

The Role of Resistance and Emotionality in Sexual Assault Trials

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Women's behaviour during and after a sexual assault is often considered as an indicator of whether they are genuine victims. The current study explores the influence of victim resistance and victim emotionality on juror decision-making to determine if such stereotypes influence perceptions of sexual assault. Participants ($n = 210$) were assigned to one of four conditions where victim resistance (high vs low) and victim emotionality (high vs low) were manipulated. Results showed that victim resistance had a significant effect on juror judgments. In the high resistance conditions, more guilty verdicts were chosen and victims were perceived as more credible, less blameworthy, and less demonstrative of consent. Participant gender also had a significant influence on juror judgments. Meanwhile, emotionality only influenced some judgments, namely victim stereotypicality and chosen verdict. These findings demonstrate the need for education to challenge persisting rape myths that harm sexual assault victims and court proceedings.

Keywords: rape myth, sexual assault, resistance, emotionality, juror decision making

Le comportement des femmes pendant et après une agression sexuelle est souvent considéré comme un indicateur permettant de savoir si elles sont de véritables victimes. La présente étude explore l'influence de la résistance et de l'émotivité de la victime sur la prise de décision des jurés afin de déterminer si de tels stéréotypes influencent les perceptions de l'agression sexuelle. Les participants ($n = 210$) ont été affectés à l'une des quatre conditions dans lesquelles la résistance de la victime (élevée ou faible) et l'émotivité de la victime (élevée ou faible) ont été manipulées. Les résultats ont montré que la résistance des victimes avait un effet significatif sur les jugements des jurés. Dans des conditions de forte résistance, davantage de verdicts de culpabilité ont été prononcés et les victimes ont été perçues comme plus crédibles, moins répréhensibles et moins manifestes de consentement. Le sexe des participants avait également une influence significative sur les jugements des jurés. Pendant ce temps, l'émotivité n'a influencé que certains jugements, à savoir les stéréotypes de la victime et le verdict choisi. Ces résultats démontrent la nécessité d'une éducation pour remettre en question les mythes persistants sur le viol qui nuisent aux victimes d'agression sexuelle et aux procédures judiciaires.

Mots-clés : mythe du viol, agression sexuelle, résistance, émotivité, prise de décision du juré

In Canada, sexual violence against women remains a prevalent issue. A 2018 Statistics Canada survey revealed that 39% of women have been sexually assaulted since the age of 15 (Statistics Canada, 2019), and the rates of sexual assault continue to increase (Statistics Canada, 2022). Their victimization, however, does not end with the sexual assault itself. Rather, women who report the incident to the police experience secondary victimization due to the ways in which their case is processed and perceived within the criminal justice system (Laxminarayan, 2012; McQueen et al., 2021). Women have difficulty having their cases seen as legitimate enough to warrant a charge (Du Mont & Myhr, 2000; Salerno-Ferraro & Jung, 2022), with only 43% of sexual assaults between

2009 and 2014 being brought to court (Statistics Canada, 2017). The difficulty does not end here though, as only one in ten sexual assaults reported to police lead to a conviction (Statistics Canada, 2017). A main factor contributing to such low conviction rates involves the rape myths and stereotypes that continue to persist within society and the criminal justice system. Rape myths include false beliefs regarding what a "real victim" and a "real sexual assault" looks like (Temkin, 2010). These false beliefs can influence sexual assault trial outcomes.

The current study explores the influence of two "prototypical victim" stereotypes. One is the victim's level of resistance and the other is the victim's level of displayed emotionality. In reality, victims of sexual assault display a range of emotional responses (Ask & Landström, 2010; Keskin et al., 2023), but there is a stereotypic expectation that a sexual assault victim will be more likely to display greater emotionality. There is also a stereotypic expectation that a victim is more likely to put up a great level of resistance, when in reality victims are quite different in their level of resistance

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(Gbahabo & Duma, 2021; Ong & Ward, 1999).

Our literature review focuses on the factors of emotionality and resistance, as previous research has shown that these factors can influence mock jurors' evaluations in sexual assault trials (Ong & Ward, 1999; Peace & Valois, 2014; Schuller et al., 2010). As far as we know, however, these two factors have never been examined in tandem within the same study. The purpose of this study was to explore whether levels of resistance and displayed emotionality act independently or additively through a juror simulation study. By providing participants with vignettes to review, with varying information regarding victim resistance (low vs high) and emotionality (low vs high), both variables were manipulated to assess the influence that rape myths have on juror judgments within cases of sexual assault against women. A third factor of interest was the influence of participant gender in case judgments, as there is a vast body of literature that has established its role in the attribution of rape myths (Fischer, 1997; Pinciotti & Orcutt, 2021). The role of rape myths on judgments of sexual assault and the victim are discussed below.

