconomic status (SES; Black & Gold 2008) on case judgments. This past research, however, has rarely investigated the impact of multiple defendant characteristics. Moreover, no research has examined the simultaneous influence of two defendant social status indicators. In the present study, I investigate how the manipulation of two different social status indicators of the defendant (i.e., power and SES) affect perceptions of a first-degree rape legal case. These constructs will allow an empirical test inspired by Manne's

(2018) himpathy framework as well as shed light on how high-status individuals like Weinstein and Cosby were able to delay legal consequences for an extended period.

1.2 Social Status

Social status can be difficult to define, leading previous studies to examine this concept in various ways: SES (e.g., Black & Gold, 2003), attractiveness (e.g., Erian et al., 1998; Jacobson, 1981; Lynch et al., 2017), professional success/celebrity status (e.g., Knight et al., 2001; Nyul et al., 2018), etc. In Western society, it has been shown that we widely value power and SES as important indicators of status (Archer, 2014; Wilkinson & Pickett, 2017), and therefore the present research will investigate social status as a combination of these two factors (VanderPyl, 2019). As the himpathy framework mentioned earlier has not been fully tested in psychological research, the present study will only focus narrowly on the defendant's status, to first establish how these factors might impact rape case outcomes. However, perceptions of social status may be affected by individual differences in acceptance of the hierarchical nature of society.

One measure of individual differences in acceptance of social status hierarchies is system justification (SJ). SJ states that individuals high in SJ are more likely to believe in upholding the status quo and supporting the current systems (Jost & Banaji, 1994; Kay & Jost, 2003). Those who are high in SJ beliefs are more likely to believe that individuals at the "top" of society (i.e., powerful or wealthy individuals) deserve to be there, and have earned their way to the top. A relevant subcomponent of SJ theory for rape cases is gender SJ, in which individuals are particularly motivated to uphold traditional gender roles and view these roles as justified (Jost & Kay, 2005). Prior research on gender SJ and rape cases is limited, but previous studies have found that similar constructs (e.g.,

6

sexism and rape myth acceptance: Martini & De Piccoli, 2020; Papp & Erchull, 2017) are significantly related to rape case judgments (e.g., Abrams et al., 2003; Visher, 1987). Specifically, adherence to gender SJ beliefs could cause participants to extend greater leniency to those who they view as more credible in rape cases (i.e., males who are high in social status; Foley & Pigott, 1997; Kelly et al., 2015), and significantly impact case outcomes where defendant power and SES are salient.

1.2.1   Power

Social status may involve power, or the ability of a person to influence society (Chen, 2020). Power in the present study is specifically operationalized as having authority in a particular realm, granting an individual powerful influence in their realm. Consider Weinstein and Cosby. Both individuals had different authority over their domains: Weinstein over who could succeed in the film industry, Cosby on issues of family and morality through his famous television show (Levenson, 2020). Were these men able to evade consequences due to their wealth (i.e., high SES) or was this evasion due to authority level in their respective arenas? Very limited work on components of power in the context of an adult rape legal case exists. Moreover, previous work on power has focused primarily on sexual abuse of minors by those who have authority over them (i.e., clergy, parents, teachers: Sahl & Keene, 2012; Weiss, 2002).

In one related study, Knight and colleagues (2001) manipulated the race and celebrity status of a defendant (a form of power) in a case involving rape. The public often listens to celebrities and their recommendations, giving them authority to influence individuals and society (for literature reviews see: Bergkvist & Zhou, 2016; Yang, 2018). The researchers predicted interaction effects due to aversive racism tendencies (i.e.,

implicit racial prejudice; Gaertner & Dovidio, 1977; 2005), such that participants would judge black celebrities the most harshly (Knight et al., 2001). In this study, white undergraduate students read a rape vignette featuring a female rape victim in which the male defendant was portrayed as either a celebrity (e.g., George Clooney, Will Smith) or non-celebrity ("Jason") and either black or white (Knight et al., 2001). As predicted, when controlling for attractiveness effects, it was found that participants judged the guilt of a white celebrity and non-celebrity similarly but judged a black celebrity more harshly than a black non-celebrity.

Along similar lines, a correlational study examined perceptions among citizens of Hungary of a real rape case perpetrated by a high-status Hungarian celebrity (Nyul et al., 2018). The incident in question occurred approximately 55 years prior to publication of the research, and in fact the celebrity was jailed for a short period but had since gone on to have a very successful career. At the time of Experiment 1 it was believed that the victim had died and was unavailable for questioning regarding the rape. Participants were presented with the details of the case, asked to rate their moral perceptions of the case, and their perceptions of the celebrity's professional success, complete the rape myth acceptance (RMA) scale, and determine whether the case qualified as rape (Nyul et al., 2018). In Experiment 1, it was found that higher RMA scores were positively related to higher perceptions of the celebrity's professional success. A higher rating of success was associated with fewer negative moral judgments about the case. This, in turn, decreased the likelihood of a participant labeling the case as rape. Prior to Experiment 2, it was discovered that the victim was alive. After the victim came forward, the celebrity confessed to the crime, and the same design as Experiment 1 was employed to examine

public attitudes a second time. Again, they found the same results. Across both experiments, participants who viewed the celebrity positively and accepted more rape myths were less likely to label the case as rape, even after the celebrity confessed to the crime. It seems that this celebrity's power and success led people to view him positively, even when his direct confession was that he had committed rape. It remains unclear as to whether this is due to the well-known (in Hungary) celebrity's personal authority or the public's admiration for his success. Thus, the proposed study aims to clarify the relationship between defendant authority and rape case outcomes by manipulating the defendant's authority level, rather than using a well-known celebrity.

1.2.2   Socioeconomic Status

Another component of social status is socioeconomic status. Socioeconomic status (SES) is an individual's economic status in comparison to society. Individuals are generally classified as high or low SES. Essentially, SES indicates how wealthy a person is, taking into consideration the society in which that individual lives. Those with high SES are individuals who have relatively higher annual earnings compared to others, those with low SES are individuals who have relatively lower annual earnings compared to others (or may fall below the poverty line; Office of Behavioral and Social Sciences Research, 2016). Victims, defendants, and research participants alike all have their own SES that shapes their worldview, how they see themselves, and how they see others (Freeman, 2006). The official classification of where someone falls on measures of SES is still a matter of contention, in that researchers disagree on the proper way to classify an individual's SES position (Office of Behavioral and Social Sciences Research, 2016). Most commonly it is defined by a combination of occupation and annual income. For the

present research, SES is represented by the presumed income the defendant earns, as indicated by their occupation (either high or low SES). A defendant's SES has rarely been studied in the context of a rape legal case.

Some previous research exists on SES in legal contexts, without a specific focus on rape. For example, in an early meta-analysis, Mazzella and Feingold (1994) found that low SES defendants were more likely to be found guilty and receive greater punishment from participants than high SES defendants across multiple crimes. Participants were likely to render a guilty verdict for low SES defendants in rape cases but not for the crime of negligent homicide. Additionally, Freeman (2006) found that students who were high in justifying beliefs (specifically, belief in a just world) were more likely to attribute greater responsibility for a crime to low SES defendants rather than high SES defendants. Regarding an explanation for why low SES defendants may be found guilty more often than high SES defendants, Volpato et al. (2017) argued that lower SES individuals are often stereotyped negatively or dehumanized in general. A historical analysis found that low SES workers were portrayed negatively in past political propaganda, perpetuating negative stereotypes from the public (e.g., the use of terms like "white trash:" Volpato et al., 2017).

Additional research more closely aligned to rape, but not in a legal context, used a between-subject design and a student sample to present participants with scenarios about hypothetical sexual advances (i.e., "hitting on" the victim), manipulating the level of coercion (gentle vs. forceful touch) and SES of the defendant (high vs. low; Black & Gold, 2003). These scenarios were manipulated so that male participants read scenarios with a female perpetrating a sexual advance, and vice versa. Participants then rated their

agreement to items on how acceptable they perceived the behavior of the perpetrator to be (Black & Gold, 2003). Overall, male and female participants were more likely to rate unwelcome sexual advances as more acceptable when perpetrated by a wealthy individual versus a poor individual (Black & Gold, 2003), but only when the touch was gentle, not forceful. Finally, female participants were more likely than male participants to rate a gentle touch as more acceptable than a forceful touch. It is unclear how these findings will apply to a rape case, in which physical force is often considered a prerequisite. However, Black and Gold (2003) had participants imagine themselves as the victim of an unwanted sexual advance, whereas the proposed study will have participants objectively evaluate evidence in a legal case. This creates mental distance between participants and the crime in question and will likely change perceptions of the case (Srull & Gaelick, 1983). Further research is necessary to clarify the relationship between SES and rape legal case outcomes, and the present study intends to address this gap.

Notwithstanding the research by Black and Gold (2003), there is no other published research investigating how defendant SES might affect a rape case outcome. The proposed research would be an opportunity to greatly expand knowledge on this relationship. However, it is reiterated that individuals who are high in SES may not be high in power. For instance, a wealthy citizen does not necessarily hold authority over other individuals but may still be admired by society for their accumulation of wealth (Wilkinson & Pickett, 2017). Thus, testing power and SES as distinct components of social status could clarify the previous work on social status in the legal system.

1.3   The Present Study

While there is some previous work on the individual components of social status, no work exists on the combination of these two components of status (i.e., power and SES) in the context of an adult rape legal case. Judging by limited previous work, we see some markers of high social status as negatively associated with judgments of culpability (e.g., Knight et al., 2001; Mazzella, 1994; Nyul et al., 2018), but further research is still needed to determine how aspects of social status affect perceptions of rape. In addition to examining the influence of social status on perceptions of rape, the present study extended the methodology of prior research by utilizing a community sample, whereas most previous research has used undergraduate student participants. While previous work has found that student and community samples judge legal cases similarly (Bornstein et al., 2017), using a community sample allows replication of previous findings that has used a student sample. In addition, community members tend to have a higher mean age, more life experience, and may have more knowledge of the law that could contribute to differences in opinion from a student sample. The proposed research used a 2 (defendant power: high vs. low) x 2 (defendant SES: high vs. low) x 2 (participant gender) between-participant design, with case judgments as the primary dependent variable. Guilt ratings, verdict, sentencing recommendations, credibility, sympathy, and anger towards the victim and defendant are among those examined as dependent variables. Based on previous research, the following hypotheses are offered:

Hypothesis 1 (H1): Participants would find the defendant with high power (i.e., high in legal authority) less culpable (as indicated by fewer guilty verdicts, shorter sentences, etc.) than a low power defendant. In rape research, at least two studies have

found that celebrity status of the defendant can lower their perceived guilt (Knight et al., 2001; Nyul et al., 2018).

H2: High SES defendants would receive more leniency (e.g., higher credibility ratings, fewer guilty verdicts, shorter sentences) than low SES defendants. This is based on previous research which finds that low SES defendants are more likely to be found guilty than high SES defendants for the same crimes (e.g., Black & Gold, 2003; Mazzella, 1994; Volpato et al., 2017; Wilkinson & Pickett, 2017).

H3: Female participants would exhibit more pro-victim judgments than male participants. Previous work regarding rape in the legal system (across various experiments and manipulations) has found that female participants tend to return more guilty verdicts and recommend harsher sentences (e.g., Black & Gold, 2008; Fischer, 1997; Hodell et al., 2009; Jenkins & Schuller, 2007; Lippert et al., 2017; Lynch et al., 2017; Lynch et al., 2013; McKimmie et al., 2014; Russell et al., 2011; Wenger, & Bornstein, 2006).

H4: The main effects of defendant social status indicators would be driven by an interaction effect, such that when the defendant is low in power the defendant's SES will have a greater impact on case perceptions. For example, with guilty verdicts as the dependent variable, the predicted pattern of results is low SES > high SES for low power defendants and low SES = high SES for high power defendants.

H5: The relationship between the social status and guilt would be mediated by credibility (e.g., Golding et al., in press; Lynch et al., 2019). For example, when the defendant was presented as high in power and/or SES, this may decrease guilty verdicts by increasing the defendant's credibility.

H6: Gender system justification (SJ) scores were predicted to moderate the relationship between the independent and mediating variables (e.g., credibility). Participants high in gender SJ were predicted to rate the defendant as more credible when the defendant is high social status (both power and SES), whereas participants low in gender SJ were predicted to rate low and high social status defendants similarly (Jost & Banaji, 1994; Jost & Kay, 2005; Kay & Jost, 2003).

Exploratory analyses: Additionally, although not predicted, it is possible that the variables of interest will interact with each other in an unexpected way. Therefore, all possible two and three-way interactions between the independent variables were tested.

CHAPTER 2. METHOD

2.1   Participants

A priori analyses using G*Power (Faul et al., 2007; Faul et al., 2009) indicated that in order to have 80% power to detect an effect size of f2 = 0.07 (e.g., Golding et al., 2021), approximately 334 participants would need to be recruited for the between-subjects design. Recruitment of the sample was done via Amazon's Mechanical Turk. There were 318 total respondents to the study. Two participants were excluded for failing to complete at least 50% of the study, and 24 participants were excluded for incorrectly answering at least 78% of the attention checks. An additional four participants were excluded for being outliers, leaving a total sample size of 282 used in analyses.

