

UNDERSTANDING AND MINIMISING THE IMPACT OF RAPE MYTHS ON JUROR DECISION-MAKING

By

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Dedication

This thesis is dedicated to every woman and girl who has experienced sexual violence.

For those brave enough to face the criminal justice system, your courage inspires me.

And for those who are silent or silenced, your strength motivates me to keep going until
the day this work is no longer needed.

Declaration

The research presented in this thesis was conducted by the author whilst enrolled as a full-time postgraduate student at the University of Kent and was supported by the School of Psychology Research Scholarship. The theoretical and empirical work was supported by the supervision of Dr Caoilte Ó Ciardha and Dr Afroditi Pina. The present work has not contributed to any other degree or qualification.

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Abstract

Sexual violence is a global problem at epidemic proportions which urgently requires effective responses from criminal justice systems. However, most victim-survivors of sexual violence in the UK are being denied justice, as evidenced by consistently declining conviction numbers despite record levels of reporting. Undoubtedly, the justice gap presents a complex problem with devastating impacts on the victim-survivors, with the widescale acceptance of rape myths affecting jury decision-making frequently identified as a contributing factor. The literature has extensively illustrated the influence of rape myth endorsement on evaluations of complainants and verdict decisions, with calls for jury education to be implemented to minimise their negative impact. However, the lack of an articulated theoretical model explaining *how* rape myth acceptance impacts juror decision-making has stunted the development of a focused educational intervention for jurors in cases of sexual violence.

Thus, this thesis presents five empirical studies to address these aims and test the potential of a short comprehensive educational video for jurors with the potential for implementation in rape trials across the UK. Specifically, these studies identified and assessed suitable and realistic trial materials, examined the fit and validity of the proposed theoretical model using advanced structural equation modelling techniques and finally, evaluated the effectiveness of the newly developed educational video in reducing the impact of rape myths on juror verdicts and complainant evaluations.

Findings from these studies suggest that (a) the victim-focused rape myth factors *victims lie*, *victims ask for it* and *not really rape* influence jurors' verdict decisions indirectly via complainant credibility, responsibility, and empathy evaluations, respectively; (b) the proposed theoretical model is robust in explaining juror decisions when there are changes in the rape case presented; (c) complainant credibility judgements are the most malleable element in the model, in terms of both case variation and intervention success and, finally, (d) the impact of rape myths on juror decision-making can be attenuated with a short video intervention. The implications of these findings for research and the UK criminal justice system are discussed, alongside methodological limitations.

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Abbreviations

Several abbreviations are used throughout this thesis. While these are clearly identified in text, below is a list of the most common abbreviations for reference:

CJS: Criminal Justice System

CWJ: Centre for Women's Justice

CPS: Crown Prosecution Service

EVAW: End Violence Against Women

IRMA: Illinois Rape Myth Acceptance scale

MG-SEM: Multi-Group Structural Equation Modelling

NR: *Not really rape* myth factor

ONS: Office for National Statistics

PD: *Perpetrators don't mean to rape* myth factor

RMA: Rape Myth Acceptance

RMEV: Rape Myths in Evaluations and Verdicts model

SEM: Structural Equation Modelling

U-IRMA: Updated Illinois Rape Myth Acceptance Scale

VA: *Victims ask for it* rape myth factor

VL: *Victims lie* rape myth factor

Overview of Thesis

The over-arching aims of this thesis are to examine some of the current challenges posed by rape myths within the criminal justice system (CJS) in England and Wales and to evaluate feasible and ameliorative amendments which could improve both victim-survivors' and jurors' experiences. Specifically, the research for this thesis will focus on the role of rape myth acceptance as a barrier to victim-survivors in achieving justice and examine the potential of a targeted intervention to address and reduce the impact of rape myths.

Chapter 1 introduces the recent evidence on sexual violence and the so called "justice gap", highlighting the research problem and identifying key terminology. As noted in the chapter, the criminal justice system in the UK faces a multitude of problems regarding the investigation, processing and determining of rape cases, with juries' reluctance to convict in these cases likely creating a negative knock-on effect (Gillen, 2019). This leads to the specific aims of the thesis which are to explore the impact of rape myth acceptance on juror decision-making, by developing and testing a theoretical model of the role of rape myths in juror decisions. In addition to addressing gaps in the literature, this model may inform the development of an intervention which could be applied to educate jurors and reduce the influence of rape myths in cases of rape and sexual violence.

In Chapter 2, a detailed literature review on rape myth acceptance is provided, which examines how rape myths are measured in research, how prevalent rape myths are in society and the consequences of rape myth acceptance, both individually for victim-survivors and the large-scale consequences for the criminal justice system in the UK. This chapter highlights the extensive and devastating consequences of rape myths and how the widespread acceptance of these myths, throughout society and all levels of the criminal justice system, poses a significant barrier to justice. Finally, this chapter examines the evidence on interventions which directly or indirectly target rape myth acceptance to guide the intervention developed for Study 5 (presented in Chapter 7).

Chapter 3 focuses on jury decision-making, providing some context on current practices in the UK, as well as existing models of jury decision-making from the literature.

This chapter presents the research used to formulate the hypothesised model, examining the relationships between credibility, responsibility and empathy evaluations, respectively, with rape myth acceptance and verdict decisions. The original theoretical model is presented, which theorised the three complainant evaluation factors would mediate the relationships between the victim-focused rape myth factors (factors that have been labelled *victims lie*, *victims ask for it* and *not really rape*) and verdict. This model was subsequently empirically tested (in Studies 3 and 4, presented in Chapters 5 and 6, respectively) in order to provide a solid foundation in understanding *how* rape myths influence verdict decisions, and critically, which areas should be targeted to reduce this influence in a juror educational intervention.

Prior to the evaluation of the model, given the limitations of logistic regression in samples with imbalanced data, it was deemed imperative to create a realistic fictitious trial transcript that resulted in a relatively balanced distribution of guilty to not-guilty verdicts for subsequent research. Towards that end, two empirical studies were conducted and their results are presented in Chapter 4. The first study resulted in a very small proportion of not-guilty verdicts and so adjustments were made to the transcript for the second study. There was a slightly larger proportion of not guilty verdicts in Study 2, and a preliminary examination of the proposed theoretical model was examined using a path model. While the model only achieved mediocre goodness-of-fit statistics, all the proposed pathways were consistent with the directions hypothesised.

Chapter 5 presents the results of the third empirical study, which included the trial transcript developed in Chapter 4 within a survey methodology. The predictive ability of the victim-focused rape myth factors and complainant evaluation factors for binary verdict decisions were fully explored with Structural Equation Modelling (SEM) to examine the proposed theoretical model presented in Chapter 3. Initial results indicated that some hypothesised pathways were non-significant, such as the direct pathways from the rape myth factors to verdict, resulting in some modifications. The final model demonstrated excellent fit and included significant pathways from a) the *victims lie* rape myth factor to complainant credibility evaluations to verdict decisions, b) the *victims ask for it* rape myth

factor to complainant responsibility evaluations to verdict decisions and c) the *not really rape* myth factor to evaluations of empathy with the complainant to verdict decisions. Additionally, the indirect pathways from each of the rape myths factors to verdict were highly significant, demonstrating the tenacity of rape myths in impacting verdict outcomes.

Chapter 6 details the results of Study 4, which sought to further establish the validity of the structural equation model established in Chapter 5. Additionally, this study aimed to determine potential causality between key pathways from the rape myth factors to the complainant evaluative factors. The level of rape-myth-relevant information was manipulated to create two versions of the trial transcript, with participants randomly allocated to the high or low condition. Findings for the conditions were compared using t-tests and MultiGroup-SEM, with results indicating that increasing the amount of rape-myth-relevant information was predictive of significantly fewer guilty verdicts and significantly lower ratings of complainant credibility. Scores for the *victims lie* rape myth factor were also a stronger predictor of complainant credibility ratings in the high condition compared to the condition with less rape-myth-relevant information.

In Chapter 7, the methodology and results of the final empirical study are presented. Study 5 involved the development and evaluation of a 30-minute educational video intervention to address rape myths. The created video provided information about what rape myths are, why they are important and how they are used and reinforced in media. Following this, the video examined a number of rape myths related to credibility, responsibility and empathy in detail and provided evidence to counteract these myths. The intervention video was compared with a control educational video and results found participants who received the intervention gave significantly higher ratings of complainant credibility and complainant empathy, in addition to significantly lower ratings of complainant responsibility and fewer not-guilty verdicts. Results suggested the intervention was effective at reducing the impact of rape myths on verdict decisions and complainant credibility evaluations in particular.

Finally, Chapter 8 provides an overview of the research findings in this thesis and examines the strengths and limitations of the studies presented. The contributions of these

findings are discussed in the context of the wider literature, with directions for future research reviewed. Finally, practical applications of the research are presented and encouraged.

Chapter 1: An Overview of Sexual Violence in the UK

1.1. The Reality of Rape and Sexual Violence

In the foreword for the Crown Prosecution Service's (CPS) Rape Strategy Update report, Max Hill, the director of public prosecutions in the UK, stated "Rape is a truly devastating and life-changing crime. Victims of this most invasive abuse can suffer lasting trauma, and too often their experience of the criminal justice system adds to their suffering" (CPS, 2022, p.4). Concerningly, sexual violence rates are at epidemic proportions, with global prevalence estimates of intimate partner violence and non-partner sexual violence suggesting almost one in three women (i.e., 27-36%) will experience one or both forms of violence at least once in their lifetime (World Health Organisation, 2021). Of course, there is considerable variation in statistics relating to sexual violence prevalence rates as evidenced by Dworkin et al.'s (2021) systematic review, which found that the lifetime prevalence of women's experiences of sexual assault since adolescence ranged from 0.6% to 77.6%. Locally, the latest figures from the Crime Survey of England and Wales estimated 798,000 women experienced sexual assault within the last year, with approximately 266,000 of these cases corresponding to rape or assault by penetration (Office for National Statistics, 2023). While the number of men who experience sexual violence is far from trivial, data consistently demonstrates that women experience sexual violence, particularly rape, at a much higher rate (Office for National Statistics, 2021a). Furthermore, evidence shows women are most likely to be raped by their partners or ex-partners (accounting for 44% of cases), or by another known person.

Unfortunately, data also shows that fewer than one in six victim-survivors report their experience of sexual violence to the police, with victim-survivors where the perpetrator is a partner/ex-partner considerably less likely to tell anyone about the assault compared to victim-survivors where the perpetrator is a stranger (Office for National Statistics, 2021a). Considering the severity of the problem, it is unsurprising that ending sexual violence, as part of the wider problem of violence against women and girls, is a key

goal for many national and international agencies (European Commission, 2020; Home Office, 2021; United Nations, 2023).

1.2 Legal Definitions and Terminology

There is considerable variation in definitions of rape, and as such it is important to clarify the conventions used in this thesis. The Sexual Offences Act (2003) legally defines rape as:

“A person (A) commits an offence if—

- a. he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis,
- b. B does not consent to the penetration, and
- c. A does not reasonably believe that B consents.”

The legal focus on consent is particularly important, with Section 74 of the act defining consent as agreeing by choice, provided the individual has the “freedom and capacity to make that choice”. Although the Istanbul Convention on Preventing and Combating Violence against Women and Domestic Violence also defines rape as a lack of freely given consent, legislation in numerous European countries still requires victim-survivors to prove the use of force or threat (Amnesty International, 2021). Problematic legislation providing marital exemptions to sexual offences also exist in a number of countries, including 35 Commonwealth jurisdictions (Richardson, 2020). However, even the comparably laudable consent-based legislation in England and Wales fails male victim-survivors of sexual violence with gender-biased language that excludes female-perpetrated rape. While Section 4 of the Sexual Offences Act includes the offence of “causing a person to engage in sexual activity without consent” which holds the same maximum sentence as rape, there is a notable disparity in the minimum sentence of a 6-month community order for this offence, compared to the minimum 4-year sentence for rape. As such, countless

victim-survivors of sexual violence are denied fair and equal justice through the Criminal Justice System (CJS).

Scholars and legal professionals have also criticised the ambiguity of the term “reasonable belief” in the legislation (Larcombe et al., 2016; Smith & Skinner, 2017). Sections 75 and 76 of the Sexual Offences Act (2003) provide further clarification on some circumstances which dictate lack of consent. However, the onus is still on the prosecution to convince the jury that the defendant did not have a “reasonable belief” in consent. As such, each jury must interpret what establishes or constitutes a reasonable belief, which problematically facilitates judgement based on prejudicial and stereotypical views of female sexuality and “appropriate” behaviour (Carline & Gunby, 2011). These stereotypes will be explored in more detail in Chapter 2.

Despite the limitations of the Sexual Offences Act (2003), its definition of rape will be followed in this thesis, as the following research is focused on jurors’ decisions in rape cases in the context of the England and Wales CJS. It is also important to note that throughout this thesis, the term “victim-survivor” will be used when discussing people who have experienced sexual violence, while the legal term “complainant” will be used in research studies to adhere to the terminology used in court. Similarly, the term “perpetrator” will be used to describe a person who commits a sexual offence, while the legal term “defendant” will be used in research studies. While the dichotomy of associations for the terms “victim” and “survivor” have been well-established (Papendick & Bohner, 2017), feminist scholars such as Kelly et al. (1996) and Jordan (2013) highlight the validity of each identity for people who have experienced sexual violence, and encourage a person-focused approach. Person-focused language is also being increasingly adopted in the literature on people who have offended to move away from terms such as “rapist” which diminish these individuals to their offending behaviour (Cox, 2020). While the labels “perpetrator” and “victim-survivor” are not truly person-focused terms, for the sake of clarity and conciseness these will be used throughout. Of course, the supposed neutrality of the legal terms “complainant” and “defendant” is also somewhat contentious, as detailed by Herriott (2021). However, maintaining consistency with the terminology of the CJS to increase the realism of the research studies was deemed imperative.