Rape Myths and the Ideal Victim

Through the perpetuation of rape myths, victims of sexual assault struggle to be seen as real victims (Ong & Ward, 1999; Smith & Skinner, 2017). Instead, their experiences are downplayed through judgments of blame and credibility if they do not adhere to the characteristics and behaviors that are deemed appropriate or expected of victims (Schuller et al., 2010). To be considered a genuine victim, women are expected to physically resist, have injuries (Du Mont & Myhr, 2000; Schuller et al., 2010), wear clothing that is not tight-fitting (Dinos et al., 2015), and exhibit high emotionality after the incident (Krulowitz, 1982; Schuller et al., 2010; Temkin, 2010). Other common rape myths include expectations that the victim is sober (Schuller & Stewart, 2000; Schuller & Wall, 1998; Wall & Schuller, 2000), does not know the perpetrator, and should report the sexual assault to the police immediately (Edward & MacLeod, 1999; Grubb & Turner, 2012; Pedersen & Strömwall, 2013). Through such stereotypes, rape myths blame the individual for their victimization and excuse the offender (Dinos et al., 2015; Grubb & Turner, 2012). As such, rape myths influence all levels of the criminal justice system, contributing to both underreporting and low conviction rates (Salerno-Ferraro & Jung, 2022). This has been a research area of interest for decades given that its role in jury-decision making has been repeatedly highlighted throughout the years (Du Mont & Myhr, 2000; Feild, 1979; Temkin, 2010). As Dinos et al. (2015) have noted, rape myths make jurors predisposed to choosing a not guilty verdict in sexual assault cases.

Further, rape myths are shown to manifest in perceptions of blameworthiness, credibility, victim typicality, and victim consent, which in turn inform the jurors' verdicts (Grubb & Turner, 2012; Keskin et al., 2023; Ong & Ward, 1999). As such, this current study uses these same measures to understand how multiple rape myths sway juror judgments within cases of sexual assault, which can have an influence on both the survivors and the criminal justice system. A juror simulation was used to reflect real-world decision-making within trials. Participants took on the role of mock-jurors and reviewed a vignette with details of a sexual encounter. They were then asked various questions regarding their judgments of the victim, assailant, and the sexual encounter, which imitates what their judgments would be as a real-world juror in this hypothetical case. Our two variables of interest—victim resistance and victim emotionality—are discussed below.

Level of Resistance

Expectations regarding victim resistance is a core factor of rape myths and victim stereotypicality. There is an expectation for victims to resist their assailant (Feild, 1979; Ong & Ward, 1999) which works to invalidate other reactions to sexual assault such as tonic immobility (de Heer & Jones, 2023; Gbahabo & Duma, 2021). Resistance can take a variety of forms, verbal or physical. However, the majority of studies have focused on the physical aspects of the resistance variable (Smith & Skinner, 2017). More specifically, women are perceived as genuine victims when they try to fight off the assailant (Schuller et al., 2010; Temkin, 2010). Indeed, the current literature demonstrates the prevalence of rape myths, especially surrounding physical resistance. For example, Du Mont and Myhr (2000) conducted a study that analyzed legal records of 187 sexual assault victims. The findings showed that whether the victims had resisted or not significantly influenced perceptions of the validity of the sexual assault claim and whether the claim was taken seriously by law enforcement. Indeed, research has consistently shown that resistance influences judgments pertaining to the victim and the sexual assault claim. In a rape vignette study conducted in 1999 (Ong & Ward, 1999), the findings revealed that victims who physically resisted their assailant were perceived as less blameworthy and less responsible for the sexual assault compared to victims who did not physically resist. The juror simulation study by Schuller et al. (2010) echoed these results, as participants' judgments regarding the validity of the sexual assault claim were dependent on the victim's level of resistance. When victims physically resisted, their sexual assault claim was deemed more valid. This literature reveals the influence that resistance has on judgments of sexual assault, especially within a trial setting. However, considering

the multi-faceted nature of rape myths and expectations towards the victim, our current study explores the influence of resistance alongside emotionality, rather than focusing on a singular rape myth and its influence on juror judgments.