Participants were a mean age of 41.87 (*SD* = 13.30). There were more female participants (55%) than male participants. Additionally, most participants were white (85.8%) followed by Asian or Pacific Islander (5.7%) and Black/African American (5.7%), multiracial/other (2.1%), and finally middle eastern (< 1%). 61 participants reported previously serving on a jury. The sample skewed liberal in political ideology (0 [liberal] – 6 [conservative], *M* = 2.62, *SD* = 1.79) and most of the sample reported being below the midpoint on subjective and objective SES, class, and status. Post-hoc power analyses using G*Power (Faul et al., 2007; Faul et al., 2009) indicated that the analyses had adequate power to detect relationships, 1-β = .86.

2.2   Design

Each participant was randomly assigned to one of four conditions. The study followed a 2 (defendant power: high vs. low) x 2 (defendant SES: high vs. low) between-

subjects design, with participant gender as a quasi-independent variable. The primary dependent variable was verdict, or the perceived guilt of the defendant for the rape. Alternate sentencing recommendations, victim and defendant credibility, and several other measures were also examined as dependent and mediating measures. All other participant demographics were controlled for during analyses.

2.3   Materials

2.3.1   Trial Summary

The fictional criminal trial summary included a male defendant charged with first degree rape of a female victim (See Appendix 1 for an example of the case summary). The summary included two witnesses for the prosecution and two for the defense, with direct and cross-examination of all witnesses. The four conditions varied only on what was necessary to manipulate the independent variables (i.e., defendant power and SES). Each condition featured a defendant with a different career to indicate the defendant's SES and legal authority levels. The *high power* x *high SES* defendant was described as a district attorney, the *low power* x *high SES* defendant was described as a financial advisor at a prominent firm, the *low power* x *low SES* defendant was described as an employee at the same company as the victim (in a different department), and the *high power* x *low SES* defendant was described as a police officer. These careers were chosen to represent defendant power and SES to hold the high-power defendant careers constant in one area of authority (in this case, legal authority).

The summary begins with the prosecution's direct examination of the victim (Anna Smith). Ms. Smith alleges that she met and discussed careers with the defendant in a bar, and that they shared a cab home. Ms. Smith explains that the defendant wanted to

come up to her apartment, but she refused, at which point he brandished a knife and threatened her. She then describes her forcible rape at the hands of the defendant after arriving at her residence. This is followed by cross examination from the defense, in which the victim agrees it is possible her kindness was mistaken as flirtation. The prosecution's case additionally includes testimony of the responding police officer, followed again by cross examination from the defense. In direct examination, the police officer testifies that the victim was disheveled and shaking when he responded to the call, but upon cross examination he states it is possible that these behaviors could be attributable to other causes.

The defense case opens with the testimony of the Ms. Smith's friend (who she went to the bar with), followed by testimony of the defendant. Ms. Smith's friend testifies that she saw the victim and defendant talking throughout the night, and that the defendant did not seem aggressive. However, the victim's friend states in cross examination that since she and her fiancé could not hear their conversation, it is possible he was acting aggressive, but she was unaware. Finally, the defendant (Mr. Danes) testifies that he and Ms. Smith had consensual sex because the victim came on to him. Mr. Danes admits that the sex was rough, but he never wielded a knife or threatened the victim. Upon cross examination, Mr. Danes admitted that he does own a pocketknife, but that he keeps it in the trunk of his car. Following the cases of the prosecution and defense, participants read the judge's instructions regarding rendering a verdict (i.e., guilt beyond a reasonable doubt). The summary ends with closing arguments of the prosecution and defense.

2.3.2   Attention and Manipulation Check Questions

Throughout the presentation of the case summary, participants answered multiple choice attention and manipulation check questions regarding the variables and information within each vignette (Appendix 2). If participants failed to correctly answer a question, they were informed that they answered incorrectly and were instructed to read carefully (Oppenheimer et al., 2009). Participants who did not correctly answer at least 78% of the attention check questions correctly were excluded from data analysis.

The nine attention check questions assessed whether participants paid attention to the information in the case summary. Whereas the three manipulation check questions asked participants about information regarding the manipulated variables in the case summary. The first manipulation check asked participants which career the defendant had, to ensure they noticed this detail that is specific to the condition they are in. At the end of the case summary, they then rated the authority level and wealth of the defendant on a 7-point Likert scale from 0 (*Low*) to 6 (*High*) to ensure that manipulation of the defendant's power and SES was successful. These variables also served as a more sensitive measure of the participants' perceptions of the independent variables (defendant power and SES). Theoretically, these variables would be a better indicator of how participants viewed the power and SES of a defendant which would likely have a greater impact on case judgments than the dichotomous variables (Lynch et al., 2013). Following the attention and manipulation check questions, participants completed the trial questionnaire.

2.3.3   Trial Questionnaire

See Appendix 3 for the complete trial questionnaire. The main dependent variable collected was the case verdict (*guilty vs. not guilty*). This item was presented first, as it was the main dependent variable. If participants select a guilty verdict, they were then asked to make sentencing recommendations from zero jail time served to the maximum possible sentence for first-degree rape in Kentucky (20 years).

Next, several rating questions were presented for each case summary and measured on a 7-point Likert scale from 0 (*not at all)* to 6 (*completely*): guilt of the defendant, confidence in their verdict, victim credibility, believability of the victim, honesty of the victim, anger and sympathy toward the victim, defendant credibility, believability of the defendant, honesty of the defendant, anger and sympathy toward the defendant, and responsibility ratings. These questions were presented in a fixed order, as there was no reason to expect ordering effects.

2.3.4   Gender System Justification Scale

The system justification gender scale (See Appendix 4) measures the extent to which individuals endorse the systems that are in place regarding gender roles (Jost & Banaji, 1994; Kay & Jost, 2003; Jost & Kay, 2005). In short, how much people support the status quo of gender in Western society. Participants rated their agreement to eight statements such as "Society is set up so that men and women usually get what they deserve," or "Most policies relating to gender, and the sexual division of labor serve the greater good." Items were measured on a 9-point scale from 0 (*strongly disagree)* to 8 (*strongly agree)*. Gender SJ scale responses were averaged for each participant and were then tested as a moderator of the relationship between the independent variables (social

status of the defendant) and the mediating variables (e.g., defendant/victim credibility, sympathy, and anger).

2.3.5 Demographics

Standard demographics were collected: participants' race/ethnicity, age, gender, political ideology, and socioeconomic status (both objective and subjective ratings). Participants were also asked if they were U.S. citizens (and therefore eligible to serve on a jury) or had previously served on a jury. All participant demographics were controlled for in analyses, except for participant gender which was treated as a quasi-independent variable.

2.4 Procedure

Participants accessed the survey via Qualtrics and first completed the informed consent. They were then randomly assigned to one of the four conditions. In each condition, participants were instructed to carefully read the case summary. Periodically during the presentation of the case summary, participants were asked attention and manipulation check questions to ensure they were paying attention to the summary and noticed the manipulated variables. If the participant failed to answer these questions correctly, they were informed that the answer was incorrect and redirected to pay closer attention before continuing with the summary.

The case summary was followed by the trial questionnaire, system justification gender scale (Jost & Kay, 2005), and demographics. Questions were presented in this order to avoid priming effects of participants' responses to the gender SJ scale or demographic information on their judgments of the case since these were the variables of

primary interest (Fazio, 2001). Presenting the scales in this order allowed for greater confidence that perceptions of the victim and defendant were not contaminated by the gender SJ responses. Of course, there is a small possibility that participants' responses to the gender SJ scale could be impacted by responding to the trial questionnaire first, but the effect was judged to be unlikely to detract from the final model.

At the end of the survey, participants were debriefed about the true nature of the study and provided with the researchers' contact information. Resources regarding experiences of sexual assault or rape and affordable counseling were included in the debriefing. Specifically, there was a link to an online counseling service called TalkSpace (2020), a link to RAINN's (2020) website for more information on issues of rape and sexual abuse, and the telephone number for the National Assault Telephone Hotline. Participants were given the opportunity to opt out of including their data in any analyses, presentations, or published manuscripts.

2.5   Analytic Plan

Participants were excluded for failing to answer 78% or more of the attention check questions correctly before data was assessed for outliers or missing data. Outliers were assessed using measures of leverage, discrepancy, global and specific influence. Those who were considered outliers on 3 or more of these measures were excluded from analyses (Cohen et al., 2003). Following this, missing data was analyzed using a variety of approaches. Since 5% or less of the data was missing in the data set, no additional steps beyond case wise deletion were employed. Missing data was correlated with the study variables to ensure there was no correlation with demographic variables that explained the relationship. No such relationship was found.

To test for significance, logistic and linear hierarchical regression were used to determine the effects of the independent variables on the dependent variables (e.g., verdict, rating of the defendant's guilt), controlling for covariates (all participant demographics except gender). Both the logistic and linear analyses followed the same procedure. Participant demographics (including gender) were entered in Step 1. Defendant power and SES were entered in Step 2. In addition, ratings of defendant authority and wealth were used in data analysis to allow for greater sensitivity in the regression analyses. These ratings indicated participants' perceptions of how authoritative and wealthy the defendant to be, which could theoretically account for a greater proportion of variance than using the dummy coded independent variables (Lynch et al., 2013). Using these ratings resulted in running the regression analyses twice – once with the dummy-coded independent variables, and once with the rating variables. When authority and wealth ratings were used, these ratings were entered in Step 2 instead of the dummy-coded independent variables. The dummy-coded independent variables are referred to as defendant power, defendant SES, and participant gender, whereas the rating variables are referred to as "ratings of defendant authority/wealth" in the text. In Step 3, all possible exploratory two-way interactions were entered, and finally in Step 4, the three-way interaction between all independent variables was entered. If the cross-product term (i.e., interactions between the independent variables) in the logistic or linear regression model was significant, a simple slopes analysis was conducted using the PROCESS macro (Hayes, 2018). The PROCESS macro provides information about the simple slopes of interaction effects that make the interpretation of findings clearer.

The predicted model of moderated mediation was tested via Hayes' PROCESS macro model seven (Hayes, 2018). Victim and defendant credibility were tested as mediators of the previously mentioned relationship between defendant social status, participant gender, and case judgments, while gender SJ scores were entered as the moderator. Significance is indicated when the 95% confidence intervals do not cross zero. The PROCESS macro tests for mediation by determining the direct and indirect effects, and tests for moderation by examining interaction effects. Mediation analysis is conducted by first examining the effect of the independent variables on the dependent variable (defendant guilt), followed by the effects of the independent variables (defendant SES and power, participant gender) on the mediating variable (e.g. credibility), the effects of the mediating variable on the dependent variable, and finally the indirect effects of the independent variables on the dependent variables, accounting for the mediator. If mediation in the final model is statistically significant (i.e., the confidence interval does not contain 0), the direct effects of the independent variables on the dependent variables become insignificant. In other words, if the effects of defendant SES and power on judgments of a defendant's guilt became insignificant in the final step of mediation, this relationship is in part explained by changes in perceptions of credibility. Participants' average gender SJ scores were entered as a moderator of the relationship between social status of the defendant and credibility of the defendant and victim. If moderation by participants' gender SJ scores is significant, it indicates that participants at varying levels of gender SJ beliefs view the credibility of the victim and defendant differently, affecting case outcomes. Thus, the overall exploratory model is hypothesized to be moderated mediation (Figure 2.1).

Figure 2.1

Hypothesized moderated mediation model.
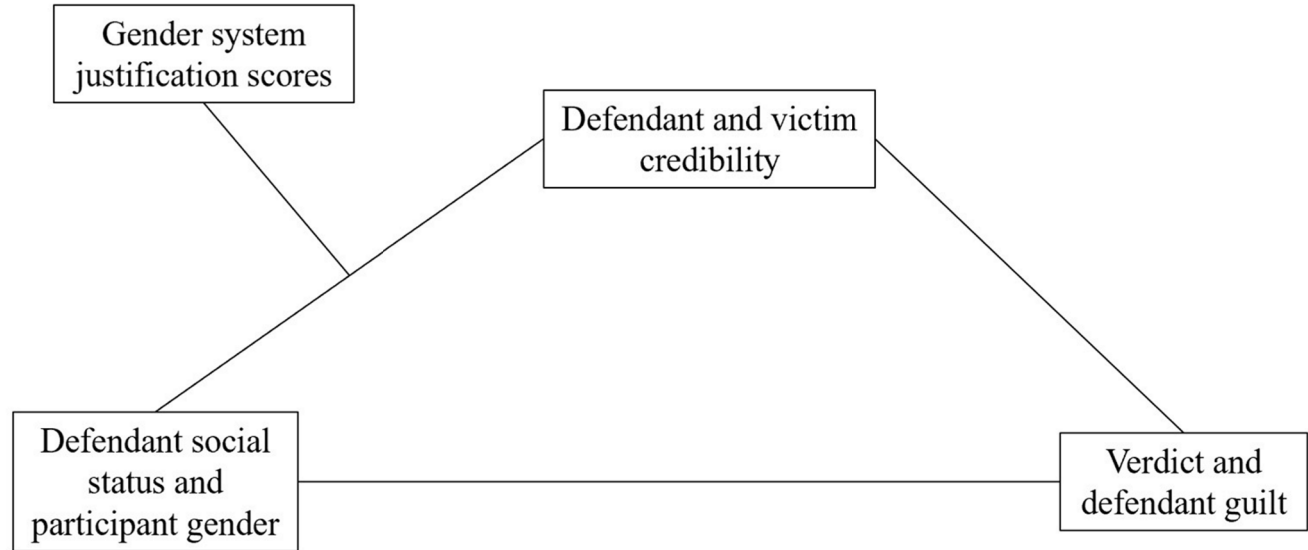
CHAPTER 3. RESULTS

3.1   Descriptive Statistics

The independent variables of the present study were defendant power (i.e., legal authority: high vs. low), defendant SES (high vs. low), and participant gender (male vs. female), with the dependent variables being judgments of the rape case presented (e.g., verdict, credibility ratings). Overall, there were more guilty verdicts rendered (56.4%) than not guilty verdicts (43.6%). One hundred and forty-six participants received a trial summary with a high authority defendant (i.e., police officer or district attorney: 51.8%). One hundred and forty participants received a trial summary with a high SES defendant (i.e., district attorney or financial advisor: 49.6%).