1.3. The Criminal Justice Response to Rape in England and Wales

As noted by the statistics presented earlier, only a small proportion of sexual violence victim-survivors engage with the CJS. A multitude of reasons exist regarding why a victim-survivor may choose not to report the offence to the police, including embarrassment (40%), thinking they would not be believed (25%), not wanting to go to court (19%) and fearing further violence for involving police (13% : ONS, 2021). Research from the Victims' Commissioner's office also found that 95% of rape survivors who did not file a report with the police cited a fear of being disbelieved as the key reason, followed by anticipation that they would not receive procedural justice or success in court (Molina & Poppleton, 2020). Considering the current circumstances in how rape cases are investigated, processed and determined in the CJS, it is hardly surprising so many victim-survivors are reluctant to come forward. Victim-survivors who do decide to report face numerous challenges, which often culminate in secondary victimisation (Campbell & Raja, 1999; Hohl & Stanko, 2022; S. E. Ullman & Townsend, 2007). Secondary victimisation refers to the traumatising and disparaging experiences victim-survivors endure as a result of insensitive or judgemental responses throughout the criminal justice process, which has been likened to a "second rape" (Madigan and Gamble, 1991, p.5). Qualitative feedback from victim-survivors provided in the London Rape Review also shows clear evidence of how traumatising interactions with the CJS can be:

Reporting to the police was the biggest mistake I have ever made. They didn't believe me, they belittled me, questioned my lifestyle and minimised my experiences. I felt worse for months compared to before my experience of reporting, and then to so quickly be told that my case had no merit and wasn't prosecutable was the most invalidating experience of my life (Waxman, 2021, para. 9).

Thus, it is unsurprising that the London Rape Review found that almost two-thirds (64%) of victim-survivors withdrew their support for the investigation within 30 days of reporting to the police (Wunsch et al., 2021). While the majority of victim-survivors withdrawing support did not provide a reason, Waxman (2021) suggests that initial interactions with police officers, who advise how long and difficult the justice process will

be, may inadvertently influence victim-survivors' confidence and decision to withdraw. However, there is considerable evidence many victim-survivors' disclosures to the police are met with negative and discrediting responses (Jordan, 2011)

Many experts have expressed serious concerns regarding the criminal justice response to rape in the UK, particularly with the consistently growing justice gap between the number of cases recorded by the police compared to the number of cases convicted (Hohl & Stanko, 2015; Willmott et al., 2021). Figures from the CPS show that decisions to prosecute rape fell by 60% in the four years leading up to 2019/2020, during which time the number of rape cases reported to the police almost doubled (Crown Prosecution Service, 2020). In 2015-2016, just over 41,000 cases of rape were recorded by the police and 5190 cases completed by the CPS, resulting in 2,991 convictions (Crown Prosecution Service, 2020; Home Office, 2023). Police recorded rape offences for 2021-2022 reached a record high with 70,041 cases recorded—yet in this same period, only 2,537 cases were completed by the CPS with just 1,773 cases securing a conviction (Crown Prosecution Service, 2023; Home Office, 2023). Additionally, during this period the conviction rate (i.e., the success rate of the CPS in achieving guilty verdicts) increased from 57.9% to 68.5%. It is important to note that these rates include guilty pleas and rape-flagged charges that resulted in lesser convictions, and yet, these rates are still considerably lower than the average conviction rate for all crimes, which is typically between 80-85%.

While the high rate of attrition for sexual offences is widely recognised (Hohl & Stanko, 2015; Munro & Kelly, 2009; Murphy et al., 2022), these alarming figures led many to speculate that the CPS was dropping “weak” cases to improve their conviction level. In her first annual report as Victims' Commissioner, Dame Vera Baird stated “in effect, what we are witnessing is the decriminalisation of rape” (Baird, 2020). This prompted the End Violence Against Women Coalition (EVAW) and the Centre for Women's Justice (CWJ) to request a Judicial Review against the CPS for failure to prosecute rape cases as a result of unlawfully adopting outcome-focused policies and moving away from the merits-based approach (EVAW, 2019). Ultimately, the review by HM Crown Prosecution Service Inspectorate found no evidence that the CPS was choosing only easy cases to prosecute

(HM Crown Prosecution Service Inspectorate, 2019). However, both EWAV and CWJ expressed disbelief at the outcome stating that while the evidence presented may not have unequivocally shown illegality, it revealed cause for profound public and professional concerns (End Violence Against Women Coalition, 2021).

These statistics encapsulate the concerns regarding juries' reluctance to convict in cases of serious sexual assault. Though as noted in the Stern Review, the attrition and conviction statistics alone only reflect a segment of the wider, persistent issues in how rape cases are handled (Stern, 2010). Labour MP Ann Coffey described the knock-on effect demonstrated by these statistics – “A perfect storm is developing where juries are reluctant to convict young men charged with rape, the CPS are therefore reluctant to prosecute, and the police are therefore reluctant to refer. The result of this is that victims will stop coming forward and justice will be denied” (Topping, 2018). The statement mirrors the conclusions of the US Senate Judiciary Committee in 1993, indicating that these problems have persisted globally despite being known for 30 years: “It is the fear of what a jury will think that drives survivors not to report, police to refuse to arrest in “futile” cases, and prosecutors to dismiss prosecutions as unwinnable” (Senate Judiciary Committee, 1993).

Evidently, it is becoming increasingly difficult for victim-survivors of rape to achieve justice in England and Wales, in a system which was already plagued with challenges. The demanding, and often re-traumatising, policies and procedures combined with the limited chances of conviction are deterring victim-survivors from engaging and co-operating with the criminal justice system. Furthermore, declining trust and confidence in the criminal justice process may result in additional negative consequences, such as the public becoming unwilling to perform the vital functions of reporting crimes, acting as witnesses and undertaking jury duty (Wood, 2009). The urgent need for considerable reform in how rape cases are processed in Britain is unmistakable.

1.4. Reviews and Reform Efforts for Sexual Offences

As noted by Walker et al. (2020), concern about diminishing prosecutions and convictions has resulted in a range of reviews in the UK. Some reviews have been discussed briefly in earlier sections such as the Stern Review (Stern, 2010) and the HMCPSI (2019) review following the request for a judicial review from women's organisations. Some localised reviews such as the Independent Review into the Investigation and Prosecution of Rape in London, provide valuable insight into the needs of specific regions, such as the need for increased funding for Sexual Assault Referral Centres and Independent Sexual Violence Advisors. The London review also includes important recommendations with national relevance, such as the need for the inclusion of evidence on trauma responses at trial "to explain what, to many, appear as counter-intuitive responses and inexplicable behaviours" (Angiolini, 2015, p.13). While a detailed examination of every major review into rape and sexual offence processes exceeds the scope of this thesis, two recent reviews provided important foundations and implications for the research undertaken in this thesis.

The first is the Gillen Review (Gillen, 2019), which was led by the former Lord Justice of Appeal Sir John Gillen, to investigate procedures in sexual offences in Northern Ireland. While the UK possesses 3 distinct justice systems, there is a high level of similarity across jurisdictions; particularly between Northern Ireland and England and Wales given that English parliament directly ruled Northern Ireland until the signing of the Good Friday Agreement in 1998. Furthermore, the policing and justice powers were not completely devolved to the Northern Ireland assembly until 2010, resulting in many strong similarities between the criminal justice systems (Murray & Carr, 2021). The scope of the report is quite extensive and includes a total of 253 recommendations encompassing topics such as separate legal representation, delay in disclosure, issues of consent, training and balancing the voices of the victim-survivor, the accused and child witnesses. However, of the 16 key recommendations in the report, 3 of these proposals specifically address combating rape myths and stereotypes at different levels of the CJS process, namely:

- Measures including a short video and written judicial directions should be introduced and provided to jurors at the outset of trials to combat rape myths, in addition to further public and school awareness campaigns.
- The Northern Ireland Sexual Offences Order 2008 should be amended to prevent juries from relying on sexual stereotypes and move towards expectations for affirmative expressions of consent.
- The Judicial Studies Board, the Bar Council and the Law Society should prioritise training and awareness on important topics such as trauma responses, misconceptions around withdrawal of complainants and other areas of rape mythology and jury guidance.

One of the specific recommendations in the report also reported a pre-trial video programme was due to be piloted in England and Wales, however, at the time of writing it has not been possible to determine whether any such pilot has taken place and whether the programme was successful. To date, a range of solutions have been proposed in the literature to combat rape myths in the CJS, ranging from introducing accountability instructions (i.e., requiring decision-makers to report the basis for their decisions, see: Kaplan et al., 2006), screening for rape myth acceptance (Willmott et al., 2018), providing expert witness testimony (Ward, 2009) or further judicial directions, or even abolishing juries from rape trials completely (Temkin & Krahe, 2008). However, the video pilot is the first indication of a possible large-scale reform to reduce the impact of rape myths.

The second critical review is known as the “End to End Rape Review”, which was commissioned by the Violence Against Women and Girls inter-ministerial group and the National Criminal Justice Board to examine the CJS responses to rape across England and Wales in 2019 (HM Government, 2021). Despite a delay in the publication of the initial report, the review offers some promising developments and commitments, including Operation Soteria Bluestone and the Law Commission Review of court processes for cases of sexual violence. Importantly, the review also features an apology in the ministerial foreword for failing victim-survivors of sexual violence in recent years. The review incorporated findings from commissioned literature, as well as direct qualitative feedback

from victim-survivors experiences of the CJS, in which victim-survivors expressed feeling let down at every stage of the process. Particularly, victim-survivors reported that they felt as though they were the ones being investigated by police, enduring so-called “digital strip searches” (HM Government, 2021). These investigations left them without their phones and without support for months during an already traumatic time, before then being asked to relive that trauma when giving evidence in court. On a positive note, in addition to pledging greater accountability and transparency across the CJS, the review stated aims to significantly increase the number of rape cases reaching court by the end of Parliament in May 2024, to improve victim-survivor engagement by recommissioning the National Rape and Sexual Abuse Support Fund, to limit requests for digital materials from victim-survivors, to introduce a research-informed default model of investigation and to increase public confidence in CPS decisions by ensuring complex cases are not deprioritised.

To achieve the ambitious aim of doubling the number of rape cases reaching court by May 2024, Operation Soteria Bluestone was launched in 2021. The collaborative programme between police practitioners and academic experts conducted deep research into four police forces (known as “pathfinders”) across England and Wales, namely the Metropolitan Police, West Midlands Police, Durham Constabulary and South Wales Police (Stanko, 2022). The Year 1 report identified a number of key findings including: the lack of sufficient specialised knowledge on sexual offending, a disproportionate effort in investigating complainant credibility compared to the effort investigating suspects’ offending behaviours, and finally, insufficient data and analytic systems/personnel to strategically examine and improve investigative strategies. The report notes that each of these factors impacted the quality and outcomes of investigations, in addition to victim engagement. Following the research deep dives, the findings were shared with the police forces and action plans were created to address these issues. Following this, year 2 of the project (ongoing at the time of writing) aspires to develop a national investigation model for rape and sexual offences.

Furthermore, the Law Commission review into addressing misconceptions surrounding sexual violence in court processes undertook public and professional

consultations until September 2023, with the reform recommendations due to be reported in early 2024. While the final outcomes of this review remain to be seen, the consultation papers examine critical questions including whether expert evidence on responses to sexual violence should be included in trials and if educating jurors using notices, videos or interactive tools should be implemented (Law Commission, 2023). The CPS has also updated its rape legal guidance to include more content on rape myths and stereotypes following its public consultation. The End-to-End Rape Review reports all prosecutors will be trained on the updated guidance to reduce the adverse effects of rape myths on their decision-making (HM Government, 2021). The review also notes a new strategy for tackling Violence Against Women and Girls will be published soon, including more details on the promised communication campaign to dispel the harmful societal attitudes and stereotypes surrounding rape.

The proposed reforms represent some positive developments in improving the criminal justice response to rape. However, experts have expressed scepticism at the long-term commitment to implement the necessary changes (Centre for Women's Justice et al., 2023). In a joint report, women's organisations including CWJ, ERAW Coalition, Imkaan and the Rape Crisis Network England & Wales examine what the End-To-End Rape Review has actually achieved and note despite being encouraged by the early changes, they express concerns at the exclusion of commitments to the prevention of sexual violence and addressing inequalities in prevalence and outcomes. Others have noted that the typical response of launching a new review to address the problem appears to "simply serve the purpose of being seen to *do something*", as previous reviews have brought limited change following constraints at implementing the recommendations consistently repeated over the past few decades (Walker et al., 2020, para. 9). As noted by Jordan (2011) there appears to be a perpetual cycle of reform rhetoric, while the reality of how the CJS handles sexual violence cases remains mostly unchanged.

One critical finding to extract from the numerous reviews and reform attempts is the consistency in the acknowledgement of the threat posed by rape myths. In fact, in each of the reports mentioned above, addressing rape myths represents a key target in

improving the criminal justice response to rape. Smith and Daly (2022, p. 199) posit that so long as the public believe the myths and misconceptions surrounding rape, false reports and how rape can be proven, “even a ‘good’ policy that rebalances rights will unlikely have the desired effect of truly producing justice”. In the next chapter, I will examine some of the key literature on rape myths to provide context and a more thorough understanding of the impact they have on the CJS and specifically within juror decision-making (in Chapter 3).

Chapter 2: Literature Review on Rape Myths

2.1. Understanding Rape Myths

Literature on problematic beliefs held in society relating to sexual violence began as early as the 1970s. Brownmiller's (1975) critical book on rape, "Against Our Will", is often credited with influencing change in both public outlook and legal reform on rape (Cullen-DuPont, 2014). However, many scholars have criticised Brownmiller's lack of consideration for the sexually violent experiences of Black and minority ethnic women, while the contributions of Black feminist scholars have been largely overlooked, including Angela Davis's (1978) important discussion on the widespread assumption that the urges to rape "lie in the instinctual make-up of men" and the subsequent implications for eradicating sexual violence.