Level of Emotionality

The concept of the ideal victim not only refers to behaviors deemed appropriate during victimization, but also levels of emotionality following victimization. Like resistance, emotionality can take a variety of forms as victims process and react to the sexual assault they have endured, and with differing levels of intensity. Victims may exhibit shame, confusion, anger, fear, calmness, or may appear unemotional (Ask & Landström, 2010; Keskin et al., 2023). However, societal perceptions often dictate that distressed reactions, rather than other emotional responses or a lack thereof, are more closely associated with being perceived as genuine victims (Krulowitz, 1982). For example, in a 2010 study conducted by Ask and Landström, police trainees perceived individuals as more truthful when they were distressed while recounting their sexual assault victimization. There has been extensive research on the role of emotionality on judgments of sexual assault cases. In a juror simulation study, Schuller et al. (2010) found that when victims were distressed following the sexual assault as opposed to calm, their claims were perceived as more valid and believable, and the perpetrator was viewed as more guilty. Further, studies have consistently shown that victims who exhibit a lack of emotions are judged as more responsible for the sexual assault (Klippenstine & Schuller, 2012; Salerno-Ferraro & Jung, 2022). This finding was also revealed by a juror simulation study conducted by Peace and Valois (2014), wherein participants judged the sexual assault victim more punitively when they were not emotional. Echoing these findings, a qualitative study using semi-structured interviews (Temkin et al., 2018) found that jurors questioned the legitimacy of the sexual assault claim when the victim failed to appear distressed. Therefore, a core aspect of rape mythology is the idea that women who are not distressed following a sexual assault are not genuine victims and are less credible (Temkin, 2010).

Although there is a vast body of research examining the role of victim emotionality on juror judgments, there remain gaps in the current literature, which this study seeks to address. More specifically, past studies focus on displayed victim emotionality during trial (e.g., during testimony; Klippenstine & Schuller, 2012; Peace & Valois, 2014; Temkin et al., 2018). Our study takes a different approach by focusing on victim emotionality during initial disclosure. This allows us to examine a different environment in which the victim displays their

emotionality, and how this rape myth influences juror judgments within cases of sexual assault.

Participant Gender

Central to research regarding juror decision-making and the prevalence of rape myths is the role of participant gender. Past literature has revealed the influence participant gender has on juror judgments, especially in cases of sexual assault. Indeed, van der Bruggen and Grubb (2014) found that after reviewing a vignette depicting a sexual assault, men were more likely to place blame on the victim and minimize the seriousness of the sexual assault than women. Echoing similar results, Fischer (1997) and Grubb and Harrower (2008) note that women held more “pro-victim” attitudes when analyzing their judgments of a sexual assault compared to men. Considering that the influence of participant gender has been well established (Furnham & Boston, 1996; Pinciotti & Orcutt, 2021), it is crucial to further explore this variable within the current study to determine its specific influence on both resistance and emotionality.

The Current Study

The extant literature demonstrates that rape myths and victim stereotypes have a significant influence on decision makers’ judgments of cases of sexual assault. There is a lack of past research, however, assessing if different rape myths interact to influence such judgments. As such, the current study expands on past literature by studying two victim stereotypes and whether they work in tandem to influence juror decision-making in cases of sexual assault of women. As both resistance and emotionality relate to the victim’s reaction to the assault, we are interested in whether or not they work together to inform juror decision-making.

Using varying vignettes, the variables of resistance and emotionality were manipulated to observe how participant responses differed. The first variable was victim resistance. Resistance was operationally defined as both verbally and physically resisting the sexual encounter. Physical resistance can vary both in form and severity. In this study, physical resistance takes the form of attempting to push away the assailant with full force. In the vignettes, the victim either demonstrated a high degree of resistance (stereotypical), meaning she both verbally and physically resisted the encounter, or a low degree of resistance (non-stereotypical), meaning she did not verbally or physically resist. The second variable of interest was victim emotionality, which was operationally defined as appearing visibly distressed following the sexual encounter. In the vignettes, emotionality was described as either high (stereotypical), meaning the victim appeared distressed

by crying after the alleged assault when disclosing to a friend, or low (non-stereotypical), meaning the victim did not appear distressed after the sexual assault, and instead, calmly disclosed the sexual assault to a friend. For the purpose of this study, sexual assault was defined as sexual activity in which voluntary agreement (consent) is not present. Through manipulating resistance and emotionality, this study examines how participants' judgments about the victim, including their blameworthiness, responsibility, and victim stereotypicality, are influenced by such factors.

Based on the previous research, we hypothesized that in cases of sexual assault, participants' judgments of the victim's blameworthiness, responsibility, and victim stereotypicality would be influenced by the victim's adherence to rape myths and stereotypes. Specifically, our first hypothesis was that higher levels of victim resistance (both verbal and physical) would lead to a decrease in perceived victim blameworthiness and an increase in the perceived legitimacy of the sexual assault claim. Our second hypothesis was that higher levels of victim emotionality during initial disclosure would result in increased perceived victim credibility and legitimacy of the sexual assault claim. A key focus of this study was the exploration of the interaction between victim resistance and emotionality. We hypothesized that these factors would not only influence juror judgments independently, but also interactively. Specifically, we sought to investigate whether the combination of high resistance and high emotionality, as compared to other combinations, would lead to a distinct effect on juror perceptions of victim credibility and the legitimacy of the sexual assault claim. Further, as the additional influence of juror gender is commonly explored in this literature (Grubb & Harrower, 2008; Schuller et al., 2010; van der Bruggen & Grubb, 2014), this study assessed its influence on judgments, including potential independent effects or interaction effects with our two main variables (resistance and emotionality).