Means for study variables are presented in Table 3.1 and correlations between study variables are presented in Table 3.2. A simple between-participants t-test found that the participants rated the high power defendants as more authoritative (0-6: M = 4.08, SD = 1.27) than the low power defendants (M = 2.55, SD = 1.46), $t(280)$ = -10.847, p < .001, and rated the high SES defendants as significantly wealthier (0-6: M = 3.60, SD = 0.97) than the low SES defendants (M = 2.17, SD = 1.23), $t(280)$ = -9.367, p < .001. However, note that these means were driven by ratings of defendants low in legal authority (the call center employee and financial advisor). Participants did rate the district attorney defendant as significantly wealthier than the police officer but did not significantly differ in ratings of their authority.

3.2 Main Analyses

Prior to analyses, victim and defendant credibility scores were created by averaging the credibility, honesty, and believability rating questions (victim credibility, α = .94; defendant credibility, α = .95). Items 3 & 7 on the gender system justification scale were reverse scored, and all items on the scale were then averaged to create a gender SJ score for each participant (α = .88, M = 3.96, SD = 1.80). To avoid issues of multicollinearity, class, objective SES, and subjective SES were summed to create an overall status score for participants (α = .82). After excluding participants who failed manipulation checks and failed to complete 50% of the study, less than 5% of the data was determined to be missing, thus, multiple imputation was not employed. There were no violations of regression assumptions (e.g., normality of residuals, homoscedasticity). Continuous predictor variables (ratings of defendant authority and wealth) were mean-centered prior to analyses.

Data was analyzed using hierarchical logistic and linear regression, in line with the analytic plan described earlier. Inferential analyses were run in the following order: 1) logistic regression with dichotomous IVs and verdict as the DV, χ^2 = 21.827, p = .03, 2) logistic regression with ratings of defendant authority and wealth and verdict as the DV, χ^2 = 30.945, p < .01, 3) linear regression with dichotomous IVs and continuous DVs (e.g., victim credibility), 4) linear regression with rating IVs (defendant authority and wealth) and continuous DVs (e.g., victim credibility: $F[14, 259]$ = 2.547, R^2 = .127, $Adj\text{-}R^2$ = .077, p < .01), 5) probing significant interaction effects between defendant social status indicators on the dependent variables using the PROCESS macro (Hayes, 2018), 6)

Mediation analyses, 7) moderated mediation analyses, 8) probing significant exploratory interaction effects.

3.3 Study Hypotheses

3.3.1 Hypothesis 1 (H1): Main Effect of Defendant Power

It was predicted that defendants high in legal authority would receive greater leniency in a rape trial. In the logistic regression model, defendant power did not significantly predict verdict when entered, $B = -0.250$, $OR = .779$, $p = .34$, nor did defendant power significantly predict the continuous dependent variables in the linear regression analyses.

Conversely, ratings of defendant authority significantly predicted ratings (when entered in Step 2) of defendant guilt, $b = 0.271$, $p = .02$, perceptions of victim credibility, $b = 0.225$, $p = .01$, and sympathy for the victim, $b = 0.192$, $p = .05$, such that participants who rated the defendant as having more authority were more likely to view the defendant negatively and render pro-victim judgments. These results ran counter to the predicted direction of the main effect (i.e., ratings of defendant authority negatively predicted leniency for the defendant).

3.3.2 H2: Main Effect of Defendant SES

It was predicted that high SES defendants would receive greater leniency in a rape trial. This hypothesis was not supported by the results. The logistic regression analysis found that defendant SES did not significantly predict verdict when entered on Step 2, $B = .063$, $OR = 1.065$, $p = .81$, nor did participant ratings of defendant wealth, $B = 0.144$, p

= .22. Regarding the linear analyses, defendant SES did not significantly predict any of the dependent variables when entered, nor did ratings of defendant wealth.

3.3.3 H3: Main Effect of Participant Gender

Female participants were predicted to exhibit more pro-victim judgments than male participants. This hypothesis was supported by the results. For these analyses, gender was coded with a 0 representing males, and 1 representing females. In the logistic regression analysis, participant gender significantly predicted verdict when entered on Step 1, $B = 0.600$, $OR = 1.821$, $p = .02$. Female participants were 1.82 times more likely than male participants to render a guilty verdict. Regarding continuous dependent variables, linear regression analyses found that participant gender was predictive of several ratings when entered in Step 1: defendant guilt ratings, $b = 0.971$, $p < .01$, victim credibility, $b = 0.695$, $p = .02$, sympathy for the victim, $b = 0.675$, $p = .02$, and anger toward the defendant, $b = 1.287$, $p < .01$.

3.3.4 H4: Interaction Effect

This hypothesis was partially supported. No significant interaction effect was found for defendant power and SES on case verdict or the continuous dependent variables. However, the cross-product that represented the interaction between ratings of defendant authority and wealth significantly predicted participants' anger toward the defendant when entered in Step 3, $b = 0.1825$, $p = .04$. Due to the significance of the cross-product in linear regression analyses, the interaction between defendant authority and wealth was probed using Hayes' PROCESS macro for SPSS. When defendants were rated at the mean ($M = 2.87$, $SD = 1.31$) or above (+1 SD) the mean in wealth, a positive

relationship was found between defendant authority and anger toward the defendant (i.e., greater authority predicted greater anger). In other words, for defendants rated at one *SD* below the mean in wealth, the relationship between authority ratings and participant anger toward the defendant was not significant (see Figure 3.1).

3.3.5 Mediation

It was predicted that the relationship between defendant social status and verdict would be mediated by credibility (e.g., Golding et al., in press; Lynch et al., 2019). This hypothesis received partial support. The effects of defendant power and SES on case judgments were not significantly mediated by credibility (victim or defendant). However, ratings of victim credibility mediated the direct effects of ratings of defendant authority on verdict (see Figure 3.2), as well as the direct effects of ratings of defendant wealth on verdict (see Figure 3.3). In other words, when the defendant was rated higher in authority and wealth, victim credibility increased, leading to an increased likelihood of guilty verdicts.

3.3.6 Moderated Mediation Model

Participants high in gender SJ were predicted to rate victim credibility as significantly lower and defendant credibility as significantly higher when the defendant was high social status vs. low social status (both power and SES), whereas participants low in gender SJ were predicted to perceive low and high-status defendants similarly (Jost & Banaji, 1994; Jost & Kay, 2005; Kay & Jost, 2003). This hypothesis received partial support. Gender SJ scores did not significantly moderate the relationship between defendant power, SES, and defendant or victim credibility. However, gender SJ scores significantly moderated the relationship between the continuous independent variables

29

and victim credibility (the mediator). At mean levels of gender SJ ($M = 3.96$, $SD = 1.80$) or above (+1 SD), victim credibility mediated the direct effects of defendant authority and wealth ratings on verdict (see Figure 3.4). At levels below the mean of gender SJ, the mediation model was insignificant (see Figures 3.5 & 3.6). Thus, only for participants at or above the mean on the gender SJ scale, higher levels of authority and wealth lead to an increase in victim credibility, increasing the likelihood of guilty verdicts. Participants who were low (-1 SD) in gender SJ did not significantly differ in their judgments of victim credibility or number of guilty verdicts based on the defendant's authority or wealth.

3.3.7 Exploratory Interaction Analyses

Finally, all possible two- and three-way interactions between the independent variables were examined. There were no other significant two- or three-way interactions between the independent variables.

Table 3.1

Means and standard deviations for study variables and frequency of case verdicts by condition.

	Defendant SES			
	Low		*High*	
	Defendant Authority		Defendant Authority	
	Low	*High*	*Low*	*High*
Defendant wealth rating	1.95 (1.36)	2.73 (1.20)	3.83 (0.95)	3.63 (1.20)
Defendant authority rating	2.23 (1.60)	4.30 (1.20)	3.46 (1.25)	4.16 (1.26)
Victim credibility	7.86 (1.32)	8.04 (1.17)	7.80 (1.03)	7.72 (1.20)
Defendant credibility	2.08 (1.84)	1.88 (2.13)	2.28 (1.68)	2.38 (1.97)
Sympathy for the victim	7.92 (1.27)	7.78 (1.86)	7.68 (1.72)	7.66 (1.78)
Anger toward the defendant	6.72 (2.93)	6.83 (2.75)	6.12 (3.03)	5.97 (2.80)
Verdict – Guilty/Not Guilty	39 / 30	40 / 33	41 / 26	39 / 34

Table 3.2

Correlations between continuous study variables.

	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.
1. Participant age	1											
2. Participant social status	.13*	1										
3. Political beliefs	.19**	.13*	1									
4. Defendant guilt	.02	-.04	-.16**	1								
5. Ratings of defendant authority	-.04	.08	.04	.19**	1							
6. Ratings of defendant wealth	-.22**	.07	-.08	.17**	.40**	1						
7. Gender system justification	.07	.09	.62**	-.27**	.05	.04	1					
8. Victim credibility	-.00	-.01	-.15*	.79	.19**	.17**	-.24**	1				
9. Defendant credibility	.03	.10	.22**	-.64**	-.04	-.08	.30**	-.58**	1			
10. Sympathy for the victim	-.01	.00	-.20**	.59**	.13*	.11	-.25**	.75**	-.44**	1		
11. Anger toward the defendant	-.04	.02	-.21	.61**	.12*	.10	-.24**	.55**	-.60**	.57**	1	
12. Sentencing recommendation	-.17*	.02	-.14	.43**	.10	.15	-.19*	.38**	-.50**	.31**	.17*	1

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

Table 3.3

Linear hierarchical regression table that displays the effects of the independent variables (ratings of defendant authority and wealth, and participant gender) on victim credibility scores, $F(11, 259) = 2.899$, $R^2 = .114$, Adj-$R^2 = .075$, $p < .01$.

	ΔR^2	B	β	S.E. B	t
<u>Step 1</u>	.043*				
Participant Gender**		**0.695**	**0.163**	**0.265**	**2.627**
<u>Step 2</u>	.048**				
Participant Gender*		**0.641**	**0.150**	**0.260**	**2.466**
Ratings of Defendant Authority*		**0.225**	**0.166**	**0.089**	**2.526**
Ratings of Defendant Wealth		0.157	0.095	0.112	1.403
<u>Step 3</u>	.004				
Participant Gender*		**0.637**	**0.150**	**0.261**	**2.442**
Ratings of Defendant Authority*		**0.312**	**0.230**	**0.132**	**2.370**
Ratings of Defendant Wealth		0.095	0.057	0.165	0.574
Gender x Authority		-0.127	-0.068	0.179	-0.713
Gender x Wealth		0.113	0.051	0.220	0.514
Authority x Wealth		0.048	0.057	0.054	0.895
<u>Step 4</u>	.019*				
Participant Gender**		**0.836**	**0.196**	**0.273**	**3.062**
Ratings of Defendant Authority**		**0.425**	**0.313**	**0.139**	**3.045**
Ratings of Defendant Wealth		0.039	0.024	0.166	0.235
Gender x Authority		-0.269	-0.144	0.188	-1.436
Gender x Wealth		0.162	0.073	0.220	0.738
Authority x Wealth		0.217	0.257	0.091	2.386
Three-way Interaction (Gender x Authority x Wealth)		-0.259	-0.244	0.113	-2.296