Burt's (1980, p.217) paper was one of the first to define rape myths as "prejudicial, stereotyped and false beliefs about rape, rape victims and rapists". Since then, extensive research has been carried out on rape myths, with many researchers redefining or adapting the original definition. The following definition provided by Gerger et al. (2007, p.426), is one of the most encompassing and widely cited:

"Rape myths are descriptive or prescriptive beliefs about rape (i.e., about its causes, context, consequences, perpetrators, victims, and their interaction) that serve to deny, downplay or justify sexual violence that men exert against women"

While the majority of research on rape myths has focused on female victim-survivors of male perpetrators, which statistics consistently find is by far the most common scenario of sexual violence (ONS, 2021), it is important to acknowledge that men and non-binary persons can also be sexually victimised by men, women, or non-binary people. Equally, these victim-survivors face unique and problematic rape myths. Important research has examined some of the specific challenges and stereotypes faced by male victim-survivors of rape, including Turchik and Edwards' (2012) literature review and more recently, Hine et al.'s (2021) development of the Male Rape Myth Acceptance scale.

While further research into these overlooked populations is strongly encouraged, the focus of this review and subsequent research will remain on female victim-survivors of male perpetrators.

Rape myths concerned with female victim-survivors and male perpetrators typically blame the victim-survivor and exonerate the perpetrator. However, the scope of these myths is considerably broad and varied. Table 1, adapted from Smith (2018), summarises some of the most common myths, organised by the four categories proposed by Bohner et al. (2009).

Table 1

Examples of Rape Myths

Categories of myths	Example myths (and supporting evidence)
Beliefs that blame the victim	<p>Victim-survivors who are intoxicated are at least partially responsible when they are raped (Wenger & Bornstein, 2006)</p> <p>Victim-survivors provoke rape by the way they dress and behave (Maurer & Robinson, 2008)</p> <p>If the victim-survivor does not scream, physically resist, or get injured then it is not rape (Ellison & Munro, 2013)</p>
Beliefs that cast doubt on allegations	<p>False reports are common, mostly because of regret, revenge or personal gain (CPS, 2013)</p> <p>All victim-survivors will be visibly distressed after rape and when giving evidence (Taylor & Joudo, 2005)</p> <p>Genuine victim-survivors do not delay reporting rape (Quilter et al., 2022)</p> <p>Maintaining contact with the accused makes victim-survivors untrustworthy (Smith & Skinner, 2017)</p>
Beliefs that exonerate the perpetrator	<p>Rape is a crime of passion (Burrowes, 2013)</p> <p>Male sexuality is uncontrollable once “ignited” (Hildebrand & Najdowski, 2015)</p> <p>People who commit rape are monsters distinct from ordinary “good men” (O’Hara, 2012)</p> <p>When a man pays for a dinner or date, a woman is expected to reciprocate with intercourse (Basow & Minieri, 2011)</p>

Beliefs that assume rape is limited to certain social groups	Rape only happens between strangers in public places (Waterhouse et al., 2016)
	Only young attractive women are raped (Zidenberg, Sparks, et al., 2021)
	Victim-survivors cannot be raped by marital partners (Lilley, Willmott, Mojtahedi, et al., 2023)
	Victim-survivors who engage in sex work cannot be raped (Silver et al., 2015)

Bohner et al. (2009, 2022) provide a detailed examination of the various psychological functions of rape myths. They propose that rape myths serve general cognitive functions, as well as gendered affective and behavioural functions. Pertaining to cognitive functions, Bohner et al. (2009) explain rape myths can be conceptualised as a general cognitive schema which organises and guides how individuals interpret information about rape. They note that schematic influences are particularly strong when external facts are uninformative or ambiguous, which is descriptive of most rape cases where physical evidence is either entirely lacking or unhelpful in determining whether consent was obtained. Additionally, rape myths can be connected to “just world” beliefs – the tendency for individuals to believe the world is generally fair and that people get what they deserve (Lerner, 1980). Accepting that anyone, including innocent people, can be victim-survivors of sexual violence challenges this belief, and so to avoid cognitive dissonance, individuals may place blame on the victim-survivor (Vonderhaar & Carmody, 2015).

This explanation is closely related to the first gendered purpose of rape myths, which is to enable women to cope with the threat of rape by distancing themselves from stereotypical victims of rape. In a study of women’s self-esteem in expectation of meeting a rape victim-survivor, Bohner and Lampridis (2004) found that women with higher endorsement of rape myths felt less threatened and vulnerable about the possibility of their own victimisation. The second gendered purpose of rape myths is to provide a rationalisation for men’s sexually aggressive tendencies (Bohner et al, 2009). A considerable amount of research has focused on the relationships between RMA, sexual

coercion and rape proclivity, with Trottier et al.'s (2021) meta-analysis of 28 American and Canadian studies finding a moderate relationship between sexual coercion perpetration and RMA. They note that the strength of the association between these beliefs and sexual coercion perpetration is also stable over time. Furthermore, Johnson and Beech's (2017) examination of RMA in people convicted of sexual offences found that RMA was successful in distinguishing persons who committed rape from non-perpetrators. They also posit that RMA could be considered a criminogenic need which is responsive to sexual offending treatment programmes.

While rape myths are often classified as offense-supportive cognitive distortions, a known risk factor linked to recidivism, research has noted that although these beliefs may be ethically problematic, to some extent justifications and excuses are both normal and healthy (Helmus et al., 2013; Ó Ciardha & Ward, 2012). Denial of harm or responsibility are normal practices to maintain self-esteem and to distance ourselves from our bad behaviours (Yates, 2009). As such, rape myths offer offenders (and their loved ones) a way to minimise and rationalise their offending behaviour while preserving the belief that they are a moral person. Given the recent longitudinal research with male university students which suggested causality between the acceptance of rape myths and rape proclivity (O'Connor, 2020), it is advisable to further explore the temporal nature of RMA and offending considering the important implications for preventing sexual assault perpetration. Overall, the most definitive conclusion from research into RMA is that men consistently display a higher endorsement of rape myths compared to women (Lonsway & Fitzgerald, 1994; Suarez & Gadalla, 2010).

2.2. Origins of Rape Myths

Given the breadth of rape myths, which encompass beliefs on topics from victim behaviour to male sexuality, the origins of rape myths are complex and multifaceted. Nonetheless, the foundation of sexual violence and its related ideologies emanate from patriarchal systems (Brownmiller, 1975; Edwards et al., 2011) and other interconnected systems of oppression, such as white supremacy, classism, ableism and

heterosexism, which maintain inequalities and injustices (Balderston, 2013; Davis, 1978; hooks, 2015). Lonsway and Fitzgerald's (1994) theoretical evaluation of rape myths highlighted that the majority of rape myths are underpinned by a combination of adversarial sexual beliefs, traditional gender role beliefs and misunderstanding the nature of sexual violence. Suarez and Gadalla's (2010) meta-analysis provided further empirical support for Lonsway and Fitzgerald's suggestion, with significant relationships found between rape myth acceptance and a number of oppressive and antagonistic attitudes against women, including benevolent and hostile sexism, adversarial sexual beliefs, acceptance of interpersonal violence and male dominance attitudes. Considering the patriarchy is deeply embedded into major social systems from the family to government (Levy, 2022), it is unsurprising that the acceptance of rape myths is also pervasive.

Bandura's (1969) social learning theory, which posits behaviours are learnt through observation, modelling, reinforcement and repetition, has been frequently applied to understanding the development of attitudes; Pratt et al.'s (2010) meta-analysis demonstrated strong empirical evidence for the role of social learning theory in forming antisocial attitudes. Similarly, Bronfenbrenner's (1979) ecological systems theory explains how various societal systems, from the family to the shared culture that individuals interact with, can shape their beliefs and attitudes. Haywood and Swank (2008) noted the early literature holds considerable evidence that rape myths are "transferred intergenerationally" (p. 376). In particular, Quinones et al. (1999) found that daughters' gender role stereotyping beliefs and perceptions of victim responsibility were both significantly predicted by both their mother and father's gender role beliefs and perceptions of victim responsibility. Additionally, research has shown that lower levels of parental education (Ahmad & Kamal, 2000; Nadeem & Shahed, 2017), monogamous family structure (Alarape & Lawal, 2011), anxious maternal attachment (Russell & King, 2016) and parental gender role egalitarianism (Caron & Carter, 1997) are predictors of higher rape myth acceptance.

Similarly, peers have also been shown to influence individual's rape myth endorsement. A wealth of research has found that male athletes and fraternity members

demonstrate higher RMA and lower gender-equitable attitudes (Bleecker & Murnen, 2005; Bogen et al., 2020). Bleecker and Murnen's (2005) study found that, in addition to fraternity men have higher RMA, they also had significantly more degrading images of women in their rooms compared to non-fraternity members, which the authors suggest is further evidence of fraternity members attitudes around women as sex objects and male sexual entitlement. Research has also shown a number of concerning and problematic behaviours are associated with perceptions of peer endorsement of RMA, including evidence that boys and young men who perceive their peers are accepting of rape myths report lower likelihood of acquiring sexual consent and a higher likelihood of perpetrating dating aggression (Collibee et al., 2021; Dunn & Orchowski, 2021). Interestingly, studies by Bohner and colleagues (2006, 2010) have also shown that feedback about both in-group's and out-group's RMA influenced self-reported RMA and rape proclivity, noting the largest reduction was produced by low-RMA feedback about an out-group that the male participants expected would be high in RMA. This highlights the considerable impact of social norms on individual's rape myth acceptance, with further research showing a positive correlation between permissive social norms regarding sexual behaviour and RMA (Aronowitz et al., 2012).

In relation to social norms, the literature has long connected rape myths and traditional heteronormative sexual scripts. Despite advances in equality between men and women's sexual roles, evidence suggests that the traditional sexual script is still strongly adhered to in heterosexual relations (Klein et al., 2019). Byers (1996) defines sexual scripts as cognitive frameworks about acceptable and desirable sexual behaviour informed by social and cultural norms, noting that traditionally men are conceptualised as vigorous sexual beings, while women are expected to adopt a passive stance to sexual intercourse. Byers notes that these scripts which lead men to expect at least initial token resistance from women, may in fact legitimise, or even promote, sexually coercive behaviour from men. The widespread socialisation for this behavioural sexual script may lead to beliefs such as male sexuality being uncontrollable, and that women are responsible when they do not clearly resist.

Furthermore, despite acknowledgement that the traditional sexual script is less appropriate in modern, egalitarian sexual relations, many individuals are reluctant to abandon it. In their qualitative exploration of jurors' use of sexual scripts in deliberating cases of sexual violence, Ellison & Munro (2009a) highlight that despite jurors identifying that "consent-signalling" behaviours (such as inviting a person into your home and sharing a goodnight kiss) do not necessarily equate to giving sexual consent, many jurors still struggled to forsake them. They provide the following example from one female juror in relation to inviting a colleague to your home, who said "no, there isn't anything wrong with it, but what is behind the thought of inviting somebody back to your house for the evening – a male person?". Evidently, traditional sexual scripts still hold considerable explanatory value in determining attitudes and beliefs towards sexual relations and sexual violence.

Of course, in addition to direct socialisation, a range of institutional and cultural mechanisms of socialisation have also been linked to RMA. Edwards et al. (2011) provide a detailed review on some of the systemic origins of various rape myths, with sources ranging from religious, legislative and media institutions. While the Sexual Offences Act (2003) provides a consent-based definition of rape in England and Wales, there has been considerable variation in how rape has legally defined throughout the history of common law. Blackstone's (1765, p. 210) 18th-century summary of English common law defined rape as "carnal knowledge of a woman forcibly and against her will". At the time, the offence was viewed as a property crime, whereby it was the father or the husband (of the woman who had been raped) who were classed as the victim, as opposed to the woman herself. Blackwell famously stated the offence was easily charged but difficult to prove and stressed that the jury must examine the credibility of the raped woman's testimony.

If she concealed the injury for any considerable time after she had opportunity to complain; if the place, where the fact was alleged to be committed, was where it was possible she might have been heard, and she made no outcry; these and the like circumstances carry a strong, but not conclusive, presumption that her testimony is false or feigned. (p213-214)

Blackstone's (1765) commentary highlights the long-standing scepticism around women's allegations of rape. Even as the law evolved to view the woman as the victim, Schulhofer's (2017) recent review of rape law notes the justice system's ongoing obsession with false allegations. These early laws also imposed numerous stipulations for a conviction, including force or violence from the perpetrator with earnest and loud resistance from the victim, followed by a timely complaint to authorities. These facets from common law provide some precedent for current beliefs which deny cases are "really rape" if they lack elements such as physical violence or victim resistance. Furthermore, given common law is the second most common type of legal system globally, incorporated in approximately 80 countries worldwide (CIA, n.d.), these precedents help inform attitudes on an international scale. Positively, in recent years there has been a surge of legal reforms, replacing coercion-based laws to consent-based laws on rape across Europe (Uhnoo et al., 2024). However, despite the first legislation on violence against women being ratified by European Union member states in February 2024, rape was excluded after failing to reach a consensus on the definition (Jones, 2024). Hence, numerous countries in Europe, in addition to numerous other states and countries around the globe, still retain definitions on rape based on the use of force, coercion or threat (Equality Now, 2017, 2021; European Women's Lobby, 2023).

In addition to legislation, another institution which may contribute to the origins of rape myths is religion. Specifically, myths concerning marital rape may stem from the relatively recent criminalisation – marital rape only became a criminal offence in England and Wales following a decision by the House of Lords in *R v R* (1991), replacing the marital rape exemption established in Hale's doctrine in the 18th century. Although the first conviction of marital rape in the United States was almost a decade earlier in 1979 (Martin et al., 2007), a recent review showed that 11 states still contain partial exemptions for marital rape, including requirements of legal separation or physical force (Stanton, 2024). As for religious sources, Edwards et al. (2011) note that Biblical verses, such as "the wife does not have authority over her own body, but the husband does" (New King James Version, 1 Corinthians 7:4), justify male dominance attitudes and contribute to the myth that a husband cannot rape his wife. In their review into the connection between rape

myths and religions outside of Christianity, Franiuk and Shain (2011, p.784) note that “themes of female chastity, wifely duties and the ideal woman in religious texts contribute to a culture that excuses men’s violence against women” and reinforce notions of women’s inferiority. Empirical evidence also supports the connection between religion and RMA, with research finding that religiosity and endorsement of purity culture was predictive of higher levels of RMA, even after controlling for conservative political ideology (Barnett et al., 2016; Owens et al., 2020).