Method

Participants and Procedure

Participants were recruited to take part in this study through their introductory psychology course at York University (Toronto, Canada). In the initial phase, 220 participants were recruited. Following our exclusion criteria, participants who did not complete the study ($n = 3$) and those who failed initial attention checks ($n = 7$) were excluded, bringing the count to 210 participants. Additionally, during later stages, four participants failed manipulation checks. After careful consideration, these participants were included in the final analysis as their exclusion did not significantly

influence the results. Moreover, not all jurors in actual trials pay attention to the details of a case in the same way; we wanted to ensure the robustness and integrity of our findings as the inclusion of these participants would likely work against the probability of finding a condition effect.

The sample was comprised of 111 females and 99 males ($M_{age} = 20.07$, $SD = 4.28$). There was considerable ethnic diversity within the sample: White (25.2%), South Asian (23.3%), Asian (21.0%), Middle Eastern (14.8%), Black (13.3%), multiracial (3.8%); 6.2% identified with another ethnic group. There was also considerable religious diversity in the sample, with religious affiliation of participants reported as Christian/Catholic (39.5%), Muslim (18.1%), Agnostic (16.7%), Atheist (7.1%), Hindu (6.7%), Sikh (6.2%), Buddhist (2.9%), Jewish (1.4%), and other (5.2%).

This study was hosted on the software Qualtrics and administered online. For their participation, all participants received a course credit towards their introductory psychology course. Informed consent was first obtained from all participants before beginning the study. They were informed that the study would take approximately 30 minutes to complete but were given no time constraints. Each participant was then randomly assigned to one of four conditions, resulting in an average of approximately 52 participants in each condition. After completing all measures, participants were thanked for their participation and debriefed.

Materials

Participants read through a vignette that described an interaction between two university students, Mia (female) and Cory (male), which resulted in a sexual assault allegation. The vignette described Mia as a 20-year-old undergraduate student who lives on campus with a few of her friends. One night, Mia and her friends attend a karaoke night hosted on campus. Although they have never spoken before, Cory, a fellow student at the event, recognizes Mia from some of their mutual classes. Cory approaches Mia and they start talking, which eventually leads to kissing. After a while, Cory asks Mia if they can continue the night somewhere quieter. Mia invites him back to her dorm, and once they arrive, they continue kissing on Mia's bed. At one point, Cory begins to unzip Mia's pants and sexual intercourse ensues. After Mia's friends return to the dorm, one of her friends asks Mia how the rest of her night went with Cory. Mia tells her friend that Cory sexually assaulted her.

Although the above information remained consistent, the two variables of interest—resistance and emotionality—were varied across the conditions. In the high resistance conditions, participants were informed

that when Cory unzips Mia's pants, Mia pushes away his hands and tells him to stop. Cory tells her to calm down and continues to try to undress her, at which point she shoves him away with all her strength and tries to zip her pants back up, but Cory holds her down and has sex with her. In contrast, in the low resistance conditions, participants were informed that when Cory unzips Mia's pants, he continues to undress her and has sex with her while holding her down. Victim emotionality was also manipulated at the end of the vignette when Mia tells her friend about the sexual encounter with Cory. In the high emotionality condition, Mia tells her friend it did not go the way she thought it would. She starts sobbing, and through her tears she confides in her friend that Cory sexually assaulted her. In contrast, in the low emotionality condition, Mia tells her friend it did not go the way she thought it would, calmly telling her friend that Cory sexually assaulted her. Fully crossing the two variables, there were a total of four different versions of the vignette.

Manipulation Checks

In the first segment of the questionnaire, five manipulation checks were used to assess participants' attentiveness to the details of the vignettes (e.g., where Mia and Cory went after leaving karaoke night). Two of these manipulation checks were in reference to the manipulated variables. Participants were asked how Mia reacted to Cory's sexual advances (she ran away from him, did nothing, or told him to stop and pushed him away), and how Mia acted when she confided to her friend about what happened (she cried, she was calm, or she did not tell her friend).

In the questionnaire, participants were asked to rate Mia's degree of resistance against Cory's sexual advances using the 7-point scale (1 = not at all, 7 = very strongly). This question was used to confirm that the differences in the vignettes had their intended influence on participants' judgments of the victim's degree of resistance.