*$p < .05$, ** $p < .01$, *** $p < .001$

Figure 3.1

The interaction of simple slopes for ratings of defendant authority and wealth on participants' self-reported anger toward the defendant.
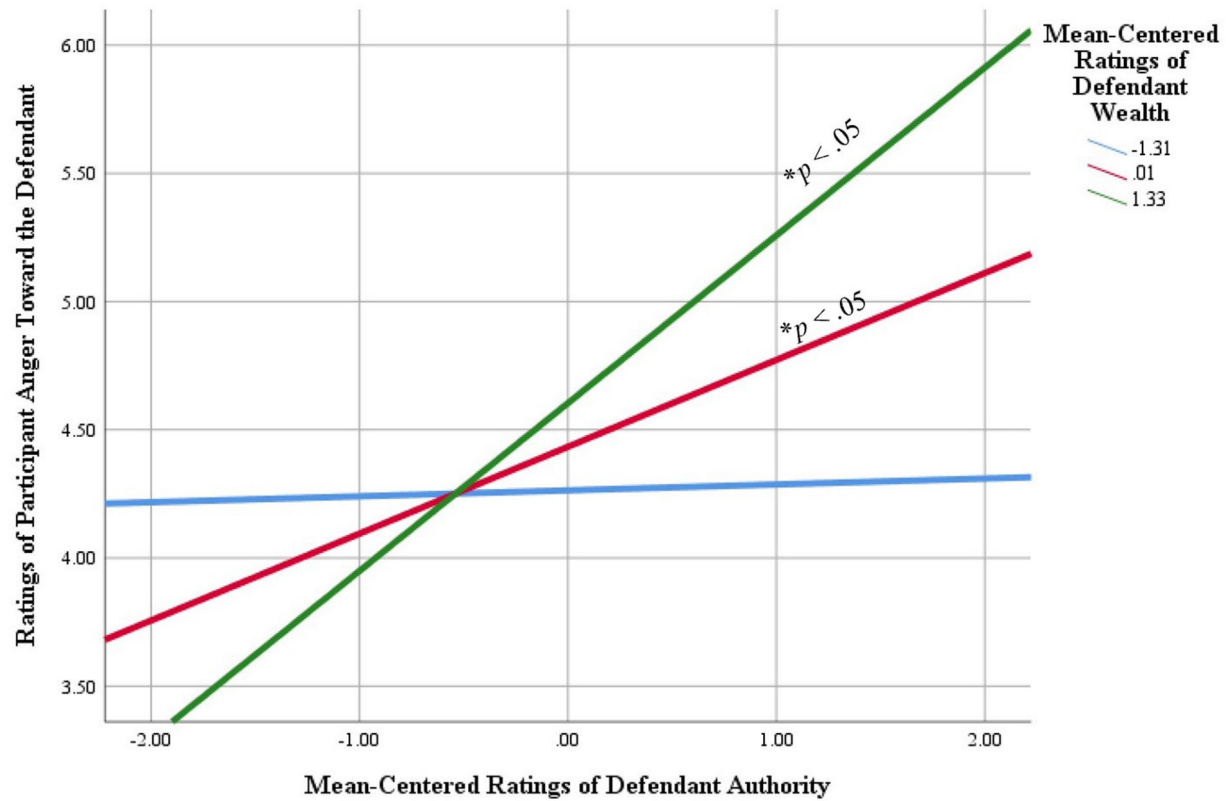
Figure 3.2

Mediation of the direct effects of defendant authority on case verdict through victim credibility.
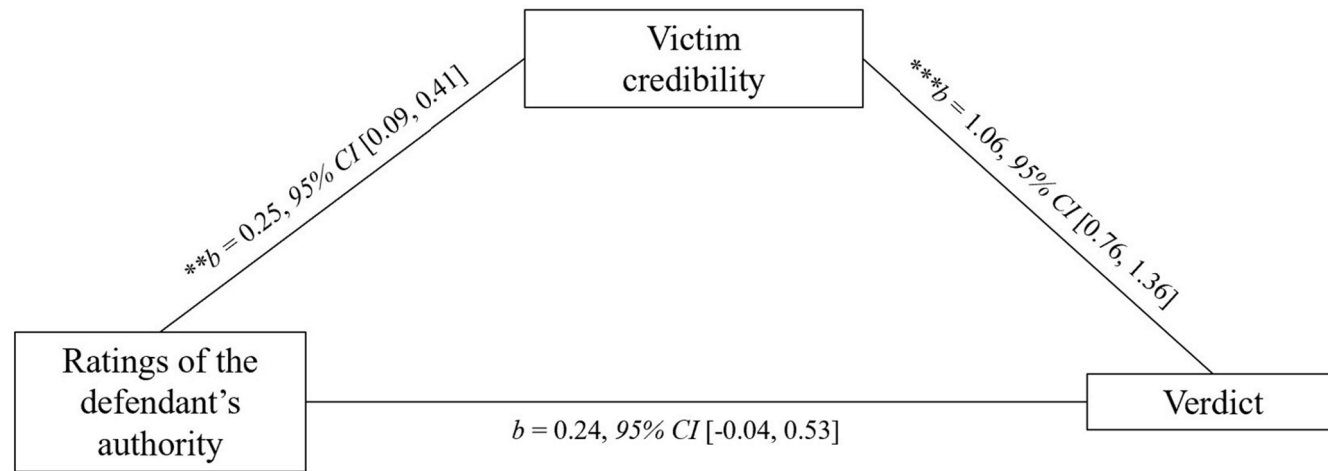
*p < .05, **p < .01, ***p < .001

Figure 3.3

Mediation of the direct effects of defendant wealth on case verdict through victim credibility.
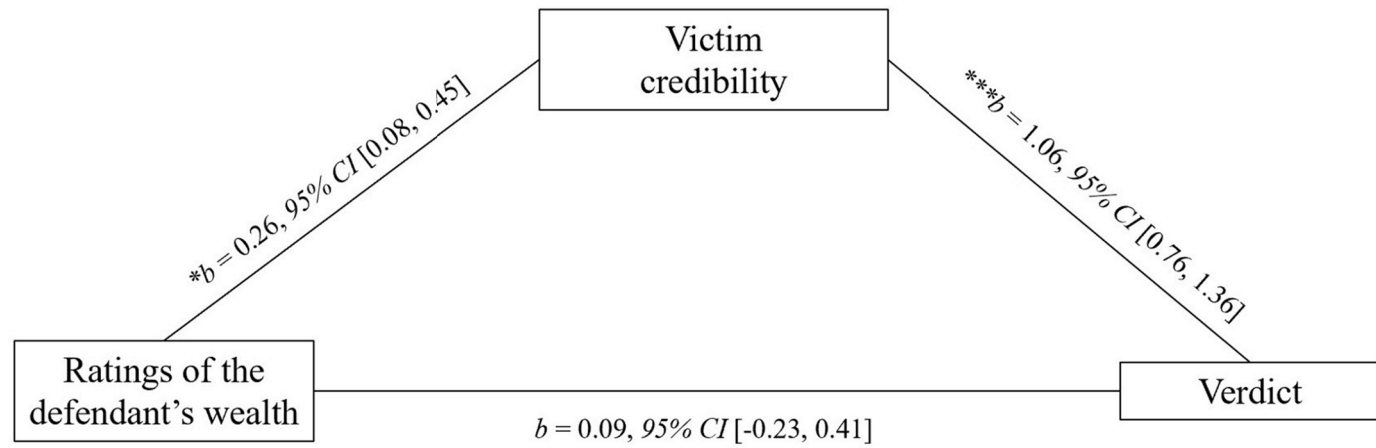
*p < .05, **p < .01, ***p < .001

Figure 3.4

Mediation of the direct effect of defendant (a) authority and (b) wealth on case verdict through victim credibility, at mean or higher

*levels of gender system justification scores. *p < .05, **p < .01, ***p < .001*
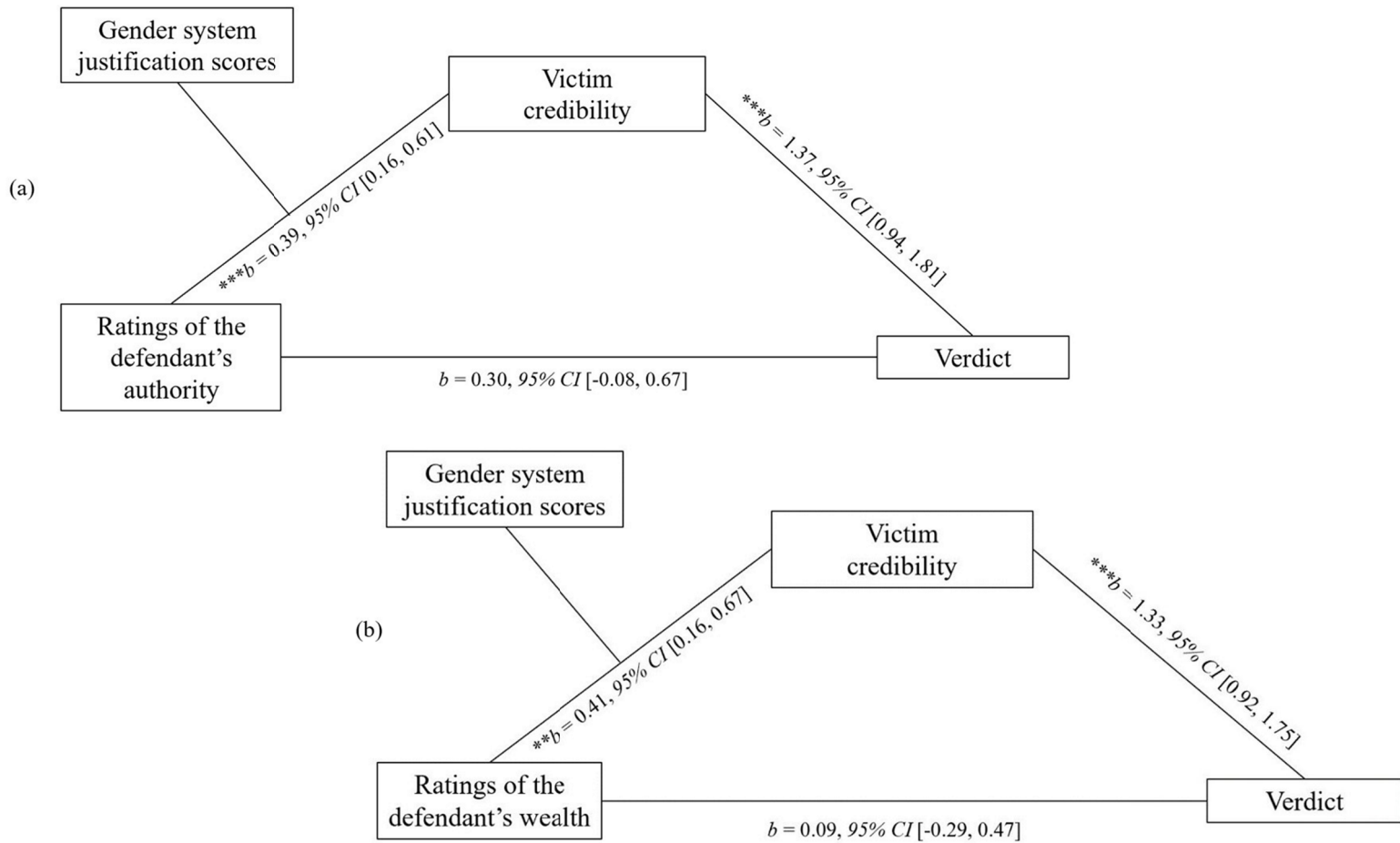
Figure 3.5

Visualization of moderated mediation with gender SJ scores moderating path a, between ratings of defendant authority and victim credibility, in which victim credibility mediates the direct effects of ratings of defendant authority on verdict.
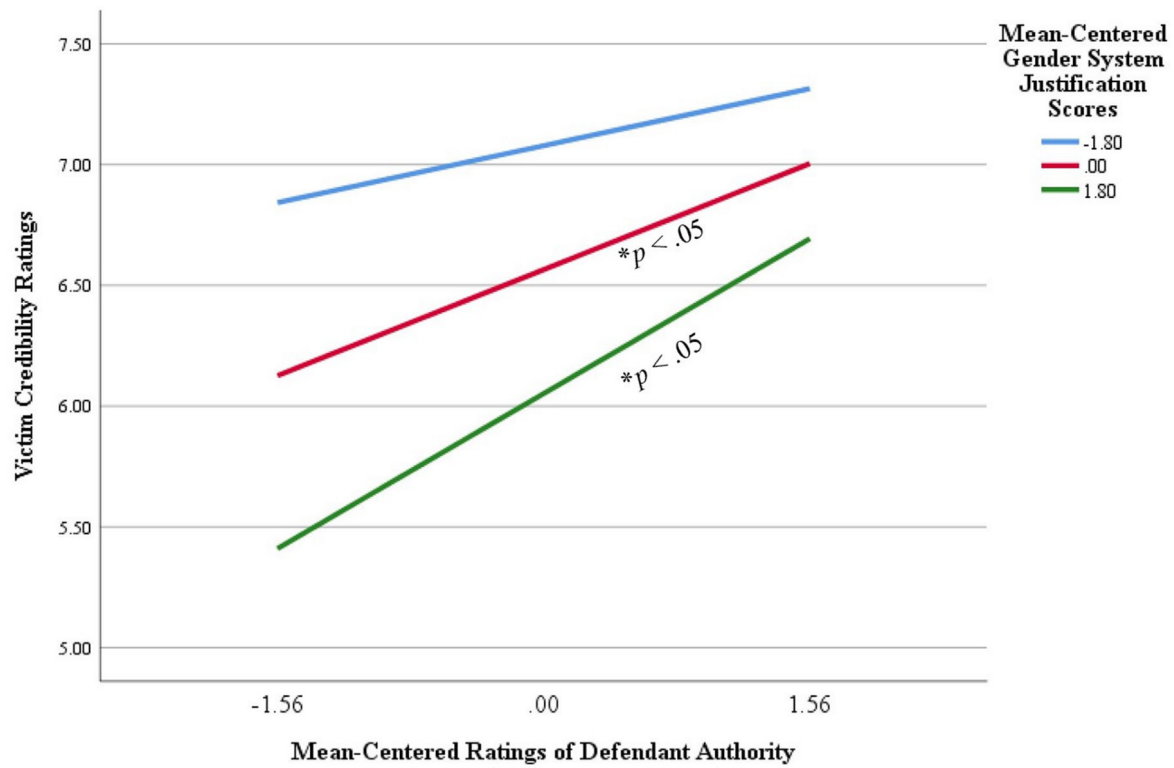
Figure 3.6