Finally, there is also considerable explanatory value in the effects of media on the development of RMA. Edwards et al. (2011) note that the media perpetuates rape myths through the almost exclusive concentration on stranger or violent rape, despite the fact that research and statistics consistently illustrate that rape is most likely to be perpetrated by an acquaintance or partner. Taking into consideration the availability heuristic, which Tversky and Kahneman (1982) explained is a mental shortcut to estimate the likelihood or frequency of an event based on how easily examples are recalled, by under-representing particular types of rape in media, it may restrict individuals’ understanding of “real rape”. Additionally, the framing and language utilised by media can also contribute to victim blame by insinuating the victim’s behaviour instigated the assault (Gravelin et al., 2019). Gilmore’s (2019) “Fixed It” campaign highlights how reporting on violence against women frequently involves victim-blaming language and the use of passive terms that serve to diminish perpetrators’ responsibility. Research has also demonstrated that exposure to reporting on cases that includes rape myths impacts individuals judgements about the case. Franiuk et al.’s (2008) used an experimental design to examine the effects of neutral or rape myth-supportive newspaper headlines, modelled off actual newspaper headlines. Results showed participants who read the headlines containing rape myths rated the defendant as significantly less guilty compared to the participants who read neutral headlines. A meta-analysis conducted by Hedrick (2021) found that overall there was a small but statistically significant relationship between RMA and media consumption, with a few media types, especially violent and general pornography, steering the relationship.

2.3. Measuring Rape Myth Acceptance

Extensive research on the topic has produced a variety of measures assessing RMA and attitudes towards sexual violence (for reviews, see: Dursun, 2012; Lonsway & Fitzgerald, 1994; Schlegel & Courtois, 2019). However, one of the most widely used measures besides Burt's (1980) original Rape Myth Acceptance Scale, is Payne et al.'s (1999) Illinois Rape Myth Acceptance (IRMA) scale. The IRMA traditionally includes 45 items, including 5 filler items, although a 20-item short form version is most frequently used. While the scale is often used as a unidimensional measure, Payne et al. (1999) presented support for 7 distinct factors namely: *She asked for it*, *She lied*, *It wasn't really rape*, *He didn't mean to*, *She wanted it*, *Rape is a trivial event* and *Rape is a deviant event*.

McMahon and Farmer's (2011) qualitative evaluation of the original IRMA, demonstrated a lack of support for the last three factors, suggesting these factors were either too overt for anyone to agree with or irrelevant to the concept of victim-blaming which underpins rape myth acceptance. After reducing the number of factors and updating the language and terminology used in the original IRMA (e.g., changing "illicit affair" to "cheating"), McMahon and Farmer produced the Updated Illinois Rape Myth Acceptance (U-IRMA) which has 19 items and maintained four distinct factors: *she asked for it*, *she lied*, *it wasn't really rape* and *he didn't mean to*. These factors are generally consistent with the four categories outlined in Bohner et al.'s (2009) comprehensive evaluation, namely: myths that blame victim-survivors, myths that doubt allegations, myths that disqualify certain scenarios as rape and myths which exonerate the perpetrator.

Although the labels for the factors in the U-IRMA are consistent with those in Payne et al.'s (1999) original IRMA, for the purposes of this thesis, I decided to relabel these factors to clarify these beliefs are predisposed rather than a result of a person's interpretations or decisions relating to the specific case presented. As such, the *she lied* factor will be referred to as *victims lie* (VL), the *she asked for it* factor will be referred to as *victims ask for it* (VA), the *it wasn't really rape* factor will be relabelled as *not really rape* (NR), and finally, *he didn't mean to* will be relabelled as *perpetrators don't mean to rape* (PD).

Another widely used scale is Gerger et al.'s (2007) Acceptance of Modern Myths about Sexual Aggression (AMMSA). Gerger et al. also noted skewed distribution from traditional RMA measures and aimed to develop a scale which adhered to a normal distribution. Their 30-item scale was developed simultaneously in German and English based on 5 categories: denial of the scope of the problem; antagonism towards victim-survivors' demands; lack of support for policies designed to alleviate sexual violence; male coercion is a natural part of sexual relationships; and exonerating the perpetrator by blaming the victim-survivor. The scale, which loads onto a single factor, has consistently achieved high reliability scores and has since been adapted to a number of other languages, including Spanish (Megías et al., 2011), Greek (Hantzi et al., 2015) and Russian (Khokhlova & Bohner, 2020). However, despite the scale's popularity, some of the English items are quite complex linguistically, even for highly-educated samples, for example, "a lot of women strongly complain about sexual infringements for no real reason, just to appear emancipated". Additionally, it could be argued that in an attempt to achieve a symmetrical distribution of responses, the content of the items extended beyond rape myths specifically, with items relating to sexual harassment, male violence and sexism, for example, "most women prefer to be praised for their looks rather than their intelligence". Furthermore, some items appear only marginally connected to beliefs about sexual violence, and thus are less likely to result in social desirability responding relative to more established myths for which participants know agreement is socially unacceptable, for example "when politicians deal with the topic of rape, they do so mainly because this topic is likely to attract the attention of the media". Recently, Bohner et al., (2022), produced the AMMSA-21, a 21-item scale that combines themes in recent public discourse (such as beliefs about false allegations) with content from the original scale. The psychometric properties of the scale look promising and with further research, the AMMSA-21 may offer a more suitable alternative to McMahon and Farmer's (2011) U-IRMA.

As noted, there is growing concern that traditional quantitative methods of examining RMA may not be accurately capturing the true level of rape myth acceptance as blatant myths which have become less socially acceptable are replaced with more subtle expressions (Hockett et al., 2016; Rollero & Tartaglia, 2019). Beshers and DiVita (2021)

compared the level of RMA in undergraduates from 2010 to 2017 and found that the 2017 cohort scored significantly lower for each subscale of the U-IRMA, with the biggest decline in endorsement for the *victims ask for it* subscale. In particular, mean scores for items using the words “slut”/”slutty” showed over a full point reduction from 2010 to 2017. The authors note this may signify a shift from slut-shaming, a form of victim-blaming, commonly used in the litigation and media coverage of sexual violence cases, though the exact reason for this significant decline is undetermined. One limitation of the study is the notable under-representation of male students at both time points, given that female students represent over 70% of the sample. Nonetheless, the study highlights despite numerous changes in policy, practice, and programming related to reducing rape myths and preventing sexual violence, the level of rape myth acceptance in 2017 is far from negligible, with the average score across all scale items amounting to 2.05 (measured on a 5-point Likert scale, and in contrast to an average of 2.42 in 2010). Following qualitative research from O’Connor et al. (2018), which demonstrated there was still strong endorsement of more subtle rape myths in undergraduate students, Zidenberg, Wielinga, et al. (2021) implemented a mixed-methods approach to examine the discrepancies between quantitative and qualitative evaluations of rape myths. They found that despite low levels of self-reported acceptance of rape myths on the U-IRMA, participants qualitative responses to a fictitious police report of sexual coercion included notable endorsement for each of the four rape myth factors. The results present a convincing argument for the inclusion of qualitative evaluation in addition to traditional quantitative measures.

In addition to questionnaire and qualitative approaches to the measurement of rape myths, researchers have also used implicit measures, such as the Implicit Association Task (IAT). The IAT measures the strength of association between concepts (e.g., men, women) and evaluations (e.g., good/bad, strong/weak). When instructions compel highly related categories (e.g., men and strong) to share a response key, reaction times are considerably faster compared to less connected categories (Greenwald et al., 1998). Thus, the automaticity of attitudes conveyed in IAT responses can bypass concerns of socially desirable responses hindering explicit evaluations of rape and rape myths (Widman & Olson, 2013). A handful of studies have employed this approach to examine attitudes

towards rape including Nunes et al., (2013), Widman and Olson (2013), and most recently, Süssenbach et al. (2017). In Süssenbach et al.'s study, participants read a scenario involving rape and used words relating to the characters (i.e., "George", "Mister S.", "Tanja", "Ms K.") as categories in the IAT. Results demonstrated that both personal and situational factors influenced participants' implicit biases. This meant that those who scored high on the AMMSA scale had stronger negative victim-survivor associations on the IAT. Furthermore, those who read case information which could be used in the perpetrators defence (such as the victim-survivor flirting with the perpetrator) also had stronger negative victim-survivor associations. While IATs offer a less biased measurement of covert attitudes, the categorical structure limits exploration of the full breadth of rape myth beliefs.

2.4. The Prevalence of Rape Myths

Despite difficulty in assessing beliefs so strongly impacted by social desirability, the prevalence of rape myths repeatedly demonstrated throughout academic literature, media portrayals and legal processes verifies the widescale acceptance. The use of rape myths is unquestionable and deeply concerning. One of the most compelling examinations of prevalence rates in the UK comes from a YouGov survey, conducted by the End Violence Against Women Coalition. The representative sample of almost 4,000 adults in Great Britain demonstrated a disturbing level of rape myth endorsement, with 33% of the sample agreeing "it isn't usually rape if a woman is pressured into having sex but there is no physical violence" (EVAW, 2018). Additionally, 33% of male participants believed a woman can't change her mind after sex has started and almost a quarter of men believed sex without consent in a long-term relationship would not count as rape. These responses clearly highlight the ongoing public confusion about what constitutes rape and indicate the extent to which myths about "real rape" are stubbornly ingrained in our society, despite continuous efforts by various organisations to dispel misunderstandings related to sexual violence.

Another YouGov survey, this time conducted by Smith and Daly (2022), looked at UK public perceptions of justice in rape cases and found that despite participants stressing

the importance of believing complainants, the narrow understanding of victimhood would deny justice to many victim-survivors. Explicit information clarifying that forensic evidence is rarely available due to the personal and private nature of rape was provided to participants, and yet, almost 20% of the 2910 participants stated that some form of physical or medical evidence would be necessary to secure a conviction if they were on a jury. A further 26% of the sample stated they were uncertain what type of evidence would be sufficiently convincing. The researchers also found that estimates of false allegations were significantly over-predicted, with a median estimate suggesting one in five rape allegations are false. While the exact number of false allegations is effectively impossible to determine, academic estimates are considerably lower—Ferguson and Malouff's (2016) meta-analysis suggests approximately 5% of sexual assault cases reported to the police are false allegations, and a report examining the frequency of false allegations in the UK between 2011-2012 indicated there were 35 prosecutions for false allegations relative to 5651 prosecutions for rape during this period (Levitt & Crown Prosecution Service Equality and Diversity Unit, 2013).

Interestingly, an Irish national telephone study of beliefs about rape, also found that the most strongly endorsed statements within their study were that “accusations of rape are often false”, in addition to “the reason most rapists commit rape is overwhelming sexual desire”; both of which were endorsed by over 40% of the sample (McGee et al., 2011). It should be noted that while McGee et al.'s study was accomplished in achieving a large nationally-representative sample, the statements were not reflective of psychometric scales available at the time, combining rape myths related to both child and adult victim-survivors of all genders, and responses were limited to *agree*, *disagree* or *unsure*. In addition to the ambiguous wording of some statements, the results may not provide the most accurate representation of rape myth endorsement. More recently, the prevalence of the *victims lie* rape myth in social discourse was examined, with a content analysis study of tweets relating to rape and sexual assault (Stabile et al., 2019). During the 4-month period examined, there were over 1.3 million tweets about rape and sexual assault—2% of which referred to false allegations or deceitful complaints, including terms such as lying, fake or fabricated, for an average of 28,000 tweets per month. A sub-set of these tweets were

further analysed revealing 44-48% were accusatory (i.e., expressed doubts about or undermined allegations) compared to 12-16% classed as validating (i.e., challenged idea that women frequently lie about rape).

Considering the prevalence of rape myths in the general public, it is hardly surprising that rape myths are still affecting our criminal justice system. A considerable amount of research has suggested that RMA in jurors in particular poses a barrier to achieving justice in sexual assault cases (Gillen, 2019; Temkin, 2010). Meta-analyses have found a significant impact of RMA on juror decision-making, with Leverick's (2020, p.256) review of 28 quantitative and 6 qualitative studies finding "overwhelming evidence" that rape myths affect juror decision-making. While a recent study by Thomas (2020) claimed jurors have very low levels of rape myth endorsement, the lack of a validated measure of RMA combined with the limited response choice of *agree*, *disagree* or *not sure* (rather than the typical 5- or 7-point Likert options) may have resulted in the study failing to capture the nuance of an increasing subtle attitude (Daly et al., 2022). Despite Thomas's (2020) conclusions that only a small proportion of jurors believe rape myths, results indicated that 15% of the 771 jurors did not disagree that "if a person doesn't physically fight back, you can't really say it was a rape", 23% did not disagree that "if a woman sends sexually explicit messages to a man she should not accuse him of rape later on" and 43% agreed that they would expect a rape victim to be emotional when giving evidence in court, with a further 35% unsure. While acknowledging victim-survivors can be emotional when giving evidence is not in itself a myth, the expectation for victim-survivors to act this way is certainly a common misconception. These figures suggest jurors' level of RMA is far from trivial. Regarding jury decision-making, the literature consistently demonstrates that high levels of RMA result in lower rates of guilty verdicts (Leverick, 2020; Dinos et al., 2015).

However, even highly trained and educated professionals within the CJS are not exempt from rape myth biases. As a victim-survivor's first point of contact with the CJS, extensive research has been conducted to examine police officers' rape myth endorsement. Parratt and Pina's (2017) systematic review concluded that stereotypes appeared to be highly influential in shaping officers' beliefs of rape, with most studies finding when victim-

survivors did not match officers' pre-conceived ideas of a genuine victim-survivor, they were perceived as less credible and more blameworthy and thus alleviated guilt from the perpetrator. One particular study included in the review reported that both male and female police officers score higher on particular sub-scales (i.e. *victims lie*) compared to law and psychology students (Sleath & Bull, 2015). While subsequent studies have found levels of RMA among police are typically below the scale midpoint, researchers note that any endorsement in police personnel poses serious problems for the CJS (Garza & Franklin, 2020). Munro and Kelly (2009, p.289) note that rape myths "continue to inform the early stages of attrition, where it affects victims' willingness to report and/or stay in the criminal justice process, as well as police and prosecutorial decision-making".