Dependent Measures

Unless otherwise specified, a 7-point scale was used to gather participants' responses. The wording of the scale mostly referred to the participants' level of endorsement with a particular statement (e.g., strongly agree, strongly disagree), but also varied depending on the specific question with the endpoints of the scale varied (e.g., very typical, not at all typical). The dependent variables were specific judgments held regarding the victim and the sexual assault, namely guilt assessments, judgments of blameworthiness, credibility, and stereotypicality. The operationalization of these variables is discussed below.

Perceptions of Blameworthiness, Credibility and Consent

Various judgments of the victim, the perpetrator, and the sexual assault allegation were gathered based on the information included in the vignette. Participants rated the degree of victim blameworthiness using two items. Specifically, they were asked to what extent to which the victim was to blame for what occurred, and the extent to which the victim was responsible for what occurred. The ratings on these two items ($r = .85$) were then combined and averaged to form a composite measure of blameworthiness, wherein higher scores signify more blame placed on the victim. A parallel composite measure was created for perpetrator blameworthiness ($r = .85$), which reflected participants' ratings of perpetrator blame. A composite measure was also formed for victim consent. This measure combined and averaged the ratings of three items: the extent to which the victim's words reflected consent, the extent to which the victim's actions reflected consent, and given the victim's behavior, how reasonable it was for the perpetrator to believe she was interested in having sex with him ($\alpha = .77$). Higher scores on this composite signified a stronger belief that the victim consented to the sexual encounter. A third composite for victim credibility was also formed with two items: the credibility of the victim's sexual assault claim and how believable was her sexual assault claim ($r = .82$).

Sexual Assault Victim Typicality

A composite measure for sexual assault victim typicality ($\alpha = .89$) was created by combining and averaging six questions: how much the victim is like a typical sexual assault victim, the degree to which her reaction was typical of a rape victim, the degree to which her reaction was expected, how similar she is to sexual assault victims in general, and the degree to which her reaction was usual (reverse coded). Higher scores on this composite measure signified that the victim was seen as more stereotypical of a sexual assault victim.

Guilt Assessments

At the end of the questionnaire, participants were asked two questions regarding guilt assessments for the sexual assault allegation. They were asked if they would vote guilty or not guilty if this case was brought to trial. They were then asked to use a 7-point scale to rate their confidence in their verdict (1 = not at all confident to 7 = completely confident). Not only were these questions assessed individually, but they were also used to create a guilt measure. To create this measure, verdicts (+1 = guilty and -1 = not guilty) were multiplied by participants' confidence in their verdict. This measure of guilt, first developed by Kassin and Wrightsman (1979) and now used extensively by

psycholegal researchers (e.g., Erentzen et al., 2018; Holt & Palmer, 2023; Klippenstine & Schuller, 2016), provides a more sensitive scalar measure ranging from -7 (fully confident in a not guilty verdict) to +7 (fully confident in a guilty verdict). Finally, using a 7-point scale, participants were also asked if they thought the interaction constituted sexual assault (1 = not at all to 7 = completely).

Results

The data was analyzed using SPSS software, version 29.0.1.0. Unless otherwise indicated, all results discussed were analyzed using a 2 (victim resistance; low resistance vs. high resistance) by 2 (emotionality; low emotionality vs high emotionality) by 2 (participant gender; men vs women) ANOVA.

Manipulation Checks

The evaluation of manipulation checks confirmed that variations in the emotionality and resistance conditions were acknowledged by participants. Regarding the manipulation check for the victim's emotionality when disclosing the encounter to her friend, 194 participants (92.4%) answered the question correctly according to the condition they were assigned. Regarding the manipulation check for the victim's degree of resistance, 195 (92.9%) answered correctly according to their assigned condition. As a significant percentage of the participants accurately recalled the victim's behavior, both in terms of her emotionality and resistance, the manipulation checks demonstrated the effectiveness of the two manipulations. Further, in the questionnaire portion of the study, participants rated the victim's resistance level much higher in the high resistance conditions ($M = 6.10$, $SD = 1.26$) compared to the low resistance conditions ($M = 1.95$, $SD = 1.23$); $F(1, 200) = 575.52$, $p < .001$).

Verdicts and Assessment of Guilt

The influence of the independent variables (i.e., resistance, emotionality, participant gender) on verdicts was examined via a series of binary logistic regressions. The three-way interaction was not significant ($\text{Wald}[n = 210] = 1.75$, $p > .19$) nor were any of the two-way interactions (all $ps > .23$). Thus, only the model including the three main factors was retained, with all three found to be significant. The level of victim resistance influenced the verdict chosen by participants, $\text{Wald}(n = 210) = 40.18$, $p < .001$. Aligning with our hypothesis, juror verdicts and assessments of guilt were indeed influenced by the victim's adherence to rape myths and stereotypes. More specifically, when the victim exhibits either low resistance or low emotionality following the assault,

participants were less likely to choose a guilty verdict. When the victim exhibited low resistance, fewer guilty verdicts were chosen (45%) compared to when the victim exhibited high resistance (89%). Emotionality had a marginal effect on the verdict chosen, $\text{Wald}(n = 210) = 3.57$, $p = .059$, with more guilty verdicts chosen when the victim was emotional (73%) compared to when the victim was unemotional (61%), as we predicted. Lastly, participant gender had a significant effect on the verdict chosen as well, $\text{Wald}(n = 210) = 10.82$, $p = .001$. Three quarters (76%) of the female participants chose a guilty verdict, compared to 57% of the male participants, regardless of study condition.