Visualization of moderated mediation with gender SJ scores moderating path a, between ratings of defendant wealth and victim

credibility, in which victim credibility mediates the direct effects of ratings of defendant wealth on verdict.
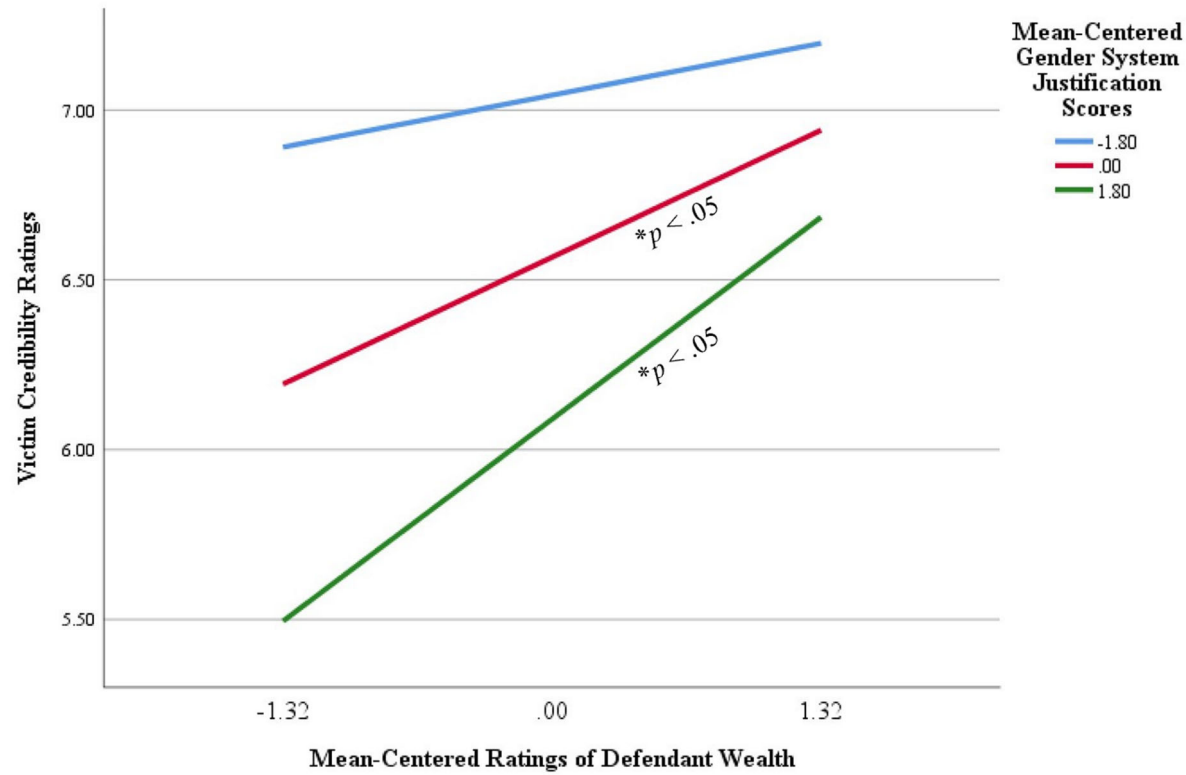
CHAPTER 4. DISCUSSION

4.1   General Discussion

The present study investigated the effects of defendant social status (power and SES) and participant gender on judgments about an adult rape case. The findings of the present study are important to the psychology and law rape literature for several reasons. First, the findings imply that defendant power and SES are related, but different components of social status because of their separate effects on the dependent variables. Specifically, power was far more influential than SES in leading to guilty verdicts in rape cases. Second, this study began exploring an empirical basis for ideas discussed in the himpathy framework (Manne, 2018). This philosophical framework proposes that defendants higher in social status than the alleged victim are viewed as more credible than the victim because of that high status. In the present study, defendant power took the form of legal authority. It appears that regarding legal authority, power may work in the favor of the victim, rather than the defendant, which is converse to Manne's general philosophy. Third, the prediction regarding participant gender was supported (i.e., that female participants would render more pro-victim judgments), consistent with prior mock jury research and adding further support for this effect (e.g., Black & Gold, 2008; Fischer, 1997; Hodell et al., 2009).

Clear patterns of results emerged in analyses. There was strong support for a main effect of defendant power, although the effect was opposite to the prediction. Participants who rated the defendant as having more authority rendered fewer judgments in the defendant's favor (e.g., increased likelihood of guilty verdicts, increased victim credibility). It is possible that participants viewed rape committed by a man high in legal

authority as an abuse of power (Buchhandler-Raphael, 2011). Specifically, participants may have believed that the victim was brave for coming forward against a powerful person in the realm of the defendant's authority, increasing victim credibility (as indicated by the mediation model and exploratory moderated mediation model findings). This interpretation is further supported by the interaction effect of authority and wealth ratings on anger toward the defendant.

Whereas defendant power emerged as a strong effect, defendant SES was insignificant in almost all regards. These findings support the guiding hypothesis of the present study, that two defendant social status indicators would have separate effects on case outcomes. Prior research has not investigated this distinction. Regarding SES, it does not appear that participants agreed with the "American Dream" standard, in which being wealthy could serve an indicator of being a "good person" (Archer, 2014; VanderPyl, 2019) and therefore credible, as one might expect based on the halo effect, or the "what is beautiful is good" effect (Eagly et al., 1991; Kaplan, 1974; respectively). Defendant authority ratings were, however, positively, and moderately correlated with defendant wealth ratings. Thus, the two variables (authority and wealth) were related, but not to such an extent that they overlapped in the variance that they accounted for.

The final main effect found regarded participant gender. Prior research has noted that female participants tend to render more judgments in the victim's favor than male participants (e.g., more guilty verdicts, high victim credibility: Black & Gold, 2008; Fischer, 1997; Hodell et al., 2009). This effect was replicated again in the present study. It is not clear why this effect persists. Some studies have found that empathy with the victim mediated the relationship between participant gender and verdict (Deitz & Byrnes,

1981; Deitz et al., 1982; Deitz et al., 1984). Female participants expressed greater empathy with the victim, which then led to more pro-victim case judgments. An additional mediator that has been investigated is rape myth acceptance. In some cases, the direct effects of participant gender on case judgments are mediated by changes in rape myth acceptance (Clarke & Lawson, 2009). It is likely that several factors such as empathy/sympathy toward the victim, rape myth acceptance, and possibly others explain the participant gender effect in part. Further, if the gender effect is due to these individual differences in empathy and rape myth acceptance, is it attributable solely to these measures, or is this mediation driven by experiences with sexual assault? Female are far more likely than males to experience sexual violence, which could account for the strength of the participant gender effect (RAINN, 2019). Future research should examine other possible mediating factors of this common gender effect such as frequency, intensity, and type of personal experiences with sexual violence.

Additionally, authority and wealth ratings produced an interaction effect on anger toward the defendant. This interaction found that when the defendant was wealthy, having a higher authority level increased participant anger. In terms of the defendant careers used as the manipulation, participants expressed greater anger toward the district attorney defendant than toward the financial advisor defendant. Logically, someone high in legal authority (i.e., a district attorney) would be expected to have relationships (personal and/or professional) with individuals in the legal system, whereas the same could not be said about wealthy individuals high in other areas of authority. Thus, a victim who presses charges against a defendant with legal authority seems braver (i.e., more credible) because they are choosing to fight against these previously established

working relationships. Together, the main effect of defendant authority, lack of main effect for wealth, and the interaction effect between the two, indicate that participants may have noticed that the odds were stacked unfairly in favor of the high-power defendant, as expressed by increased participant anger toward the defendant. This pattern is further supported by the mediation and moderated mediation models.

Notably, significant mediation was found through victim credibility. The direct effects of defendant authority and wealth ratings on verdict were due to an increase in victim credibility. This warrants further exploration as it is unclear why information about the defendant would change credibility only of the victim rather than the defendant. This relationship was also not in the direction Manne (2018) proposed. An increase in defendant authority and wealth ratings indirectly affected the probability of a guilty verdict due to an increase in victim credibility (rather than decrease, as Manne would predict). However, this finding should be taken with a grain of salt because the specific form of power under investigation was, again, legal authority. Since rape cases are resolved in the legal realm, other forms of power (and authority) could have different effects. As noted earlier, prior research has found that other status indicators produce negative case outcomes for the victim, rather than positive (e.g., Black & Gold, 2003; Knight et al., 2001; Nyul et al., 2018). It is possible that the difference in findings between the present study and prior research is due to perceived unfairness of prosecuting someone for rape when that individual has a shared camaraderie with the people who are meant to impartially judge the case.

Finally, the exploratory moderated mediation model received support. This model had previously not been explored in the psychology and law rape literature. Individual

differences in support for gender role justifying beliefs moderated the mediating effects of victim credibility. The gender SJ scale, to review, measures to what extent individuals support the hierarchy of traditional gender roles in society (Jost & Kay, 2005). Those high in gender SJ beliefs viewed the victim as more credible when the defendant was rated as high in authority and wealth, leading to an increased probability of guilty verdicts. Additionally, these participants (high in gender SJ) judged victim credibility as lower than those below the mean in gender SJ beliefs. This is in line with prior research, which finds that individuals who hold more traditional gender beliefs express greater blame toward the victim than those who do not (e.g., Abrams et al., 2003). It seems that gender SJ beliefs could be connected to benevolent sexism, in which individuals believe women are pure and thus need to be loved/protected by men (Abrams et al., 2003; Glick & Fiske, 1996; Jost & Kay, 2005; Visher, 1987), making an abuse of power more reprehensible to those participants. However, for those who did not hold strong gender SJ beliefs, the crime was reprehensible overall, regardless of the defendant's social status. Of course, these relationships will need to be replicated to add support to this model.

As noted earlier, the findings of the present study did not fully support the predicted direction of several hypotheses. Prior research indicated that participants may interpret the presence of high power and high SES as synonymous with defendant credibility, leading to fewer guilty verdicts (e.g., Black & Gold, 2003; Knight et al., 2001; Nyul et al., 2018; Volpato et al., 2017). Rather than defendant power and SES decreasing the likelihood of a guilty verdict, defendant power increased the likelihood of a guilty verdict. Taken together, these findings clearly indicate that the presence of

defendant legal authority works in the victim's favor. This relationship could be due to several things, but the most plausible reason is that participants viewed the defendant's behavior as an abuse of authority, and/or viewed the victim as brave for confronting the defendant in the realm of their authority (i.e., the legal system: Bowers & Robinson, 2012). Theoretically, participants could judge that having working relationships in the legal system unfairly biased judgments toward the defendant, and thus participants felt the need to correct for this bias by judging the defendant more harshly. A defendant with power in areas outside of the law, for instance, likely would not have previously established working relationships in the legal realm, lowering the likelihood that participants would view the odds as stacked in the defendant's favor.

Prior literature on child sexual abuse by those with authority and on group dynamics of legal actors adds support to this interpretation of the data. For example, Sahl and Keene (2012) manipulated the age gap, authority level of the offender, and gender within a statutory teen-adult sex abuse case. They measured the effects on perceptions of the offender. The age gap was either 27 years or 7 years, the offender was either the victim's neighbor or teacher, and the offender and victim were presented as either man/girl or woman/boy (Sahl & Keene, 2012). Of importance to the present study, when the offender was presented as the teenager's teacher (high authority) rather than neighbor (low authority), participants judged the offender more harshly. Participants believed the teacher offender was more predatory, should have to register as a sex offender, and should have access to children restricted, in comparison to the neighbor offender. Teachers have authority over teenagers and are expected not to abuse this relationship. Similarly, legal actors have authority over the public, and are expected not to abuse this

position. When these individuals violate the expectation of trust, they are perhaps judged more harshly than those who do not have this expectation on them.

In addition, participants may be correct if they assume some amount of bias exists due to relationships among legal actors. An in-group effect has been found, at least for practicing attorneys. Collins and colleagues (2017) examined attorney's perceptions of other attorneys. A large sample of attorneys (N = 2,000) in North Carolina responded to the survey, providing information about themselves and their interactions with attorneys close to them or far from them in terms of proximity. Attorneys reported stronger preference for and more frequent interactions with attorneys near them rather than far from them (Collins et al., 2017). Frequent interactions with attorneys in their region (in-group attorneys) increased camaraderie and trust among those individuals. Thus, participants may have (somewhat accurately) assumed that a defendant high in legal authority had similarly strong relationship ties to those filing the report (i.e., police officers) or adjudicating the case (i.e., district attorneys, judges). In conjunction with this prior research, the findings of the present study indicate that participants viewed an abuse of legal authority in a rape case as unacceptable, possibly because of an expectation of trust that was violated (Sahl & Keene, 2012), and/or the perception that the defendant had previously formed relationships in the legal system (Collins et al., 2017).

4.2 Limitations and Future Directions

There are some limitations with the present study. First, the careers chosen to represent defendant power and SES likely impacted the results. The two careers meant to represent high power were police officer and district attorney. Both careers are high in

legal authority and were chosen to hold the area of defendant power constant across conditions. These careers may be the reason that the findings of the present study were converse to the predictions. For instance, replicating this experiment with defendants high in authority over employment decisions may produce vastly different results, as the legal odds may not be perceived as stacked in those defendants' favor. Future research should examine power in other contexts to determine if the effects found here replicate or are specific to perceptions of defendants high in legal authority.