Further research has illustrated that lawyers are also susceptible to rape myth endorsement. Krahé et al.'s (2008) key study on prospective lawyers found that providing the legal definition of rape did not reduce participants' reliance on rape stereotypes. Results showed this led to increased victim-blame and holding the defendant less liable, particularly when the two parties knew each other. Observation studies such as Smith and Skinner (2017) found rape myths were used extensively throughout rape and sexual offence trials, particularly by defence lawyers in attempts to discredit victim-survivors. Smith (2018) notes out of the 8 trials included in Temkin et al.'s (2018) research, the 18 trials in their work (Smith & Skinner, 2017) and the 30 trials observed in the court observer scheme undertaken by Durham et al. (2016), only two cases out of all these trials did not feature any form of rape myth. Temkin et al. (2018) state even judges have demonstrated that they possess rape myth biases and even more problematically, they actively utilize them in their decision-making regarding sexual assault and rape cases.

2.5. The Consequences of Rape Myths

Based on the research presented thus far, the harmful consequences of rape myths are quite evident. However, given the focus of the current research, it is worth examining these consequences in further depth. Decades of research have already illustrated that rape is one of the most severe causes of trauma and is associated with an extensive list of

negative psychological outcomes (Horvath & Brown, 2022; Krahe, 2018). Further complicating these outcomes is the evidence for a relationship between negative mental health outcomes following sexual assault, with further sexual victimisation—research by Krahe and Berger (2017) showed depression is both a consequence and vulnerability factor for sexual victimisation which has critical implications for both the treatment of victim-survivors and the prevention of sexual violence. While research has shown that supportive reactions to disclosures of rape are associated with better recovery outcomes, negative reactions (such as victim-blaming and stigmatizing responses) from formal and informal sources can be incredibly harmful to victim-survivors (Filipas & Ullman, 2001; Yamawaki et al., 2007). Kennedy and Prock (2016) found that victim-survivors internalized rape myths which resulted in self-blame, shame and anticipatory stigma.

Research has also shown that public discourse and media coverage of sexual violence also impacts victim-survivors' well-being, as evidenced by Anderson and Overby (2021). The researchers found that most of the sexual assault survivors they interviewed in light of the 2018 US Supreme Court nomination hearings of Brett Kavanaugh, had experienced the “negative impact of rape myths, and victim blaming reactions from friends, family, and professionals, both initially and with renewed intensity during this high-profile political event” (Anderson & Overby, 2021, p. 1379). Prior to Kavanaugh's life-time appointment to the Supreme Court, a position which contributes to determining constitutional policy and legal precedence for all 50 states of the USA (Orentlicher, 2017), Dr Christine Blasey Ford alleged that Kavanaugh had sexually assaulted her over 30 years ago. The world watched the live-televised Senate Judiciary Committee hearing, in which Blasey Ford calmly answered questions about how Kavanaugh pinned her down and groped her at a party (Sweetland Edwards, 2018). While many applauded Blasey Ford's bravery in testifying, others noted how the case reinforced the incredibly high standards for victim-survivors to be believed (Peterson, 2018). Following the hearing, the US national sexual assault hotline experienced a 338% increase in traffic (RAINN, 2018), while the subsequent appointment of Kavanaugh to the Supreme Court further disheartened survivors (Anderson & Overby, 2021).

Considerable research has also demonstrated the impact of rape myths in seeking support and justice. Koss (1985) coined the term “unacknowledged rape victim” to refer to individuals whose experience of sexual violence met the legal definition of rape but who did not identify themselves as a rape victim. Further research found that women assaulted by strangers were much more likely to view their experience as rape, compared to women assaulted by someone they knew (Koss et al., 1988). Additional research has found that women who strongly endorse rape myths are less likely to report experiences of rape compared to women with lower levels of rape myth acceptance (Egan & Wilson, 2012; Heath et al., 2013; LeMarie et al., 2016). Research has also found RMA moderates the impact of rape acknowledgement on mental health outcomes, such that acknowledged rape victims with high levels of RMA reported greater depression symptoms compared to unacknowledged rape victims with high levels of RMA (Wilson et al., 2018).

With regard to perpetration, the relationship between RMA and rape proclivity has been well-established in the literature (Johnson & Beech, 2017; O’Connor, 2020; Trottier et al., 2021). However, recent research indicates that even perceived peer acceptance of sexual violence and rape myths may contribute to individuals’ likelihood of engaging in aggressive sexual behaviours (Bohner et al., 2006; Oesterle et al., 2023). Collibee et al. (2021) also found perceived peer endorsement of rape myths was associated with other forms of aggression, including bullying and cyberbullying perpetration. Finally, the acceptance of rape myths has also been demonstrated to negatively impact individuals’ willingness to help victim-survivors of sexual violence. Research into bystander interventions has found that both men and women who endorse rape myths are less likely to be proactive in situations where they could prevent rape (Leone et al., 2021; Powers et al., 2015). Evidently, rape myths pose substantial potential to cause further harm, in addition to the damage they already inflict on victim-survivors through the CJS.

2.6. Rape Myth Interventions

Positively, in light of the increasing awareness of rape myths, various efforts have been (and continue to be) made to dispel them. This includes dedicated resources

providing information about the realities of rape from numerous organisations (Amnesty International, 2021; Crown Prosecution Service, 2021; Rape Crisis England & Wales, n.d.; The Survivors Trust, n.d.), as well as educational campaigns and social movements such No More (Hestia, n.d.), #MeToo (Brockes, 2018) and I Just Froze (Adams, 2017).

A number of interventions and programmes have also been designed to reduce RMA in naturalistic settings, summarised in Hudspith et al. (2021). The review found that effective interventions ranged from educational interventions presenting information to combat rape myths, interventions containing an empathy component and bystander programmes. While most successful interventions were presented via videos, many were also supplemented with interactive tasks such as group discussions. The authors note there is strong evidence that RMA interventions can have a short-term impact on participants' level of RMA, however, evidence of longitudinal effects is more limited and the "shotgun approach" of most programmes makes it difficult to assert which factors or components are responsible for the observed changes in RMA (Hudspith et al., 2021). While some recent research has found evidence of longitudinal effects in officers' evaluations of verdicts and complainant/perpetrator responsibility following specialist training on sexual offences, the failure to include a measure of RMA provides no further guidance on the sustainability of intervention-led reductions in RMA (Tidmarsh et al., 2020).

Despite some promising results, some research has suggested the success of interventions in individuals with high endorsement of rape myths may be tenuous. Leone et al. (2021) found that an empathy-based bystander intervention is less effective in men who endorse a greater number of rape myths. Additionally, Elias-Lambert and Black (2016) found their bystander intervention only decreased RMA in fraternity members at low risk of sexual coercion perpetration with no significant changes in high-risk members. In line with the majority of literature on rape myth acceptance, researchers note further research is urgently required (Elias-Lambert & Black, 2016; Hudspith et al., 2021; Leone et al., 2021; Tidmarsh et al., 2020). In order to provide an overarching theory of *how* rape myths influence jury decision-making which can underpin future rape myth intervention research, the next chapter will compile key literature on jury decision-making within

sexual violence cases. Following a brief introduction to the jury system of England and Wales, I will evaluate existing theoretical models and critical factors in verdict decisions from the wider literature before presenting the hypothesised model which will be investigated in the subsequent empirical chapters.

Chapter 3: Proposed Theory of Rape Myths within Jury Decision-Making

3.1. The Adversarial Jury System

The jury system has been lauded by many as the pinnacle of democratic and egalitarian justice. The right to an impartial trial by a jury of one's peers dates back to the Magna Carta (Clause 39, Magna Carta, 1215, as cited by Kapardis, 2015) and is protected under various legislations, including Article 6 of the European Charter of Human Rights in the EU and in 3 of the 10 Amendments in the US constitution Bill of Rights (Kovera, 2017). As noted by Bornstein and Greene (2017) jurors face the complex task of hearing evidence, making sense of conflicting facts and applying the law to reach a unanimous or majority verdict. But despite the complexities of the role, the persistence of case decisions by ordinary citizens, either exclusively (as in England and Wales) or as part of mixed tribunals with laypersons and professional judges (as in France and Germany), suggest there are some enduring attractions to the practice (Hans, 2008).

Within England and Wales, juries of 12 non-legally trained citizens are tasked with deciding the guilt of a defendant in criminal trials (Hans et al., 2017). The Juries Act sets out the eligibility requirements for jurors, with any individual qualified to be called for jury duty provided that:

- a) they are registered on the local government or parliamentary elector,
- b) they are between the ages of 18 to 75,
- c) they are ordinarily resident in the UK for at least 5 years, since the age of 13, and,
- d) they are not otherwise disqualified (i.e., a person who lacks mental capacity or is subject to an order under the Mental Health Act 1983, a person who has served a prison sentence of at least 5 years or a person convicted of an offence relating to their conduct as a juror).

Unlike other countries, such as the US, where those called to jury duty are subsequently subjected to extensive questioning prior to jury selection for a trial, in England and Wales jurors are simply randomly selected from the electoral register, with the Contempt of Court

Act (1981) prohibiting jurors being asked almost anything related to the case (Willmott et al., 2017).

The inclusion of ordinary citizens as key decision-makers for trials serves a number of purposes including ensuring judgments are reasoned by guilt (rather than ruled solely on the law) and consistent with community views on justice, to reduce the power of incompetent or corrupt judges, to promote procedural justice and to increase civic engagement (Bornstein & Greene, 2011; Hans, 2008). Evidence from qualitative interviews with English judges suggests many favour a trial by jury for fairness and impartiality compared to judge-only decisions (Julian, 2007), and British public opinion polls consistently demonstrate high levels of support for the jury system (Willmott et al., 2017).

Paradoxically, jury trials have long been heavily criticised by both the public and experts alike. As noted by Bornstein and Greene (2017), the same alleged advantages of the jury, i.e., decisions which are delivered by diverse, ordinary citizens with no legal training, are the same justifications used in arguments against them. Marshall (1975) pointed out the contradictions in the ideals of impartial and representative peers and posited that even if these terms could co-exist together, they still do not guarantee fair verdicts. Substantial research has demonstrated the impact of jurors' attitudes and focus on extra-legal factors on influencing verdict decisions, further challenging the idea that a decision by a panel of lay persons is the most effective method to obtain fair and impartial decisions (Daftary-Kapur et al., 2010; Willmott et al., 2017). As evidenced in Chapter 2, particularly when the trial involves accusations of rape, jurors' misconceptions and biases pose a considerable threat to achieving justice (Leverick, 2020).

Beyond the personal attributes of the jurors themselves, some researchers have noted that the overall adversarial nature of criminal trials, in which jurors are tasked with finding the one factual truth, also poses challenges to achieving justice for sensitive and complex cases involving sexual violence (Munro, 2022). Many have argued that the existing legal emphasis on the defendant's right to a fair trial, often overshadows victim-survivors' needs to the point where victim-survivors become "collateral damage" (Doak, 2008; Smith & Daly, 2022). Willmott et al. (2021) provide a useful summary of arguments for and

against the traditional jury system within the UK CJS, concluding that while efforts should be made to modernise the jury system based on research, such as juror education, a complete removal of juries is still premature.

3.2. Theories of Juror Decision-Making

Considering the endurance of the jury system, it is unsurprising that considerable research has been dedicated to understanding the processes involved in jury decision-making by legal scholars and social scientists (Kovera, 2017). A number of theoretical models of how jurors make decisions at trials have been proposed, which Hastie (2001) states can be broadly categorised into three types: mathematical, heuristic and narrative.

There are a variety of equation-based mathematical models which have been applied to juror decision-making, including algebraic, stochastic and Bayesian. Hastie's (1993, p.84) work on the algebraic modelling approach presents decision-makers as "judgemental accountants" who quantify the importance of each piece of evidence and subsequently calculate a weighted sum to provide a final evaluation. Bayesian models of juror decision-making are also classed under information-integration theories, with MacCoun (1989) defining the simplest Bayesian model as a juror's initial odds estimate of the defendant's guilt (i.e., given the fact the defendant is on trial) combined with a likelihood ratio representing the perceived diagnosticity of each evidence item presented. Kerr (1993) also highlights mathematical models of juror decision-making which incorporate both stochastic and deterministic elements, such as Thomas and Hogue (1976) two-stage model. In the first stage, the juror derives the weight of the evidence presented in the case for the defendant's guilt, which can be represented by a single value (X). In the second stage, the juror determines whether the value of the evidence exceeds a decision criterion (C), namely proof beyond a reasonable doubt. Thus, if X exceeds C , the juror renders a guilty verdict. However, Devine et al. (2000) note that while these quantifiable models are advantaged with precise and testable mathematical expressions, they do not correspond well to jurors' subjective experiences. While mathematical models help depict

how rational computers make their decisions, human decision-making is rarely entirely rational.

Heuristic models of jury decision-making acknowledge the limitations of human's cognitive capacity, which necessitates striving for efficiency in decision-making (Curley et al., 2022). Tversky and Kahneman (1982) define heuristics as the cognitive "shortcuts" used to reduce complexity in judgements and decisions, which result in reasonable judgements under many circumstances, although they often lead to biased and systematically erroneous decisions. Heuristic information processing typically involves the use of general rules (i.e., scripts and schemas) developed by individuals through their personal and subjective experiences and observations (Chaiken, 1980). Bornstein and Greene (2011) note that because jurors filter the evidence through their own experiences, expectations and beliefs, jurors attend more to information consistent with their verdict preference and scrutinize and reject inconsistent information. An example of a heuristic used in legal contexts is the representativeness heuristic which considers the degree to which the features of an event match the features of a category (Rachlinski, 2000). This heuristic applied in the context of juror decision-making in a rape case could be linked to the perceived legitimacy of an event as rape, in light of a juror's acceptance of "real rape" myths.