In aligning with our hypothesis, resistance had a significant main effect on the scalar measure of guilt, $F(1, 202) = 86.26$, $p < .001$, as participants held more confidence in a guilty verdict in the high resistance condition ($M = 4.91$, $SD = 3.48$) compared to the low resistance condition ($M = -0.44$, $SD = 4.95$). Another significant main effect was found for emotionality, as participants expressed more confidence in a guilty verdict when the victim was emotional ($M = 2.81$, $SD = 4.82$) compared to when the victim was not emotional ($M = 1.65$, $SD = 5.23$), $F(1, 202) = 4.06$, $p = .045$. Lastly, participant gender also had a significant main effect, as women held more confidence in a guilty verdict ($M = 3.22$, $SD = 4.77$) compared to men ($M = 1.25$, $SD = 5.19$), $F(1, 202) = 11.73$, $p < .001$.

Juror Judgements

Victim Typicality

Results on the composite measure of sexual assault victim typicality revealed main effects for resistance, emotionality, and participant gender. Supporting our hypothesis, when the victim exhibited high resistance, participants rated the victim as more stereotypical of a sexual assault victim ($M = 5.55$, $SD = 1.20$) compared to when the victim exhibited low resistance ($M = 3.94$, $SD = 1.36$), $F(1, 202) = 110.21$, $p < .001$. Further, when the victim demonstrated high emotionality, participants rated her as more stereotypical of a sexual assault victim ($M = 5.37$, $SD = 1.29$) compared to when she demonstrated low emotionality ($M = 4.12$, $SD = 1.45$), $F(1, 202) = 66.53$, $p < .001$. These results confirm our hypothesis that the victim's adherence to rape myths indeed influences juror perceptions of victim stereotypicality. Further, regarding the role of participant gender, women perceived the victim to be more stereotypical of a sexual assault victim ($M = 4.96$, $SD = 1.49$) compared to men ($M = 4.54$, $SD = 1.52$), $F(1, 202) = 7.42$, $p = .007$.

Perceptions of Consent

RESISTANCE AND EMOTIONALITY IN SEXUAL ASSAULT

Contrary to expectations, emotionality did not influence participants' judgments of consent, $F(1, 202) = 1.75, p = .19$. However, victim resistance had a significant main effect. Participants believed the victim was more demonstrative of consent in the low resistance conditions ($M = 3.64, SD = 1.41$) compared to the high resistance conditions ($M = 2.56, SD = 1.45$), $F(1, 202) = 32.42, p < .001$. Participant gender also had a significant main effect on consent ratings, as men believed the victim was more demonstrative of consent ($M = 3.49, SD = 1.46$), compared to women ($M = 2.71, SD = 1.51$), $F(1, 202) = 16.89, p < .001$.

Victim Credibility

Contradicting part of our hypothesis, victim emotionality did not have a significant effect on juror judgments of victim credibility, $F(1, 202) = 2.25, p = .14$. However, main effects of both victim resistance and participant gender were found. In regard to the resistance variable, as we predicted, the victim was perceived as more credible in the high resistance condition ($M = 5.76, SD = 1.21$) compared to the low resistance condition ($M = 4.20, SD = 1.65$), $F(1, 202) = 60.82, p < .001$. Women perceived the victim to be more credible ($M = 5.24, SD = 1.61$) compared to men ($M = 4.72, SD = 1.65$), $F(1, 202) = 6.91, p = .009$.

Victim and Perpetrator Blameworthiness

Partly supporting our hypothesis, the resistance variable resulted in main effects on perceptions of victim blameworthiness. Meanwhile, emotionality once again had no significant effect, not supporting our hypothesis. The victim was perceived as more blameworthy in the low resistance conditions ($M = 3.43, SD = 1.51$) compared to the high resistance conditions ($M = 2.14, SD = 1.46$), $F(1, 202) = 42.30, p < .001$. Further, participant gender was also found to have a main effect on perceptions of victim blameworthiness. Men placed more blame on the victim ($M = 3.25, SD = 1.54$) compared to women ($M = 2.32, SD = 1.56$), $F(1, 202) = 21.90, p < .001$.