Second, the careers chosen for the manipulation may not have been perceived as high enough in power and SES to find the effects hypothesized by Manne (2018). Though participants rated the defendants as different from each other, none of the defendants were rated at the highest level of authority or wealth (i.e., a 5 or above on the scales used), nor were they rated at the lowest levels (i.e., a 1 or below). It is possible that although participants noted there were different levels of power and SES among the defendants, the differences were not extreme enough to find the predicted relationships. Future research would benefit from replicating the present study, again, with different careers representing the defendant's power and SES level. Careers that are further apart in power and SES levels may return different findings.

Third, and finally, this study would benefit from replication with jury deliberation. Jury deliberation was not included in the present study, as it was an initial exploration of multiple relationships. However, deliberation between jurors could result in better understanding of certain case details for each juror, potentially altering case outcomes (Salerno & Diamond, 2010). At least one study has found that individual case judgments are reflective of verdict post-deliberation (Diamond, 1997), but this effect will

always need replication to confirm ecological validity of jury decision-making research. As with most jury decision-making research, future experiments would benefit from inclusion of jury deliberation in the design. This is important both to confirm the effects found in the present study replicate and to explore whether discussion with fellow jurors impacts case perceptions.

4.3   Conclusion

The findings of the present study expanded prior victimization research by investigating the effect of two distinct defendant social status indicators (power and SES) on rape case judgments. Support was found for effects of defendant authority, indicating that mock juror participants viewed crimes committed by those high in authority as an abuse of power. Additionally, the findings replicated the participant gender effect, supporting that female participants render more pro-victim judgments than male participants in rape cases. The implication of these findings is that legal authority has an important effect, as indicated solely by the defendant's career. This could have ecological implications, in that it is possible for this status information (i.e., the defendant's career) to be brought up during a trial (Epstein & Langenbahn, 1994). Thus, other areas of power and/or authority should be examined in the context of an adult rape legal case to further examine mock jurors' potential biases. Additional research is needed to examine whether the exploratory models of the present study are stable effects across other power contexts.

APPENDICES

APPENDIX 1. TRIAL SUMMARY

The following trial summary was presented in the <u>Low power x High SES</u> defendant condition. Italic text in the case summary indicates the variables of interest that were manipulated. Breaks in the paragraphs indicate the location of manipulation check questions in the Qualtrics instrument.

The case you will read about involved a criminal trial. It is important to keep in mind that criminal procedure refers to the legal process for adjudicating claims that someone has violated criminal law. Criminal laws define violations that can be punished by fines, imprisonment, or even death. Such offenses include murder, armed robbery, theft, rape, kidnapping, arson, and assault. In criminal cases, the state or federal government prosecutes an individual (i.e., the defendant) who is alleged to have committed a specific offense. A jury in a criminal case rules "Guilty" if there is evidence beyond a reasonable doubt that the defendant committed the crime. The jury rules "Not Guilty" if there is reasonable doubt that the defendant committed the crime.

This is a criminal trial for the alleged rape of Ms. Anna Smith by Mr. Justin Dane. Rape is defined as engaging in sexual intercourse with another person by physical force or threat of physical force, express or implied, which places a person in fear of immediate death, physical injury to self or another person, fear of the immediate kidnap of self or another person, or fear of any offense under this chapter. Physical resistance on the part of the victim shall not be necessary to meet this definition. The prosecution alleges that Mr. Justin Dane, the defendant, raped Mrs. Anna Smith, on July 3, 2016 at approximately 11:30 PM at his apartment. Allegedly, at the time of the rape, Ms. Smith, the victim, was 25 years old and Mr. Dane, the defendant, was 28 years old. The Commonwealth is charging Mr. Dane with rape in the first degree.

The defendant (Mr. Justin Danes) pleaded "not guilty" to the charge of rape. The defense attorney argued that the defendant is a responsible and law-abiding man who has no history of sexual aggression. The defense attorney denied any force and claimed that what happened between the two of them was consensual. Medical evidence will not be presented.

Prosecution's Case
Witness No. 1: Ms. Anna Smith
Direct Examination: Ms. Anna Smith is a 25-year-old woman. She testified that on the night of July 3, 2016 at approximately 10:00 PM she was approached by a man, Mr. Justin Danes, at a bar in Louisville that she was attending with a close friend (Ms. Lisa Johnson) and Ms. Johnson's fiancée. Ms. Smith noted that she talked to Mr. Dane at the bar about their careers for approximately one hour. Ms. Smith learned that Mr. Dane was a *financial advisor for a very prominent local financial consulting firm.*

At the end of the night (around midnight) Mr. Dane, the defendant, offered to share a cab with Ms. Smith, the victim because there was only one left outside. The victim accepted so that her friend and friend's fiancée would not have to go out of their way to take her back to her residence. The victim further claimed that when the cab driver dropped her off, she planned to go right into her apartment. However, when the cab reached her apartment, the defendant asked if he could come to her apartment so that they could continue their conversation. She testified that she said it was best not to do so, and instead, they should go their separate ways. She got out of the cab and was surprised to see the defendant also get out of the cab. The defendant then held a knife to her back and told her under his breath to walk toward her door, and if she yelled, he would kill her.

Prosecution's Case
Witness No. 1: Ms. Anna Smith
Direct Examination: When they entered the apartment, the defendant told the victim that if she obeyed him, he wouldn't hurt her. The defendant forced the victim to take her clothes off and began to rape her. The victim tried to stop the defendant from having this penetrative sex, but when she did so the defendant became angry and reached for his knife. At this time the victim noticed that it was a pocket knife the defendant was holding. The assault continued for approximately half an hour, at which time the defendant left. The victim called the police shortly thereafter.

Cross Examination: Ms. Smith, the victim, admitted that by agreeing to share a cab with Mr. Danes, the defendant, it was possible that the defendant got the impression that the victim was interested in him. The victim also recognized that her friendliness could have been mistaken for flirtatiousness.

Prosecution's Case
Witness No. 2: Police Officer Crosby
Direct Examination: Officer Crosby was assigned to the case after the victim contacted the police on the night of the alleged rape. He testified that when he arrived at the apartment, the victim seemed disheveled and was shaking while tightly gripping a pillow. He stated that her clothes were slightly unkempt, and there appeared to be bruises on her arms. He testified that he drove the victim to the hospital so that the victim could be examined, and any available evidence collected. Officer Crosby stated that he was responsible for keeping track of all evidence in this case.

Cross Examination: Officer Crosby acknowledged that he could not say exactly why the victim was disheveled or tightly gripping a pillow. Moreover, he stated that it was possible that she seemed disheveled because she had been up late. He further stated that the bruises could have been from falling, an injury suffered at the bar, or even rough sexual behavior.

Defendant's Case
Witness No. 1: Ms. Lisa Johnson

Direct Examination: Ms. Johnson is a close friend of the victim. Ms. Johnson testified that on the night in question she went out to the bar with her fiancé and with the victim. During the evening, Ms. Johnson stated that the victim started talking with the defendant after the defendant approached them after they ordered drinks. Ms. Johnson said that the victim continued to speak with Mr. Danes throughout the night. Ms. Johnson said that she was able to see the two talking, but she could not hear what the two were talking about during the time they were together. At no time did Ms. Johnson notice the defendant show any signs of aggressive behavior toward the victim or say anything of a sexual nature.

Cross Examination: Ms. Johnson stated that it was possible that the defendant could have been aggressive towards the victim or spoke to him in a sexual manner that she and her fiancé were not able to hear or observe.

Defendant's Case
Witness No. 3: Mr. Justin Danes
Direct Examination: Mr. Danes, the defendant, is a 28-year-old man. He testified that he was just trying to be kind to Ms. Smith, the victim, by sharing and paying for a cab. Mr. Danes explained that he had to take a cab home because he did not drive to the bar in order to avoid the hassle of finding and paying for a parking spot. He admitted to having consensual sex with Mr. Smith, but explained that the victim came on to him, and it was Ms. Smith who suggested that they both exit the cab and enter his residence.

Defendant's Case
Witness No. 3: Mr. Justin Danes
Direct Examination: Mr. Danes, the defendant, further testified that he initially turned down the offer, but the victim insisted he come with him. The defendant stated that after they left the cab Ms. Smith, the victim, took his hand and led him to the apartment. Mr. Danes also stated that the foreplay, as well as the consensual sex was actually somewhat rough. He remembers that afterwards he had bruises on his body, which he attributed to the rough sexual activity. Finally, Mr. Danes stated that although the consensual sex was rough, at no time did he wield a knife or threaten the victim.

Cross Examination: Mr. Danes confirmed he does work as a financial advisor, and stated that he did own a pocketknife, but that he usually kept it in the trunk of his car.

Judge Graham charged the jurors with the following instructions:
You will find the Defendant guilty of First-Degree Rape under this instruction if, and only if, you believe from the evidence beyond a reasonable doubt all of the following:
A. That in this county on or about July 3rd, 2016 and before the finding of the Indictment herein, he engaged in First Degree Rape with Ms. Anna Smith. Rape in the first degree "engaging in nonconsensual sexual intercourse with another person."
AND
B. That he did so by forcible compulsion. "Forcible compulsion" means physical force or threat of physical force, express or implied, which places a person in fear of immediate death, physical injury to self or another person, fear of the immediate kidnap of self or

52

another person, or fear of any sexual offense. Physical resistance on the part of the victim shall not be necessary to meet this definition.

Prosecution Closing Arguments
The Prosecution concluded that Mr. Danes should be found guilty and convicted of rape in the first-degree. The Prosecution emphasized that although Ms. Smith took a cab with Mr. Danes, it does not mean she had any intention of having sexual relations with Mr. Danes.

Defense Closing Argument
The Defense's attorney argued that there was no evidence other than Ms. Smith's allegations to convict Mr. Danes of rape in the first-degree. The Defense's attorney stated that Mr. Danes made clear that the sex was consensual. The Defense's attorney also argued that Mr. Danes would never hurt anybody and has a good reputation with his peers. Mr. Danes also had no prior convictions, or evidence of a violent personality.

Prosecution Closing Argument
The Prosecution restated that the victim's, Ms. Smith, testimony is a crucial aspect of this case. His testimony made it clear that the defendant, Mr. Danes, committed this act of rape and he should consequently be convicted of this crime. The Prosecution argued that the defense failed to prove Mr. Danes was engaging in consensual sex and that they are putting the blame on the victim. The Prosecution urged the jury to convict Mr. Danes of first-degree rape.

APPENDIX 2. ATTENTION AND MANIPULATION CHECK QUESTIONS

Multiple choice manipulation and attention check questions are presented below in the order they were asked for all conditions. Questions with an *asterisk are manipulation check questions, rather than attention check questions.

*The victim stated that the defendant works as a_____?
      Financial Advisor
      Police Officer
      District Attorney
      Call Center Employee

What weapon did the defendant have on the night of the assault?
      A gun
      A pocketknife
      Defendant did not have a weapon

Where did Officer Crowley take the victim?
      To the hospital
      To the police precinct for questioning
      To a counselor

Could Ms. Johnson hear the conversation between the victim and defendant?
      Yes
      No

The defendant is a_____?
      28-year-old man
      28-year-old woman
      15-year-old man
      15-year-old woman

What did the defendant state in his testimony?
      He did not attend the same event as the victim
      The sex with Ms. Smith, the victim, was consensual
      He never left the cab

Did the defendant state that he owned a pocketknife?
      Yes
      No

The Judge's instructions indicated that:
      You should only be concerned with defendant's testimony
      The defendant is on trial for First Degree Rape

The victim was a distant cousin of the defendant

What did the Defense argue?
The sex was consensual
The defendant has a violent personality
The defendant has prior convictions

Based only on the information presented, and on a scale from 0 to 6, please rate your agreement to the following questions.

*How wealthy do you think the defendant is?

0	1	2	3	4	5	6
Not at all wealthy			Moderately wealthy			Very wealthy

*How much authority do you think the defendant has to influence society?

0	1	2	3	4	5	6
No power at all			A moderate amount of authority			An extreme amount of authority

APPENDIX 3. TRIAL QUESTIONNAIRE

*Full trial questionnaire presented in order. Participants rated their agreement to the following statements on a scale from 0 (not at all/none at all) to 9 (completely) for all items except for those marked with an *asterisk.*

How would you rate the guilt of the defendant in this case?

*What is your verdict in this case? (*Guilty/Not Guilty*)

How confident are you of your verdict?

> *If Guilty is selected the following question appears here*: Imagine you are the Judge presiding on this case. Based on the information presented, how long of a jail sentence would you give the defendant? (*rated from* 0 – *zero jail time to* 6 – *20 years in jail*)

*What led to your verdict? (*Open-ended*)

How credible was the victim?

How honest was the victim?

How believable was the victim?

How responsible was the victim for the incident in question?

How much sympathy did you have for the victim?

How much anger did you have toward the victim?

How credible was the defendant?

How honest was the defendant?

How believable was the defendant?

How responsible was the defendant for the incident in question?

How much sympathy did you have for the defendant?

How much anger did you have toward the defendant?

APPENDIX 4. GENDER SYSTEM JUSTIFICATION SCALE

Jost, J. T., & Kay, A. C. (2005). Exposure to benevolent sexism and complementary

gender stereotypes: Consequences for specific and diffuse forms of system

justification. Journal of Personality and Social Psychology, 88*(3), 498-509.*

Statements marked with an *asterisk indicate a reverse-scored item.

1)   In general, relations between men and women are fair.