In addition to models focused solely on heuristics, there are also a number of dual-processing models applied to juror cognition. Dual-process models, such as Chaiken's (1980) heuristic-systemic model, posit that people have two modes of information processing—a rapid and relatively effortless heuristic mode and an effortful and analytical systematic mode. Since systematic processing involves attempts to thoroughly understand information through careful attention, deep thinking and reasoning, it typically confers higher confidence in one's judgment. However, individuals tend to avoid systematic processing in favour of heuristic processing unless they are motivated to (and capable of) rigorously considering information (Chaiken & Ledgerwood, 2012). Interestingly, even when individuals are highly motivated to make accurate decisions, such as members of a jury, research indicates that if the available evidence to make that decision is ambiguous,

decision-makers in systematic processing will focus on evidence that is consistent with any heuristic cue they have been exposed to, known as the bias hypothesis (Bornstein & Greene, 2011; Chaiken & Maheswaran, 1994; Nitschke et al., 2022).

Despite the merits of the theories mentioned above, Devine et al.'s (2000) review states the story model is the most widely adopted approach in the jury decision-making literature. The story model, developed by Pennington and Hastie (1986, 1992, 1993), assumes jurors actively construct a narrative throughout the trial using the case information provided during the trial, previous knowledge of similar events and generic expectations of what constitutes a complete story. Hastie (2001, p.996) states that the story constructed by the juror determines their verdict, with the approach generally proposing “that causal situation models play a central role in many explanation-based decisions”. Furthermore, the story model can be conceptualised as an overarching model which includes the heuristic elements of decision as sub-components with the aim of describing the cognitive processes that could, at a general level, be captured and investigated by an equation.

The model has also been empirically tested using the recently developed Juror Decision Scale (JDS) by (Willmott et al., 2018) Confirmatory factor analyses revealed a bifactor structure in the JDS with three grouping factors (complainant believability, defendant believability and decision confidence), controlling for a general factor. The model was investigated within the parameters of a mock jury rape trial and found significant relationships between high complainant believability scores with a) lower AMMSA scores and b) higher rates of guilty verdicts both pre- and post-deliberation. Additionally, significant relationships were found between high defendant believability and a) higher AMMSA scores and b) lower rates of guilty verdicts pre- and post-deliberation. Overall, the JDS provides useful insights into jury decision-making and may indirectly account for some of the influence of rape myths on verdicts. However, the model does not provide a way to directly measure the impact of RMA within jury decisions.

Evidently, verdict decisions are the culmination of multiple complex interrelating decisions, which can be examined from a multitude of perspectives. Within the literature

relating to jury decision-making in rape cases, a number of heuristics and biases have been explored, while a number of core evaluations have been linked to jurors' verdicts, specifically, credibility, responsibility and empathy. Of course, these judgements themselves are influenced by a wide range of case characteristics, including (but not limited to): intoxication (Lynch et al., 2013; Osborn et al., 2018; Schuller & Wall, 1998), relationship between victim-survivor and perpetrator (Frese et al., 2004a; Lilley, Willmott, Mojtahedi, et al., 2023; Monson & Langhinrichsen-Rohling, 2000; Wenger & Bornstein, 2006), ambiguity of consent (Ellison & Munro, 2009b; Gray, 2015; Hills et al., 2019; Randall, 2010), delayed reporting (Chalmers et al., 2021a; Ellison & Munro, 2009c; Quilter et al., 2022), emotionality at trial (Bohner & Schapansky, 2018; Ellison & Munro, 2009b; Tsoudis, 2002) and sexual history (Feild, 1979; Herriott, 2021; Schuller & Klippenstine, 2004). Clearly, many of these variables align with the content of specific rape myths. However, given the complex nature of sexual violence cases, it is difficult to isolate and weigh the effects of each variable specifically on the three judgement factors. Nonetheless, a considerable body of experimental research has provided insight into some of the key elements which influence credibility, responsibility and empathy. The following sections will summarise some of the fundamental studies which examine these evaluative factors within decision-making throughout the CJS.

3.3. Credibility Evaluations

The evaluation of complainant credibility in rape cases is arguably one of the most contentious and problematic areas within criminal justice decision-making. Research has demonstrated that rape complainants are subjected to considerable scrutiny at each stage of the CJS, from the police investigation up to jury decision-making, and evaluations of complainants' perceived credibility can be a deciding factor in whether the case progresses favourably (Ellison & Munro, 2009b; Menaker & Cramer, 2012; Nitschke et al., 2019; S. St. George & Spohn, 2018). Menaker and Cramer (2012) note that while jurors' perceptions of complainant credibility are important for all case outcomes, for rape cases specifically, which often feature a dearth of corroborating evidence, the perceived credibility of the

complainant is critical. A wide variety of elements may be considered when assessing complainant credibility, including (but not limited to) complainants' behaviour before and after the event, their mental health and the consistency of their statements. However, it is important to note the distinction between perceived credibility and genuine truthfulness – there is minimal evidence to support that factors such as sexual history, delayed reporting or emotionality at trial are related to whether a complainant is fabricating an allegation of rape, despite the frequent use of these elements to determine complainant credibility in rape cases (Barn & Kumari, 2015).

Schuller and Klippenstine's (2004) review of the impact of sexual history evidence in rape trials found that the inclusion of complainants' prior sexual conduct is likely to prejudice jurors against the complainant and result in serious credibility concerns. More recent research from Nason et al. (2019) found the mean rating of complainant believability was significantly reduced after information about relationship status with the accused was added, while qualitative findings from Herriott (2021) illustrated perceptions of complainant believability were notably lower when sexual history evidence was introduced, despite some acknowledgement of the prejudicial nature of such evidence. Previous sexual history of the complainant, especially consensual history with the accused is often detrimental to complainants' credibility judgements. This may be due to the increased potential for motives of false accusations, which is stressed in a number of rape myths measured in the *victims lie* subscale of the U-IRMA. Balogh et al.'s (2003) study on the effects of delayed reporting and motives in sexual harassment cases found that conditions which included retaliatory (versus altruistic) motivations for reporting resulted in significantly lower credibility ratings for the complainant, in addition to significantly lower guilt ratings for the defendant. Evidently, rape myths are strongly intertwined with credibility judgements.

Quilter et al. (2022) identified the most persistent rape myth as the idea that honest victim-survivors immediately report to the police, linking to a passage on rape in the Glanville Treatise (i.e., the earliest treatise on English Common Law dated to the late 12th Century). A 19th Century translation of the text reads: "a woman, having suffered any such

violence, is bound immediately, while the crime is recent, to go to the nearest village, and there state the injury to respectable men” (Glanvill & Beames, 1812, p.358). Quilter et al. (2022) note that despite legal provisions to discourage such ideas as a defence strategy, 26 of the 33 rape cases they observed involved defence tactics based on the complainant’s delayed reporting. Mock jury research from Ellison and Munro (2009b) found even a relatively short delay of three days to report the incident resulted in mock jurors expressing concerns and questioning the legitimacy of the allegation, demonstrating their belief that the appropriate response would have been to report the crime immediately. Jordan’s (2004) study, which examined files on rape from three New Zealand police forces, provides further evidence of variation in credibility judgements with delayed reporting. The researcher found that 22% of the files included delayed reporting (totalling to 37 cases), of which, the police believed only five were genuine and expressed doubts about the remaining 86% of these cases.

Research has shown that other victim behaviours deemed counterintuitive by jurors, such as a lack of strong resistance to the assault, are also linked to lower credibility assessments (Angelone et al., 2015; Ellison & Munro, 2009b; Randall, 2010). A meta-analysis conducted by Nitschke et al., (2019) reviewed 20 studies examining the “emotional victim effect” in rape cases and found that when complainants displayed a distressed demeanor, perceptions of their credibility were significantly increased in comparison to complainants who displayed a calm or neutral demeanor. Given the natural range in responses to trauma, the fact that rape victim-survivors need to conform to gender and victim stereotypes to maintain credibility in the eyes of the jury poses a threat to achieving justice (Menaker & Cramer, 2012; Schuller et al., 2010; Smith, 2018). Smith (2018) highlights how jurors lack of knowledge relating to trauma responses disadvantages victim-survivors as their legitimate and diverse responses to traumatic events are regarded as irrational, and therefore, suspicious. Smith’s (2018, p.66) observations of rape trials in England found that defence barristers “argued that the jury must look for evidence of inconsistencies between witness testimony and their expectations of what a ‘normal’ person would do” in order to portray the complainant as suspect. Herriott (2021) also found inconsistencies in complainants’ testimonies were strongly associated with lower

credibility assessments from jurors, despite the wealth of research which has shown that omission or inconsistencies in complainant's testimonies are a poor indicator of memory reliability (Fisher et al., 2021; Hohl & Conway, 2017). Hohl and Conway (2017) elucidate the modern view of human memory, clarifying that memories of any specific event are composed of time-compressed fragments of that experience, rather than a complete record. As such, gaps and missing information are fundamental characteristics of human memory and should not be viewed as indicative of an unreliable account of events.

The justice system assumes that it is possible to identify the objective, universal truth through legal fact-finding based on positivist principles such as rationality, objectivity, reason and logic—even though evaluations of reason and rationality require personal judgement due to their context-specific rather than universal nature (Nicholson, 2000). Considering the focus on the coherence theory of truth in legal discourse, it is unsurprising that examining inconsistencies between complainants' evidence and the hypothetical ideals based on how "rational" people behave is common-place at trial. However, such thinking fails to consider how decisions are made during and post-trauma and Smith (2018) stresses that the behaviour of rape survivors cannot simply be dichotomised into "rational" or "irrational".

Porter and ten Brinke (2009) note that under British common law the determination of witness credibility is deemed a "common sense" judgement which ordinary people regularly use in discerning whether someone is lying. However, general research on detecting deception suggests both professionals and lay persons also over-emphasise the importance of unvalidated behavioural cues resulting in success rates just above chance (Bond & DePaulo, 2006; Brennen & Magnussen, 2020; Vrij et al., 2019). Porter and ten Brinke's (2009) survey of 16 Canadian judges found only one had received formal training on credibility assessment and that there was a complete lack of consensus among the judges about which verbal, vocal and non-verbal behaviours were accurate cues to deception. Thus, it is hardly surprising Vrij et al. (2019, p. 295) state "people are mediocre lie-catchers". However, our inability to discern truths versus lies poses considerable threats to positive complainant credibility judgements, which are ultimately linked with

positive trial outcomes for victim-survivors, i.e., guilty verdicts (Angelone et al., 2015; Ellison & Munro, 2009b; Schuller et al., 2010; Smith, 2018; Wenger & Bornstein, 2006; Wessel et al., 2012).

3.4. Responsibility Evaluations

Differences in jurors' expectations for victim behaviour and actual victim-survivor behaviour is also associated with increased judgements of blame and responsibility, as well as impacting perceived credibility. Christie's (1986) theory on the "ideal victim" posits that victims who are weak, virtuous, blameless, with no personal relationship to the perpetrator and who put effort into protecting themselves, are most readily identified as legitimate victims. Research has shown repeatedly that victim-survivors who achieve this narrow definition are typically afforded less blame and more empathy compared to victim-survivors who do not meet the criteria (Grubb & Turner, 2012; Smith & Daly, 2022). However, as noted by Christie, the "ideal victim" is considerably detached from the prevalence of real victim-survivors. Personal relationships with the perpetrator, supposedly "careless" or carefree behaviour such as consuming alcohol or wearing revealing clothing and not resisting the assault strongly or loudly enough are all factors which have been linked to increased judgements of blame and responsibility.

The previous section highlighted the impact of victim-survivor's sexual history on credibility evaluations; however, considerable research has shown this factor is also strongly linked with responsibility evaluations. Van der Bruggen and Grubb's (2014) review illustrated that, generally, the closer the relationship between the complainant and perpetrator, the more blame is assigned to the complainant. While some discrepancies exist in the literature, such as (Frese et al., 2004) who found that victim-survivors in acquaintance rape scenarios were attributed the most blame, followed by victim-survivors in the marital rape condition, then victim-survivors in the stranger rape condition (with each of the effects moderated by interactions with jurors' RMA levels), victim-survivors of stranger rapes are consistently attributed the least amount of blame and responsibility. This effect has also been found in other CJS decision-makers, including prospective

lawyers. Krahe et al. (2008) found complainant blame was lowest in the stranger rape scenarios, followed by acquaintance rape scenarios, with the highest blame ratings for rape scenarios involving ex-partners. Discouragingly, results also indicated that providing law students with the legal definition of rape failed to reduce their reliance on rape stereotypes in their case judgements.

Interestingly, even in the absence of a relationship between the victim and perpetrator, many behaviours by victim-survivors from which sexual intent is (often mistakenly) inferred are also linked to responsibility judgements. Research by Bernard et al. (2015) demonstrated that participants who read sexually-objectifying news reports of rape cases (i.e., reports included a picture of the complainant modelling underwear), as opposed to reports which only included a facial photo of the complainant, placed significantly less blame on the perpetrator, though they did not find any significant effects for victim blame ratings. Maurer and Robinson (2008) also found that participants believed victim-survivors had more sexual intent in scenarios where they wore suggestive clothing or were intoxicated, compared with scenarios where they wore neutral clothing or abstained from drinking. The myth that women's clothing choices, specifically wearing revealing or "slutty" clothing, signals their sexual availability and interest is widely believed. The researchers note that this misguided inference results in considerable victim-blaming, given other rape myth assumptions that men are unable to control their sexual urges; thus, the victim-survivor is "responsible" for arousing the perpetrator.

Disparagingly, this line of argument has even been demonstrated in court—in 2018, there was public outcry in Ireland after a rape case was acquitted following a defence lawyer asking the jury to consider a woman's choice of a lace thong underwear as evidence that she was "open to meeting with someone" (Quackenbush, 2018). Even the clothing worn by complainants at trial has been shown to impact jury decisions, with research from Osborn et al. (2018) finding a three-way interaction between victim-perpetrator relationship, court clothing and verdict, finding scenarios with married (vs acquaintance) complainants wearing smart (vs casual) clothing at trial resulting in higher rates of guilty verdicts. Furthermore, the research found that recommended sentence lengths were

longest when the complainant wore plain (vs revealing) clothing at the crime scene and casual clothes at court, indicating that defendants in cases where the victim-survivor wore revealing clothing were judged or blamed less than defendants who raped victim-survivors wearing neutral clothing.