Participant judgments of perpetrator blameworthiness also resulted in main effects for victim resistance, $F(1, 202) = 127.17, p < .001$, and participant gender, $F(1, 202) = 5.84, p = .017$. Specifically, participants placed more blame on the perpetrator in the high resistance conditions ($M = 6.51, SD = .85$) compared to the low resistance conditions ($M = 4.67, SD = 1.43$), and women participants saw the perpetrator as more blameworthy ($M = 5.79, SD = 1.54$) compared to men participants ($M = 5.40, SD = 1.42$).

Discussion

The objective of this study was to explore the

influence of resistance and emotionality on juror perceptions of sexual assault, and how participant gender may influence their judgments. This study expands on existing literature by deepening our understanding of how these two specific rape myths— independently and in tandem— influence the criminal justice system at the trial stage. The results showed that harmful stereotypes surrounding the ideal victim continue to persist regarding expected resistance to sexual assault. These findings are reflected through judgments of the victim, perpetrator, and guilt assessments, which are also influenced by participant gender. It is important to note, however, that there were no significant interactions between the variables, thus suggesting their independent influence on judgments. The main effects are discussed below.

Resistance

The results strongly supported our hypothesis regarding the influence of victim resistance on juror judgments and decision-making. Based on common rape myths, we predicted that when the victim exhibited high resistance, she would be perceived as more typical of a rape victim. This was reflected in the results, which supported past research by Schuller et al. (2010), who found that victims who resisted sexual assault were seen as more stereotypical. This was then shown to influence juror judgments, as they perceived the victim's claim as more valid, consistent with Du Mont and Myhr's (2000) study. Indeed, the results of our study revealed that when the victim resists, they are viewed as more credible and less blameworthy for the sexual assault. Indeed, the assailant was judged as more blameworthy, and jurors were more likely to confidently choose a guilty verdict. As such, our study aligns with existing literature by echoing their results regarding the influence of resistance on juror judgments. Rape myths are shown to persist within society and the criminal justice system, which results in low conviction and reporting rates, as well as revictimization of the individual (Laxminarayan, 2012; McQueen et al., 2021; Statistics Canada, 2017). As a result of this persisting issue, education that challenges such stereotypes is warranted (Henderson & Duncanson, 2016). More specifically, the use of education guidance within the court has shown some success in reducing the influence of rape myths (Ellison & Munro, 2009). Education guidance is a process through which a judge presiding over a sexual assault case offers explanations for the victim's behavior that are usually deemed abnormal due to persisting rape myths (Ellison, 2019). Through such a process, jurors are introduced to alternative narratives in regard to how victims may realistically act. Indeed, Ellison and Munro (2009) noted that educational guidance is an effective method for reducing other forms of rape myths, such as reporting. When the judge offered

explanations as to why the victim may have delayed their reporting of the assault, jurors were more accepting to this form of behavior, and more resistant to the traditional rape script narrative. Success has also been shown in providing education guidance with educational videos to disprove common misconceptions regarding how a victim must act (Ellison, 2019). Given the proven potential of education guidance to debunk rape myths within the courtroom, a similar process can be used to counteract persisting rape myths regarding victim resistance. A judge can introduce alternative narratives for how a victim may react to being sexually assaulted, such as tonic immobility (de Heer & Jones, 2023), as opposed to expecting the victim to resist. In this manner, although such harmful stereotypes continue to persist within the criminal justice system, there remains optimism when considering the potential of educational guidance.

Participant Gender

Further, participant gender significantly influenced judgments regarding the victim, assailant, and the case. Overall, women, in comparison to men, perceived the victim in a more positive light (i.e., more credible, less blameworthy), perceived the assailant in a more negative light (i.e., more blameworthy), and were more likely to choose a verdict of guilty confidently. Moreover, men believed that the victim's actions were more demonstrative of consent compared to women. The above gender differences suggest that women may be more likely to identify with the victim and to be more sympathetic to her situation than men. It should be noted, however, that the vignettes were gendered and may have facilitated women's identification with the victim. Different results may be found if the victim depicted in the vignettes were a man.

Emotionality

The results of the current study only partially supported our hypothesis regarding the influence of victim emotionality on juror judgments and decision-making. When the victim exhibited high emotionality, participants perceived her as a more stereotypical victim and were more likely to select a guilty verdict. Thus, victim emotionality did influence the judicial outcome. This is consistent with past research by Smith and Skinner (2017) who found that rape myths regarding emotional demeanor continue to persist within the court system, as they set a standard for judging the "normality" of emotional reactions. More specifically, it was shown that there is an expectation for victims to appear visibly distressed when recounting the sexual encounter. This finding also mirrors the findings of Klippenstein and Schuller (2012), which revealed that mock jurors were more