       0   1   2   3   4   5   6   7   8
    Strongly   Neutral   Strongly
    Agree   Disagree

2)   The division of labor in families generally operates as it should.

       0   1   2   3   4   5   6   7   8
    Strongly   Neutral   Strongly
    Agree   Disagree

3)   Gender roles need to be radically restructured. *

       0   1   2   3   4   5   6   7   8
    Strongly   Neutral   Strongly
    Agree   Disagree

4)   For women, the United States is the best country in the world to live in.

       0   1   2   3   4   5   6   7   8
    Strongly   Neutral   Strongly
    Agree   Disagree

5)   Most policies relating to gender and the sexual division of labor serve the greater good.

       0   1   2   3   4   5   6   7   8
    Strongly   Neutral   Strongly
    Agree   Disagree

6)   Everyone (male or female) has a fair shot and wealth and happiness.

       0   1   2   3   4   5   6   7   8
    Strongly   Neutral   Strongly
    Agree   Disagree

7) Sexism in society is getting worse every year. *

     0   1   2   3   4   5   6   7   8

Strongly   Neutral   Strongly

Agree   Disagree

8) Society is set up so that men and women usually get what they deserve.

     0   1   2   3   4   5   6   7   8

Strongly   Neutral   Strongly

Agree   Disagree

REFERENCES

Abrams, D., Viki, G.T., Masser, B., & Bohner, G. (2003). Perceptions of stranger and acquaintance rape: The role of benevolent and hostile sexism in victim blame and rape proclivity. *Journal of Personality and Social Psychology, 84*(1), 111-125. https://doi.org/10.1037/0022-3514.84.1.111

Archer, J. (2014). The resilience of myth: The politics of the American Dream. *Traditional Dwellings and Settlements Review, 25*(2), 7-21. www.jstor.org/stable/24347714

Bagby, M. R., Parker, J. D., Rector, N. A., & Kalemba, V. (1994). Racial prejudice in the Canadian legal system: Juror decisions in a simulated rape trial. *Law & Human Behavior, 18*, 339-350. https://doi.org/10.1007/BF01499592

Bergkvist, L., & Zhou, K. Q. (2016). Celebrity endorsements: A literature review and research agenda. *International Journal of Advertising: The Review of Marketing Communications, 35*(4), 642–663. https://doi.org/10.1080/02650487.2015.1137537

Bernard, P., Loughnan, S., Marchal, C., Godart, A., & Klein, O. (2015). The exonerating effect of sexual objectification: Sexual objectification decreases rapist blame in a stranger rape context. *Sex Roles, 72*(11-12), 499-508. https://doi.org/10.1007/s11199-015-0482-0

Bieneck, S., & Krahé, B. (2011). Blaming the victim and exonerating the perpetrator in cases of rape and robbery: Is there a double standard? *Journal of Interpersonal Violence, 26*(9), 1785–1797. https://doi.org/10.1177/0886260510372945

Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., & Stevens, M.R. (2011). *The national intimate partner and sexual violence survey (NISVS): 2010 summary report*. Atlanta, GA: Centers for Disease Control and Prevention.

Black, K., & Gold, A. (2003). Men's and women's reactions to hypothetical sexual advances: The role of initiator socioeconomic status and level of coercion. *Sex Roles, 49*, 173-178. https://doi.org/10.1023/A:1024465031627

Black, K. A., & Gold, D. J. (2008). Gender differences and socioeconomic status biases in judgments about blame in date rape scenarios. *Violence and Victims, 23*, 115-128. https://doi.org/10.1891/0886-6708.23.1.115

Bornstein, B. H. (1999). The ecological validity of jury simulations: Is the jury still out? *Law & Human Behavior, 23*(1), 75.

Bornstein, B. H., Golding, J. M., Neuschatz, J., Kimbrough, C., Reed, K., Magyarics, C., & Luecht, K. (2017). Mock juror sampling issues in jury simulation research: A meta-analysis. *Law & Human Behavior, 41*(1), 13–28. https://doi.org/10.1037/lhb0000223

Brown-Iannuzzi, J. L., Golding, J. M., Gervais, W. M., Lynch, K. R., Wasarhaley, N. E., & Bainter, S. (2019). Will jurors believe non-believers? Perceptions of atheist rape victims in the courtroom. *Psychology of Religion and Spirituality, 11*, 1-8. https://doi.org/10.1037/rel0000278

Bowers, J. & Robinson, P. H. (2012). Perceptions of fairness and justice: The shared aims & occasional conflicts of legitimacy and moral credibility. *University of Penn Law School, Public Law Research Paper No. 11-13. Wake Forest Law Review, 47*, 211-284.

Buchhandler-Raphael, M. (2011). The failure of consent: Re-conceptualizing rape as sexual abuse of power. *Mich. J. Gender & L., 18*, 147.

Burke, T. (2006). History & Vision. *MeToo Movement.* https://metoomvmt.org/about/#history

Burt, M. R. (1980). Cultural myths and supports for rape. *Journal of Personality and Social Psychology, 38*, 217-230. https://doi.org/10.1037/0022-3514.38.2.217

Burt, M. R., & Albin, R. S. (1981). Rape myths, rape definitions, and probability of conviction. *Journal of Applied Social Psychology, 11*, 212-230. https://doi.org/10.1111/j.1559-1816.1981.tb00739.x

Cassidy, L., & Hurrell, R. M. (1995). The influence of victim's attire on adolescents' judgments of date rape. *Adolescence, 30,* 319-323.

Chen, S. (2020). Social power and the self. *Current Opinion in Psychology, 33*, 69–73. https://doi.org/10.1016/j.copsyc.2019.07.021

Clarke, A., & Lawson, K. (2009). Women's judgments of a sexual assault scenario: The role of prejudicial attitudes and victim weight. *Violence and Victims, 24*, 248-64. https://doi.org/10.1891/0886-6708.24.2.248

Cohen, J., Cohen, P., West, S. G., & Aiken, L. S. (2003). *Applied multiple regression/correlation analysis for the behavioral sciences* (3rd eds.). Lawrence Erlbaum Associates, Inc.

Collins, T.A., Dumas, T.L., & Moyer, L.P. (2017). Being part of the "Home Team": Perceptions of professional interactions with outsider attorneys. *Journal of Law and Courts, 5*, 141–171. https://doi.org/10.1086/690047

Deitz, S., Blackwell, K., Daley, P., & Bentley, B. (1982). Measurement of empathy toward rape victims and rapists. *Journal of Personality and Social Psychology, 43*, 372-384. https://doi.org/10.1037/0022-3514.43.2.372

Deitz, S., & Byrnes, L. (1981). Attribution of responsibility for sexual assault: The influence of observer empathy and defendant occupation and attractiveness. *Journal of Psychology, 108*, 17-29. https://doi.org/10.1080/00223980.1981.9915241

Deitz, S., Littman, M., & Bentley, B. (1984). Attribution of responsibility for rape: The influence of observer empathy, victim resistance, and victim attractiveness. *Sex Roles, 10*, 261-280. https://doi.org/10.1007/BF00287780

Devine, D. J., Clayton, L. D., Dunford, B. B., Seying, R., & Pryce, J. (2001). Jury decision making: 45 years of empirical research on deliberating groups. *Psychology, Public Policy, and Law, 7*(3), 622-727. https://doi.org/10.1037/1076-8971.7.3.622

Devine, D. J., & Caughlin, D. E. (2014). Do they matter? A meta-analytic investigation of individual characteristics and guilt judgments. *Psychology, Public Policy, and Law, 20*(2), 109–134. https://doi.org/10.1037/law0000006

Diamond, S. S. (1997). Illuminations and shadows from jury simulations. *Law & Human Behavior, 21*, 561-571. https://doi.org/10.1023/A:1024831908377

Eagly, A. H., Ashmore, R. D., Makhijani, M. G., & Longo, L. C. (1991). What is beautiful is good, but…: A meta-analytic review of research on the physical attractiveness stereotype. *Psychological Bulletin, 110*(1), 109–128. https://doi.org/10.1037/0033-2909.110.1.109

Epstein, J. & Langenbahn, S. (1994). *The criminal justice and community response to rape*. National Institute of Justice: Issues and Practices. U.S. Department of Justice. https://www.ojp.gov/pdffiles1/Digitization/148064NCJRS.pdf

Erian, M., Lin, C., Patel, N., Neal, A., & Geiselman, R. E. (1998). Juror verdicts as a function of victim and defendant attractiveness in sexual assault cases. *American Journal of Forensic Psychology, 16*(3), 25–40.

Faul, F., Erdfelder, E., Buchner, A., & Lang, A.-G. (2009). Statistical power analyses using G*Power 3.1: Tests for correlation and regression analyses. *Behavior Research Methods, 41*, 1149-1160.

Faul, F., Erdfelder, E., Lang, A.-G., & Buchner, A. (2007). G*Power 3: A flexible statistical power analysis program for the social, behavioral, and biomedical sciences. *Behavior Research Methods, 39,* 175-191.

Fazio, R. H. (2001). On the automatic activation of associated evaluations: An overview. *Cognition and Emotion, 15*(2), 115–141. https://doi.org/10.1080/0269993004200024

Feild, H. S. (1979). Rape trials and jurors' decisions: A psycholegal analysis of the effects of victim, defendant, and case characteristics. *Law & Human Behavior, 3*(4), 261–284. https://doi.org/10.1007/BF01039806

Feuer, A. (2020, Feb. 25). *5 takeaways from the Weinstein verdict*. The New York Times. https://www.nytimes.com/2020/02/25/nyregion/harvey-weinstein-rape-guilty.html

Finkel, N.J., & Groscup, J.L. (1997). Crime prototypes, objective versus subjective culpability, and a commonsense balance. *Law & Human Behavior*, *21*, 209-230. https://doi.org/10.1023/A:1024830413404

Finkel, N. J., Meister, K. H., & Lightfoot, D. M. (1991). The self-defense defense and community sentiment. *Law & Human Behavior, 15,* 585-602. https://doi.org/10.1007/BF01065854

Fischer, G. (1997). Gender effects on individual verdicts and on mock jury verdicts in a simulated acquaintance rape trial. *Sex Roles, 36*, 491-501.

Foley, L. A., & Pigott, M. A. (1997). Race, age and jury decisions in a civil rape trial. *American Journal of Forensic Psychology, 15*(1), 37–55.

Freeman, N. J. (2006). Socioeconomic status and belief in a just world: Sentencing of criminal defendants. *Journal of Applied Social Psychology, 36*(10), 2379–2394. https://doi.org/10.1111/j.0021-9029.2006.00108.x

Gaertner, S. L., & Dovidio, J. F. (1977). The subtlety of White racism, arousal, and helping behavior. *Journal of Personality and Social Psychology 35*: 691–707.

Gaertner, S. L., & Dovidio, J. F. (2005). Understanding and addressing contemporary racism: From aversive racism to the common ingroup identity model. *Journal of Social Issues, 61*(3), 615–639. https://doi.org/10.1111/j.1540-4560.2005.00424.x

Glick, P. & Fiske, S. T. (1996). The Ambivalent Sexism Inventory: Differentiating hostile and benevolent sexism. *Journal of Personality and Social Psychology, 70*(3), 491–512. https://doi.org/10.1037/0022-3514.70.3.491

Golding, J.M., Lynch, K. R., Renzetti, C. M., & Pals, A. M. (in press). Beyond the stranger in the woods: Investigating the complexity of adult rape cases in the courtroom. *Advances in psychology and law. Vol. 5*. New York: Springer.

Golding, J. M., Neuschatz, J., Bornstein, B., Pals, A. M. & Wetmore, S. (2020). The perception of a jailhouse informant in a sexual assault case. *Journal of Police and Criminal Psychology*. https://doi.org/10.1007/s11896-020-09400-3.

Groscup, J., & Tallon, J. (2016). Theoretical models of jury decision-making. In J.D. Lieberman & D.A. Krouss (Eds.), *Jury psychology: Social aspects of trial processes* (pp. 41-65). Routledge.

Hammond, C.B. & Calhoun, K.S. (2007). Labeling of abuse experiences and rates of victimization. *Psychology of Women Quarterly, 31*, 371-380. https://doi.org/10.1111/j.1471-6402.2007.00386.x

Hayes, A. F. (2018). *Introduction to mediation, moderation, and conditional process analysis second edition: A regression-based approach*. New York, NY: Ebook The Guilford Press.

Hodell, E. C., Golding, J. M., Yozwiak, J. A., Bradshaw, G.S., Kinstle, T. L., & Marsil, D. M. (2009). The perception of elder sexual abuse in the courtroom. *Violence Against Women, 15*, 678-698. https://doi.org/10.1177/1077801209332294

Hodson, G., Hooper, H., Dovidio, J. F., & Gaertner, S. L. (2005). Aversive racism in Britain: The use of inadmissible evidence in legal decisions. *European Journal of Social Psychology, 35*(4), 437–448. https://doi.org/10.1002/ejsp.261

Hurwitz, J., & Peffley, M. (1997). Public perceptions of race and crime: The role of racial stereotypes. *American Journal of Political Science, 41*(2), 375-401. https://doi.org/10.2307/2111769

Jacobson, M. (1981). Effects of victim's and defendant's physical attractiveness on subjects' judgments in a rape case. *Sex Roles, 7*, 247-255.