In addition to dressing in revealing clothing, other behaviours presumed to precipitate rape victimisation, typically result in victim-survivors bearing the responsibility that belongs solely to the perpetrator. Gurnham (2016) notes women are routinely blamed for voluntarily putting themselves into circumstances in which “rape happens”, such as consuming alcohol or inviting a man into their home for coffee. The author discusses the debate surrounding identifying legitimate risk as opposed to victim-blaming, noting while some of the literature uses the term vulnerability (as opposed to responsibility) affirming and examining women’s behaviour which may put them at increased risk of rape, others posit that the notion a woman’s own behaviour increases the likelihood of someone else’s decision to commit rape is itself a rape myth. While there are statistical facts about the rate of victim intoxication in rape cases, this information provides no more cautionary advice than the fact that young drivers are more likely to be involved in car accidents. As such, advocating for women to limit their behaviour, particularly when no such limitations are placed on men, is categorically unhelpful victim-blaming.

Victim-survivor intoxication is one of the most evidenced factors affecting jurors’ judgements on complainant responsibility and credibility. A wealth of evidence has shown that rape victim-survivors who willingly consumed alcohol or illicit substances are deemed less credible and allocated more blame and responsibility compared to sober victim-survivors (Finch & Munro, 2005; Krahé, 1988; Lynch et al., 2013; Maurer & Robinson, 2008; Nitschke et al., 2021; Romero-Sánchez et al., 2018; Schuller & Wall, 1998; Stewart & Jacquin, 2010). Results from Lynch et al. (2013) illustrated that the level of responsibility allocated to victim-survivors varied depending on whether the drinks were bought by the defendant or the victim-survivor themselves, with participants providing more negative judgements of the victim-survivor and being less likely to deliver guilty verdicts when the drinks were bought by the victim-survivor. Positively, Nitschke et al. (2021) demonstrated

that judicial instructions on intoxication could minimise negative evaluations of the victim-survivor and improve jurors' understanding on victim-survivors' capacity to consent. However, the researchers also found that endorsement of rape myths mediated victim-survivors' perceived capacity to consent and ratings of defendants' guilt.

Another variable which has been explored extensively is victim-survivors' strength of resistance and its impact on blame and responsibility attributions. In their review, van der Bruggen and Grubb (2014) noted considerable evidence suggests that victim-survivors who do not resist their attackers are allocated the most blame, with the results even more pronounced for male victim-survivors of rape (based on assumptions that men are capable of fighting off their perpetrators). Randall (2010) notes that while a lack of resistance does not legally constitute as consent, victim-survivors' "vigorous resistance" remains inextricably linked to proving cases of rape. Angelone et al., (2015) found that compared to cases with no resistance, scenarios where victim-survivors used both verbal and physical resistance techniques were predictive of lower ratings of complainant culpability and higher levels of perpetrator culpability and guilt, in addition to higher ratings of complainant credibility. Van der Bruggen and Grubb (2014) also note that male jurors in particular attribute more blame to victim-survivors if they only offer weak resistance, while the effect is less noteworthy in female jurors. They posit women's greater understanding of victim-survivors' submissiveness weakens the effect, which is supported by findings from Davies et al. (2009) where male police officers blamed submissive victim-survivors significantly more than resistant victim-survivors.

Gender differences in blame attribution are also well documented, with Hockett et al.'s (2010) meta-analysis detailing the extent to which men consistently attribute more blame to rape victim-survivors. The authors note the differences between genders for blame attribution only lessened in extreme cases such as vignettes including extreme force or obvious intoxication of the victim-survivor. However, Angelone et al., (2018) posit these differences may be explained at least partially by differences in sexism, which emerged as a stronger predictor of responsibility and guilt attributions. Research has indicated other personal beliefs held by jurors, including benevolent sexism (Pedersen & Strömwall, 2013;

Viki et al., 2004), hostility towards women (Rollero & Tartaglia, 2019) and just world beliefs (van der Bruggen & Grubb, 2014), are also linked with responsibility and blame judgements. However, undoubtedly the biggest belief factor influencing victim-survivor and perpetrator responsibility judgements in rape cases is the acceptance of rape myths. Results from Leverick's (2020) meta-analysis showed near unanimous findings of a significant relationship between RMA and judgements about victim and perpetrator blame for the 29 studies included. Süssenbach, Eyszel, et al.'s (2017) paper, aptly named "Looking for Blame", found that as participants level of RMA increased, they spent more time inspecting the complainant relative to the defendant and attributed more blame to the complainant. Evidently, the connection between rape myths, responsibility attributions and verdict outcomes pose a number of challenges for rape victim-survivors.

3.5. Empathy Evaluations

Recent research on the impact of empathy evaluations on rape case judgements is somewhat sparser than the research examining the influence of credibility and responsibility judgements. Nonetheless, empathy evaluations provide useful insight into jurors' decision-making and empathy ratings have demonstrated predictive ability for credibility and responsibility judgements, in addition to verdict decisions (Lilley, Willmott, & Mojtahedi, 2023; Sperry & Siegel, 2013; Weir & Wrightsman, 1990). Weir and Wrightsman's (1990) study examined the impact of complainants' behaviour at trial and jurors' pretrial attitudes on verdict decisions and found that both condition and rape empathy were predictive of guilty verdicts. Jurors with higher rape empathy interpreted the complainant's behaviour as being consistent with real victim-survivors. However, jurors with lower rape empathy provided significantly fewer guilty verdicts in the condition where the complainant stares at the defendant, compared to the condition where the complainant avoids eye contact with the defendant. This suggests a lack of empathy with the victim-survivor results in a narrower view of what constitutes as genuine victim behaviour. While Tsoudis' (2002) study excluded verdict decisions, path analysis results confirmed emotional displays impacted empathy evaluations, which in turned influenced

sentencing recommendations. Furthermore, Taylor and Joudo (2005) also found that participants who empathised highly with the complainant and empathised less with the defendant were considerably more likely to favour a guilty verdict. Further validation of the importance of strong complainant empathy ratings in achieving guilty verdicts can be found in psychopathy research, with recent findings from Lilley, Willmott, and Mojtahedi's (2023) high validity mock jury study revealing that high scores on the affective response subscale of the Psychopathy Personality Traits Scale, which measured participants' general empathic and emotional traits, was the only significant attitudinal predictor of guilty verdicts.

The literature has also demonstrated strong links between case and complainant judgements with measures of empathy and related constructs. Feldman et al. (1998) found that juror similarity ratings with the complainant directly predicted lower ratings of victim blame and indirectly predicted greater social support through ratings of victim blame, vulnerability and empathy. Adolfsson and Strömwall (2017) also found sympathy for the victim-survivor was the best predictor of both victim blame (negatively) and perpetrator blame (positively). Additionally, while just world beliefs were found to predict blame attributions, this effect was subsumed with the inclusion of sympathy and RMA as predictors. As for credibility, research from Nason et al. (2019) found that men with lower levels of rape empathy rated the victim-survivor as significantly less believable, compared with women and participants with higher rape empathy. Additionally, they found a significant effect for rape empathy on changes in victim-survivor's perceived believability, with lower levels of empathy predicting a larger reduction in believability ratings following the addition of information about the relationship status between the victim and perpetrator. Interestingly, no effect for empathy was found for changes following the inclusion of information relating to victim intoxication.

In contrast to Nason et al.'s findings, Bevens et al.'s (2018) results showed that victim-survivor intoxication negatively impacted victim-survivor empathy ratings. Additionally, personal characteristics of victim-survivors have also been shown to influence empathy evaluations, such as their weight and religiosity. Research from

Zidenberg, Sparks, et al. (2021) found that jurors presented with scenarios featuring an overweight complainant had higher sympathy scores for the defendant, while Brown-Iannuzzi et al. (2019) found jurors were less likely to provide a guilty verdict in cases with an atheist complainant, as opposed to a religious complainant, with the effect mediated by ratings of morality, sympathy, credibility, responsibility and the strength of the prosecution's case. Nonetheless, the literature indicates that the strongest predictors of empathy are jurors' personal characteristics and experience. Women and people who have experienced sexual victimisation provide higher empathy ratings with rape victim-survivors, compared to men or people with no history of sexual victimisation (Osman, 2011; 2016). Another study by Osman (2014) revealed that people who had experience of rape by an acquaintance reported significantly higher empathy with other acquaintance rape victim-survivors compared to stranger rape victim-survivors, however, no differences in empathy rating emerged for individuals without victimisation history. Considering public attitudes to stranger rape versus acquaintance rape, perhaps this finding is unsurprising. Given the additional challenges faced by acquaintance rape victim-survivors in being identified as legitimate, this may serve to unite victims of this type of rape, while distancing them from victim-survivors more readily identified as genuine victims.

Undoubtedly, rape myths and empathy evaluations are strongly connected. The Rape Empathy scale, which remains a widely-used psychometric scale to evaluate rape myth acceptance, further highlights the potency of this link (Deitz et al., 1982). The scale invites participants to choose between two statements which demonstrate whether they favour victims or perpetrators, for example, "if a rape trial were publicized in the press, I feel the rape victim would suffer more emotional trauma from the publicity than the rapist" or "if a rape trial were publicized in the press, I feel the rapist would suffer more emotional trauma from the publicity than the rape victim". Deitz et al.'s (1982) original paper stated there were significant differences between the scores of male and female participants, and in addition, women who had experienced sexual violence scored higher than women who had not. Total RES scores were also predictive of both students' and jurors' ratings of defendant guilt, sentence recommendations and responsibility attributions (Deitz et al., 1982). Given the connection between empathy, RMA, and other case judgements, it is no

surprise that many rape prevention programmes focus on increasing victim empathy along with reducing rape myth acceptance (Hudspith et al., 2021; Leone et al., 2021; O'Donohue et al., 2003). Thus, it is evident from the evidence presented in this section, plus the previous two sections, that empathy, responsibility and credibility are critical factors in the judgement of both rape victims and rape cases. The following section will examine existing multivariate sequential regression models which incorporate these elements with RMA factors and/or verdict decisions.

3.6. Models of Jury Decision-Making in Rape Cases

To date, the literature has only offered a handful of theoretical models for jury decision-making specific to rape cases which have been tested using structural equation modelling (SEM). Regression analyses are commonly used to determine the impact of one or multiple independent variable(s) on a dependent variable, and so are suited to evaluating simple models. In comparison, SEM offers an advancement of regression analyses, where multiple relationships can be simultaneously examined, while also accounting for measurement error and unexplained variances (Kaplan, 2001; Nunkoo & Ramkissoon, 2012); thus, making it suitable to examine complex models of juror decision-making. One of the earliest and most influential models proposed to examine jury decision-making in cases of sexual violence was Schuller and Hastings' (2002) integrative model of guilt assessments. The model posited that prior sexual history between the complainant and defendant, along with RMA, predicts complainant credibility ratings, which in turn predicts participants' perception of the defendant's guilt. Using Ward's (1988) Attitudes Towards Rape Victims Scale to measure rape myth acceptance, results indicated gender and rape myth acceptance indirectly influenced guilt assessments through perceptions of complainant's credibility, perceptions of the defendant's belief in consent and the likelihood of complainant's consent. Schuller and Hastings' (2002) study provided solid groundwork for the development of my proposed model, with advances in programmes for structural equation modelling allowing us to utilise dichotomous rather than continuous dependent variables.

Another model which provides an insight into participants' evaluations of sexual assault complainants is Miller et al.'s (2011) path model of complainant culpability attributions. While the model omits verdict decisions, it clearly illustrated that women's personal history of sexual assault predicted their ratings of similarity to the complainant depicted in a vignette. This in turn predicted ratings of complainant empathy, which subsequently predicted participants' RMA. Finally, participants' RMA directly predicted participants' ratings of complainant blameworthiness and responsibility. While the culpability model demonstrated excellent model fit, it is necessary to note the model was based on a sample comprised of just 69 female undergraduate students.

There are also a handful of structural models predicting verdict decisions, which exclude rape myth acceptance such as Sperry and Siegel's (2013) model of attribution. Their model, based on Weiner's (1980) attribution model, posits that perceptions of a person's level of responsibility will result in less sympathy and reduced willingness to help the person. Sperry and Siegel (2013) found that ratings of victim responsibility predicted sympathy for the victim which simultaneously predicted their willingness to help the victim and the victim's perceived credibility, which ultimately predicted verdict decisions. However, contrary to their hypothesis, sympathy did not mediate the relationship between perceptions of victim responsibility and verdict decisions, plus a direct path from responsibility accounted for 22% of the variance in verdict. Overall, the model demonstrated acceptable levels of fit¹ (CFI=. 92, SRMR= .08) for the fit indices presented, although the exclusion of the impact of rape myths in the final structural equation model, after controlling for it in previous analyses, seems to be an unfortunate oversight.

3.7. Proposed Theoretical Model

Based on the models above and the general literature for jury decision-making in sexual assault trials, I developed a hypothetical model where credibility, responsibility and

¹ Hu and Bentler's (1999) recommendations for good model fit (CFI>.95, RMSEA<.06, SRMR<.08) are the most commonly used indices of model fit, which will be adhered to throughout the thesis.

empathy were key factors in linking rape myth acceptance to verdict decisions. However, in my research into these factors, it was evident that the terminology and measurement for these factors varied considerably. Credibility is often referred to as “believability” or “trustworthiness” (e.g., Harsey & Freyd, 2020; Klettke et al., 2016) and the terms “blame” and “culpability” are used interchangeably with responsibility (e.g., van der Bruggen & Grubb, 2014). Additionally, measurements for these constructs include single items (see: Rollero & Tartaglia, 2019; Ryan & Westera, 2018; Stewart & Jacquin, 2010) and multiple items (see: Angelone et al., 2015; Krahé et al., 2008; Lynch et al., 2013; Wenger & Bornstein, 2006) rated on various Likert-type scales, ranging from 5 to 10 options. While these variables are often examined in relation to both the complainant and the perpetrator, I decided to focus on complainant credibility, complainant responsibility and empathy towards the complainant, which could be assessed using single items. In light of this, only the victim-focused rape myth factors were included in the model (i.e., *victims lie* [VL], *victims ask for it* [VA] and *not really rape* [NR]). The added complexity of including perpetrator evaluations and full scales for credibility, responsibility and empathy, to an already complex model would have resulted in unfeasible costs in terms of participant recruitment and difficulty in empirically identifying the model. Furthermore, the conceptual link from victim-focused rape myth factors to the complainant evaluation factors (outlined below), offers a straightforward theoretical underpinning to the model. As noted by Thompson (2000), more parsimonious models are preferable to almost just-identified models.