likely to support an allegation of sexual assault when the victim exhibited high emotionality. While emotionality influenced court outcomes, it had limited influence on participants' judgments of the victim and perpetrator. Emotionality did not influence judgments of victim consent, credibility, or blameworthiness, nor perpetrator blameworthiness. This result contrasts with past studies, as Nitschke et al. (2019), Peace and Valois (2014), and Schuller et al. (2010) found that emotionality had a significant influence on judgments of the victim. Differences in the manipulation of emotionality in this study compared to previous studies may explain our null findings. For example, Peace and Valois (2014) provided a more detailed description of the victim's emotional demeanor and overall body language (e.g., holding her head low or relaxed body posture) within their manipulations. These results may also be attributable to some potential ambiguity within our vignette. It was not clear whether the victim disclosed her experience privately to the single friend who had asked about the event or more publicly to her entire group of friends. Participants may have differing judgments based on whether the disclosure was perceived as more private or more public. Given that we cannot know how participants perceived this aspect of the disclosure, future research will be required to determine whether the degree of disclosure (i.e., private or more public) influences the judgments of the victim. Given the traumatic nature of sexual assault, there may be an expectation that a victim would want to disclose more privately than publicly.

Given the robust effect of emotionality on verdicts (i.e., greater emotionality leading to verdicts of guilt) in both our study and past research, it remains true that the emotionality of a victim influences not only how they are perceived, but also how their sexual assault is perceived by jurors. In light of its influence, various methods have been used to challenge the prevalence of such rape myths within court processes and juror decision-making. This includes the use of juror education, which can come in many forms, such as judicial directions. In regard to rape myths surrounding physical resistance, the presiding judge can direct the jury to disregard a lack of physical resistance as a form of consent to the sexual encounter. Similarly, the judge can instruct the jury to disregard a lack of emotionality from the defendant as a lack of innocence or credibility as a victim. Although Smith and Skinner (2017) cast some doubt regarding the efficacy of such directions, Henderson and Duncanson (2016) as well as Temkin (2010) hold optimism regarding their potential to challenge rape myths in the courtroom if improvements are made to the practice.

Limitations and Future Research

Despite its contributions, the limitations of the

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current study must be acknowledged. Firstly, and similarly to most mock juror simulation studies, the sample was comprised entirely of students, and the findings may not be representative of the general population or real-world juries (Koehler & Meixner, 2017). Thus, the external validity of this study can be called into question, and future research should attempt to achieve a more representative sample of real-world juries (Lieberman et al., 2016). Further, another limitation of this study is its failure to include juror deliberations and group verdicts, thus limiting the information it can provide about how verdicts are reached within real trials. Group deliberation is a significant aspect of the jurors' role, and a study done by Lieberman et al. (2016) found that participants believe this aspect of the trial process should be included in mock juror simulation studies. This is an important avenue that should be explored in future mock juror simulations to ensure it accurately reflects how juries reach their decisions in trials (Bornstein, 2017; Schuller & Wall, 1998). Digging deeper into the experimental setup, it is worth noting that it does not mirror the complex nature of real-world sexual assault cases. Such a controlled experiment, especially through the use of vignettes, fails to replicate contextual factors and interpersonal dynamics that are at play within real-world cases. As such, future research should aim to incorporate a range of real-world elements, such as environmental details or individuals' relationship status, to accurately reflect the complexity of these cases.

We must also acknowledge the limitations of this study due to the focus on women victims of sexual assault. As a result, the role of rape myths and the stigma that men victims of sexual assault face should be explored through future research. A final and important avenue for future research is to explore the influence of emotionality deeper. Research has suggested that the role of emotionality depends on the specific emotion exhibited by the victim. Although expressions of distress had little to no effect within this current study, it is important to explore the effect of different negative emotions, such as shame or anger, and how this influences juror (Keskin et al., 2023).

Conclusion

This study aimed to explore the effects of rape myths (victim resistance and victim emotionality) on juror decision-making in sexual assault trials. Although there were no significant interactions between the variables, consistent main effects were found for resistance and gender. Contradicting existing literature, emotionality was shown to have limited effect on juror judgments of the victim and offender, but significant effects on case verdicts. As such, further exploration into the role of emotionality is warranted. Consistent

with past research, resistance had an overwhelming influence on how mock jurors judged the victim, perpetrator, and the case. In closing, the current study reveals the ongoing biases and misconceptions surrounding cases of sexual assault and related juror decision-making. Considering the persistence of such victim stereotypes, efforts to challenge these false beliefs must be pursued to improve understanding of sexual assault cases both in the criminal justice system and in broader society. More research is warranted regarding educational programs and their efficacy in challenging rape myths—specifically victim emotionality and resistance. In exploring these avenues, one can hold cautionary optimism in our ability to eradicate the harmful stereotypes that have underlined society and the criminal justice system for decades.

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