Jenkins, G., & Schuller, R. A. (2007). The impact of negative forensic evidence on mock jurors' perceptions of a trial of drug-facilitated sexual assault. *Law & Human Behavior, 31*, 369-380. https://doi.org/10.1007/s10979-006-9068-2

Jost, J. T., & Banaji, M. R. (1994). The role of stereotyping in system-justification and the production of false consciousness. *British Journal of Social Psychology, 33*, 1–27. https://doi.org/10.1111/j.2044-8309.1994.tb01008.x

Jost, J. T., & Kay, A. C. (2005). Exposure to benevolent sexism and complementary gender stereotypes: Consequences for specific and diffuse forms of System Justification. *Journal of Personality and Social Psychology, 88*(3), 498–509. https://doi.org/10.1037/0022-3514.88.3.498

Kaeble, D. (2018). *Time served in state prison, 2016*. Bureau of Justice Statistics: U.S. Department of Justice.

Kaplan, M. F. (1974). Context-induced shifts in personality trait evaluation: A comment on the evaluative halo effect and meaning change interpretations. *Psychological Bulletin, 81*, 891–895. https://doi.org/10.1037/h0037274

Kay, A. C., & Jost, J. T. (2003). Complementary justice: Effects of "Poor but Happy" and "Poor but Honest" stereotype exemplars on System Justification and implicit activation of the justice motive. *Journal of Personality and Social Psychology, 85,* 823–837. https://doi.org/10.1037/0022-3514.85.5.823

Kelly, A. J., Dubbs, S. L., & Barlow, F. K. (2015). Social dominance orientation predicts heterosexual men's adverse reactions to romantic rejection. *Archives of Sexual Behavior, 44*(4), 903–919. https://doi.org/10.1007/s10508-014-0348-5

Klein, K., & Creech, B. (1982). Race, rape, and bias: Distortion of prior odds and meaning changes. *Basic and Applied Social Psychology, 3*(1), 21–33. https://doi.org/10.1207/s15324834basp0301_2

Knight, J. L., Giuliano, T. A., & Sanchez-Ross, M. G. (2001). Famous or infamous? The influence of celebrity status and race on perceptions of responsibility for rape. *Basic and Applied Social Psychology, 23*(3), 183-190.

Lazar, R. (2010). Negotiating sex: The legal construct of consent in cases of wife rape in Ontario, Canada. *Canadian Journal of Women and the Law, 22*, 329-363. https://doi.org/10.3138/cjwl.22.2.329

Levenson, E. & Cooper, A. (2018, April 26). *Bill Cosby guilty on all three counts in indecent assault trial*. CNN. https://www.cnn.com/2018/04/26/us/bill-cosby-trial/index.html

Levenson, E. (2020, January 28). *Harvey Weinstein's trial is closely tracking Bill Cosby's. But there's 1 major difference*. CNN. https://www.cnn.com/2020/01/28/us/harvey-weinstein-bill-cosby-trial/index.html

Lippert, A, Golding, J. M., Lynch, K. R., & Haak, E. (2017). When a corporation rapes: Perceptions of rape in civil court for corporate defendants. *Psychology, Crime, and Law, 24,* 703-726. https://doi.org/10.1080/1068316X.2017.1421185

Louden, J. E., & Skeem, J. L. (2007). Constructing insanity: Jurors' prototypes, attitudes, and legal decision-making. *Behavioral Sciences and the Law*, *25*, 449-470. https://doi.org/10.1002/bsl.760

Lynch, K. R., Golding, J. M., Jewell, J. A., Lippert, A., & Wasarhaley, N. E. (2019). "She is his girlfriend—I believe this is a different situation": Gender differences in perceptions of the legality of intimate partner rape. *Journal of Family Violence*, *34*, 213-230. https://doi.org/10.1007/s10896-018-0006-0

Lynch, K. R., Jewell, J.A., Golding, J. M., & Kembel, H.B. (2017). Associations between relationship sexual behavior norm beliefs and intimate partner rape judgments: A structural equation model. *Violence Against Women, 23,* 426-451. https://doi.org/10.1177/1077801216642871

Lynch, K. R., Wasarhaley, N. E., Golding, J. M., & Simcic, T. (2013). Who bought the drinks? Juror perceptions of intoxication in a rape trial. *Journal of Interpersonal Violence*, *28*, 3205-3022. https://doi.org/10.1177/0886260513496900

Manne, K. (2018). *Down girl: The logic of misogyny*. New York, NY: Oxford University Press.

Martini, M., & De Piccoli, N. (2020). Predicting bystander intention to intervene: The role of gender-specific system justification and rape myth acceptance for men and women. *Frontiers in Psychology, 11*. https://doi.org/10.3389/fpsyg.2020.00326

Mazzella, R. and Feingold, A. (1994), The effects of physical attractiveness, race, socioeconomic status, and gender of defendants and victims on judgments of mock jurors: A meta-analysis. *Journal of Applied Social Psychology, 24,* 1315-1338. https://doi.org/10.1111/j.1559-1816.1994.tb01552.x

McKimmie, B., Masser, B., & Bongiorno, R. (2014). What counts as rape? The effect of offense prototypes, victim stereotypes, and participant gender on how the complainant

and defendant are perceived. *Journal of Interpersonal Violence, 29*, 2273-2303. https://doi.org/10.1177%2F0886260513518843

Miller, M. E. (June 16 2016). 'A steep price to pay for 20 minutes of action': Dad defends Stanford sex offender. *The Washington Post.* https://www.washingtonpost.com/news/morning-mix/wp/2016/06/06/a-steep-price-to-pay-for-20-minutes-of-action-dad-defends-stanford-sex-offender/

Nyul, B., Kende, A., Engyel, M., & Szabo, M. (2018). Perception of a perpetrator as a successful person predicts decreased moral judgment of a rape case and labeling it as rape. *Frontiers in Psychology, 9*:2555. https://doi.org/10.3389/fpsyg.2018.02555

Office of Behavioral and Social Science Research (2016). Measuring socioeconomic status. *National Institutes of Health.* https://obssr.od.nih.gov/wp-content/uploads/2016/05/Measuring-Socioeconomic-Status.pdf

Oppenheimer, D. M., Meyvis, T., & Davidenko, N. (2009). Instructional manipulation checks: Detecting satisficing to increase statistical power. *Journal of Experimental Social Psychology, 45*(4), 867–872. https://doi.org/10.1016/j.jesp.2009.03.009

Papp, L. J., & Erchull, M. J. (2017). Objectification and system justification impact rape avoidance behaviors. *Sex Roles, 76*(1–2), 110–120. https://doi.org/10.1007/s11199-016-0660-8

Pickel, K. L., & Gentry, R. H. (2017). Mock jurors' expectations regarding the psychological harm experienced by rape victims as a function of rape prototypicality. *Psychology, Crime & Law, 23*(3), 254–273.

Rape, Abuse, and Incest National Network (RAINN). (2019). Victims of sexual violence: Statistics. Retrieved from: https://www.rainn.org/statistics/victims-sexual-violence

Rape, Abuse, and Incest National Network (RAINN). (2020). RAINN home webpage. https://www.rainn.org/

Raphael, J. & Logan, T. (2009a). The use (and misuse) of data on rape: Understanding the rape denial campaign in America: Part I. *Sexual Assault Report, 13,* 1-16.

Raphael, J. & Logan, T. (2009b). Understanding the rape denial campaign in America: Part II. *Sexual Assault Report, 13,* 17-92.

Russell, B., Oswald, D., & Kraus, S. (2011). Evaluations of sexual assault: Perceptions of guilt and legal elements for male and female aggressors using various coercive strategies. *Violence and Victims, 26*, 799-815. https://doi.org/10.1891/0886-6708.26.6.799

Sahl, D. & Keene, J.R. (2012). The effects of age, authority, and gender on perceptions of statutory rape offenders. *Journal of Interpersonal Violence 27*, 3701–3722. https://doi.org/10.1177/0886260512447523

Salerno, J.M., Diamond, S.S., (2010). The promise of a cognitive perspective on jury deliberation. *Psychonomic Bulletin & Review 17*, 174–179. https://doi.org/10.3758/pbr.17.2.174

Spohn, C., Beichner, D., & Davis-Frenzel, E. (2001). Prosecutorial justifications for sexual assault case rejection: Guarding the "gateway to justice". *Social Problems, 48,* 206-235. https://doi.org/10.1525%2Fsp.2001.48.2.206

Srull, T. K. & Gaelick, L. (1983). General principles and individual differences in the self as a habitual reference point: An examination of self-other judgments of similarity. *Social Cognition, 2*(2), 108-121.

Stack, L. (June 8 2016). In Stanford rape case, Brock Turner blamed drinking and promiscuity. *New York Times.* https://www.nytimes.com/2016/06/09/us/brock-turner-blamed-drinking-and-promiscuity-in-sexual-assault-at-stanford.html

Stuart, S. M., McKimmie, B. M., & Masser, B. M. (2019). Rape perpetrators on trial: The effect of sexual assault-related schemas on attributions of blame. *Journal of Interpersonal Violence*, *34*(2), 310-336. https://doi.org/10.1177/0886260516640777

TalkSpace. (2020). TalkSpace: Online counseling. https://www.talkspace.com/online-counseling

Tjaden, P., & Thoennes, N. (2006). *Extent, nature, and consequences of rape victimization: Findings from the national violence against women survey* (NCJ 210346). Washington, DC: US Department of Justice.

VanderPyl, T. (2019). "I want to have the American Dream": Messages of materialism as a driving force in juvenile recidivism. *Criminal Justice and Behavior, 46*, 718–731. https://doi.org/10.1177/0093854819826235

Visher, C. A. (1987). Juror decision making: The importance of evidence. *Law & Human Behavior, 11*(1), 1-17. https://doi.org/10.1007/BF01044835

Volpato, C., Andrighetto, L. and Baldissarri, C. (2017), Perceptions of low-status workers and the maintenance of the social class status quo. *Journal of Social Issues, 73,* 192-210. https://doi.org/10.1111/josi.12211

Weiss, K. (2002). Authority as coercion: When authority figures abuse their positions to perpetrate child sexual abuse. *Journal of Child Sexual Abuse 11*, 27–51. https://doi.org/10.1300/j070v11n01_02

Wenger, A. A., & Bornstein, B. H. (2006). The effects of victim's substance use and relationship closeness on mock jurors' judgments in an acquaintance rape case. *Sex Roles, 54*, 547-555. https://doi.org/10.1007/s11199-006-9014-2

Wilkinson, R. G. & Pickett, K. E. (2017) The enemy between us: The psychological and social costs of inequality. *European Journal of Social Psychology., 47*, 11– 24. https://doi.org/10.1002/ejsp.2275.

Workman, J. E., & Freeburg, E. W. (1999). An examination of date rape, victim, and perceiver variables within the context of attribution theory. *Sex Roles, 41*, 261-277.

Yang, W. (2018). Star power: The evolution of celebrity endorsement research. International *Journal of Contemporary Hospitality Management, 30*(1), 389–415. https://doi.org/10.1108/IJCHM-09-2016-0543

Yarmey, A. D. (1985). Older and younger adults' attributions of responsibility toward rape victims and rapists. *Canadian Journal of Behavioral Science, 17*(4), 327-338. https://doi.org/10.1037/h0080045

VITA
ANDREA MARIE PALS

EDUCATION

B.A. Honors in Psychology – May 2018
Metropolitan State University, Saint Paul, MN

A.S. Business Management – December 2014
Minneapolis Community and Technical College, Minneapolis, MN

PROFESSIONAL POSITIONS

Teaching assistant – August 2019 - May 2021
University of Kentucky, Lexington KY

Member services advisor – August 2018 - August 2019
YMCA of the Greater Twin Cities, Forest Lake, MN

Teaching assistant – January 2018 - December 2018
Metropolitan State University, Saint Paul, MN

Case manager – December 2016 - February 2018
Premier Disability Services, LLC, Saint Paul, MN

Case manager – August 2014 - December 2016
Hoglund, Chwialkowski, & Mrozik, PLLC, Roseville, MN

HONORS

Graduation with distinction, magna cum laude – May 2018
Metropolitan State University, Saint Paul, MN

Psi Chi International Honor Society – April 2018

President's Outstanding Student Award finalist – 2018
Metropolitan State University, Saint Paul, MN

PROFESSIONAL PUBLICATIONS

Le Grand, A. M., Jenkins, B. D., Golding, J. M., & Pals, A. M. (2021). Elder neglect in civil versus criminal court: Legal decision-making in cases of overmedication. *Psychology, Crime, and Law*.

Golding, J. M., Lynch, K., Renzetti, C., & Pals, A. M. (in press). Beyond the Stranger in the Woods: Investigating the Complexity of Adult Rape Cases in the Courtroom. Miller, M. K., & Bornstein, B. H. (Eds.) (in press). *Advances in psychology and law. Vol. 6. New York: Springer*.

Golding, J. M., Neuschatz, J. S., Bornstein, B. H., Pals, A. M., & Wetmore, S. A. (2020). The perception of a jailhouse informant in a sexual assault case. *Journal of Police and Criminal Psychology*.

Webster, M., Golding, J. M., Malik, S. E., & Pals, A. M. (2020). Perceptions of plea bargains for driving under the influence (DUI) cases involving alcohol and marijuana. *Psychology, Crime, and Law*.

Pals, A.M. & Golding, J. M. (2020). Perceptions of plea bargaining in cases of elder financial abuse. *Journal of Elder Abuse & Neglect.*