Looking at the content of the rape myth factors, there is clear alignment from the decision-making factors (credibility, responsibility and empathy) with the victim-focused rape myth factors (VL, VA, NR). The *victims lie* factor is primarily concerned with women who are deceptive and revoke their consent either due to regret or emotional/relationship problems. With items such as “rape accusations are often used as a way of getting back at guys”, which tap into the belief that false accusations are common, it is logical to assume individuals who score high on this factor will have difficulty believing victim-survivors. Rollero and Tartaglia (2019) previously established that high scores on the *victims ask for it* factor are a significant positive predictor of complainant responsibility judgements.

Considering the U-IRMA items for this factor focus on blaming the victim-survivor for what she was wearing/drinking, it is easy to connect it to perceptions of complainant responsibility. The *not really rape* factor is concerned with the stereotypical “real rape” scenario, which depicts a woman who fights back while being raped by a stranger with a weapon. While the scenario is unsupported by statistics, which suggest women are most likely to be raped by someone they know (ONS, 2021) and that freezing is a common response (Möller et al., 2017), this scenario is often most compatible with the general public’s schemas about rape and rape victim-survivors. Krahe (2016) notes the prescriptive nature of this stereotype can result in victim-survivors who do not meet the criteria of the “real rape” scenario not being identified as legitimate or genuine victims. In addition, some items relate to threat and harm, which could also lead to increased sympathy or empathy towards the victim-survivor.

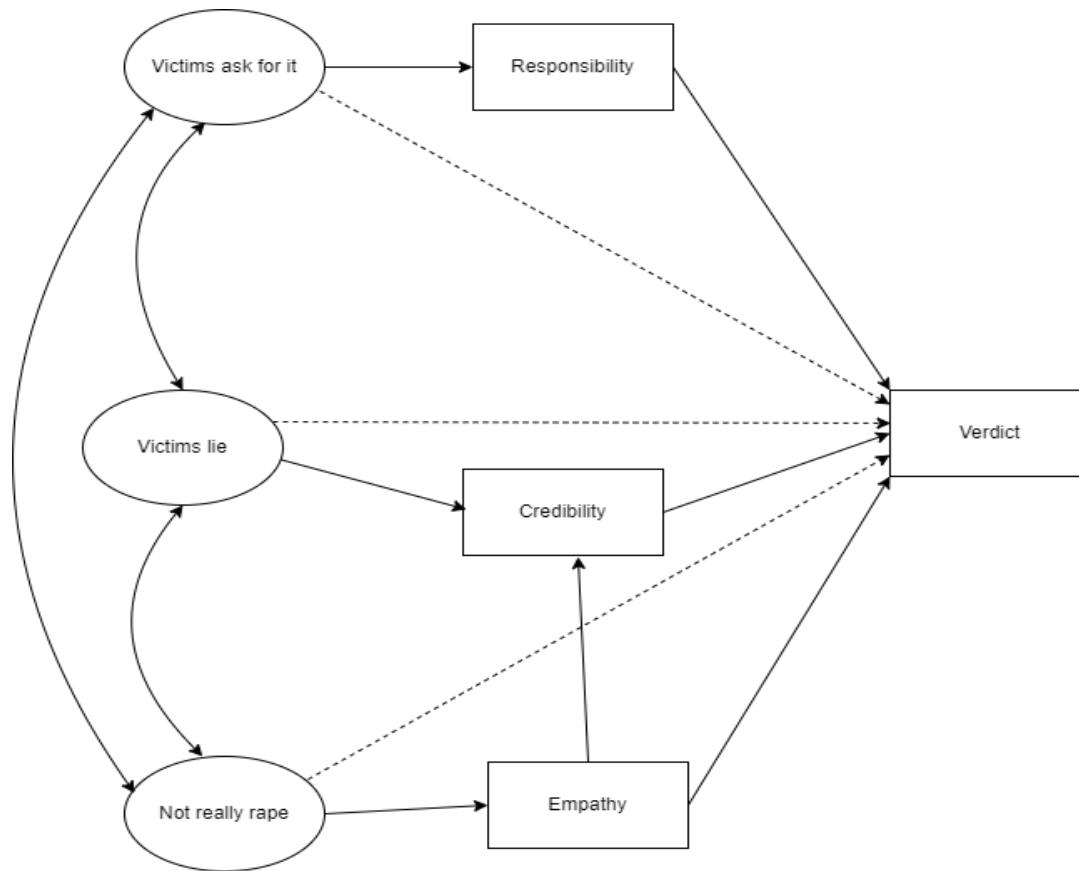
The proposed model encapsulated these connections as pathways, where the three rape myth factors led to their respective decision-making factors. It was anticipated that these three pathways would subsequently predict verdict decisions. Given the strong evidence connecting rape myth acceptance to verdict decisions, I expected significant indirect paths from the rape myth factors to verdict, mediated by their respective evaluative factor, in addition the direct paths (shown below in dashed lines) from rape myth factors to verdict also remaining significant. Furthermore, due to the strong correlations between the evaluative factors, I also anticipated significant pathways between credibility, responsibility and empathy. The evidence regarding the directionality of pathways to and from responsibility in particular, is notably inconsistent with evidence of significant paths from empathy to responsibility (Adolfsson et al., 2020; Miller et al., 2011), responsibility to empathy (Martingano, 2022; Sperry & Siegel, 2013), responsibility to credibility (Sperry & Siegel, 2013; Venema, 2019) and credibility to responsibility (Cook & Lane, 2015; Randall, 2010). However, although there are some studies which suggest credibility predicts empathy evaluations (Ask, 2018; Bederian-Gardner et al., 2017), there is considerably more weight in the literature providing evidence of empathy judgements as a predictor for credibility evaluations (Landström et al., 2018; Nason et al., 2019; Rinehart et al., 2023; Sperry & Siegel, 2013). Thus, a final additional pathway from empathy to

credibility is also hypothesised. The model specified in Figure 1 illustrates the hypothesised pathways.

Finally, while the rape myth factors contribute to the decision-making factors, it is highly probable that various other elements (such as factual elements of the case or personal characteristics) inform evaluations of the complainant. As such, the observed variables for the decision-making factors represent the simplest self-reported indication of participants' judgements for complainant credibility, complainant responsibility and empathy towards the complainant. It is also acknowledged that the rape myth factors themselves are likely predicted by (or systematically vary by) gender and other demographic or attitudinal measures. However, in order to maintain a parsimonious model, the proposed model will exclude such variables to focus on the impact of rape myths on victim evaluations and verdict decisions.

Figure 1

Hypothesised model pathways



Chapter 4: Studies 1 & 2 - Developing Trial Transcripts for Empirical Use

4.1. Introduction

The jury is a quintessential element of common law justice systems, as noted in the previous chapter. Due to the enduring significance of jury decision-making in deciding adversarial criminal trials, considerable scholarly attention has been dedicated to understanding the processes and influences involved in deciding verdicts (Kovera, 2017). However, within the UK and many other commonwealth countries, Horan and Israel (2016) note many legal and institutional barriers exist preventing research on real juries being conducted. The Contempt of Court Act (1981) criminalises obtaining or soliciting “any particulars of statements made, opinions expressed, arguments advanced, or votes cast by members of a jury in the course of their deliberations”. While numerous calls for reform have been proposed (see Robertshaw, 2002), little has changed since the Ministry of Justice report which stated that while real jury research is not wholly prevented, confusion about what type of research is permitted has resulted in a dearth of information (Thomas, 2010). One notable exception is Thomas’s (2020) paper which followed up with over 700 jurors post-sentencing to assess their understanding of their responsibilities as a juror, in addition to their general attitudes towards rape and sexual violence. However, as noted in Chapter 2, this paper received significant backlash from notable researchers in the field, citing methodological limitations and over-simplifying jurors’ “lack” of RMA (Daly et al., 2022). The authors note Thomas “remains the only UK researcher to be given access to real jurors in order to study rape myths” (p.189).

Thus, the vast majority of jury research relies on the use of simulated or mock juries. However, despite mock juries being one of the most common methodologies used in psycholegal research, these methods have been subjected to considerable scrutiny (see Kerr & Bray, 2005 for a detailed overview). One of the most common criticisms is the lack of group deliberations, impeding the generalisability of findings. Kerr and Bray (2005) noted that jury deliberations were “routinely omitted” in mock jury research, but even when group deliberation was included, these findings were often omitted from analyses.

Bornstein's (1999) analysis of jury simulation studies published within the first 20 years of *Law and Human Behaviour* found that 65% of studies relied on students as mock jurors and 55% of studies used written trials. Bornstein et al. (2017) updated meta-analysis, which examined 53 studies of jury simulation, also found similar over-representations of student samples and written materials. Additionally, due to the lack of studies including group deliberations, the researchers were unable to assess whether significant differences existed between individual and group deliberations. However, the results also indicated no significant differences in verdicts emerged between student and community samples, with the exception that students were more likely to deliver guilty verdicts in studies with written trial materials compared to non-students. Positively, for community samples, no significant differences emerged for verdict decisions regarding different trial mediums.

Evidently, methodologies in jury simulation studies range from highly realistic, ecologically valid procedures (community samples, group deliberation with verdict delivery, live trial re-enactment) to highly artificial procedures (student samples, written case summaries, individual and continuous ratings of defendant guilt), with the majority of studies falling into the artificial category. While generalizable research findings are important and, as much as possible, research should strive for ecologically valid procedure, Kerr and Bray (2005) note that practical considerations such as accessibility and research costs cannot be ignored. Furthermore, the authors note that regardless of which methods are used, it is not possible for researchers to simultaneously maximise the realism, precision of control and generality of the actors, situations, etc. involved.

Thus, the first purpose of the studies presented in this chapter was to identify a suitable and realistic rape trial transcript, with a case that was ambiguous enough to allow for a relatively even ratio of guilty to not-guilty verdicts. Given a lack of accessible rape trial transcripts in the literature, a new transcript was developed which incorporated the facts of the case, statements from the prosecution and defence, examination and cross-examination of both the witness (i.e., complainant) and defendant, followed by summaries from the prosecution, defence and judge. Thus, it was necessary to pilot the transcript to ensure it was clear to participants and that the ratio of not-guilty to guilty verdicts did not

exceed 25:75. The justification for this lies in the limitations of regression analyses with binary outcomes – while class imbalance (i.e., imbalance in the frequency of outcome events to non-events) is a common feature in real-world data, logistic regression results are biased towards the majority class, which poses problems for classification accuracy (King & Zeng, 2001; Van Den Goorbergh et al., 2022). On the other hand, real cases presented to juries do not typically result in a 50/50 split of guilty to not guilty verdicts. Thus, taking into consideration Peduzzi et al.'s (1996) events per variable rule to estimate sample size, the ratio of 25:75 was determined to be necessary for future research².

Furthermore, these studies served as an important introduction to the relationships between the key variables of interest and providing direction for further research. While these preliminary studies are exploratory in nature, they were incredibly valuable for investigating the relationships between the specific U-IRMA rape myth factors with both the complainant evaluation variables and verdict outcomes. Following the proposed model, I hypothesised that:

1. Scores for the *victims lie* (VL) factor would negatively correlate with complainant credibility and the continuous measure of the defendant's guilt (i.e., Likert verdict).
2. Scores for the *victims ask for it* (VA) factor would positively correlate with complainant responsibility and negatively correlate with the Likert verdict.
3. Scores for the *not really rape* (NR) factor would negatively correlate with complainant empathy and the Likert verdict.
4. Participants who deliver a guilty verdict will score higher on the Likert verdict confidence, credibility and empathy ratings, compared to participants who deliver a not-guilty verdict.

² The Events Per Variable (EPV) rule of thumb for determining sample sizes for logistic regressions is $N = 10(k/p)$, where k is the number of independent variables in the model and p is the smallest proportion in the ratio of events to non-events. Our model contains seven independent variables and the proportion of not-guilty verdicts is 0.25, thus the minimum sample required is $10(7/0.25) = 280$.

5. Participants who deliver a guilty verdict will score lower on responsibility ratings and have lower scores on all rape myth factors, compared to participants who deliver a not-guilty verdict.

4.2. Study 1 Method

Participants

Participants were recruited from the University of Kent Research Participation Scheme (RPS) and through Facebook groups (a postgraduate group for the University of Kent, as well as a group dedicated to criminal and forensic psychology) with a total sample of 42 individuals. An a-priori power analysis conducted on G*Power found that the necessary sample size for correlation with a medium effect (.04) was N=37 (based on medium to large effect sizes reported throughout the literature: Hockett et al., 2016; Nitschke et al., 2019; Osman, 2011; Persson & Dhingra, 2022). RPS participants were allotted course credit, while participants recruited from social media were not compensated. Eligibility criteria for the study included being over 18 years old and residing in any European country with consent-based sexual assault laws (namely: UK, Ireland, Germany, Iceland, Luxembourg, Belgium, Cyprus and Sweden³).

For the 20 participants recruited from RPS, 8 identified as male and 12 as female. The mean age was 19 years. Demographic responses indicated 85% identified as White/Caucasian and 85% identified as heterosexual. Regarding knowledge of sexual violence victim-survivors, 35% acknowledged knowing a victim, while 20% personally identified as a victim. The remaining 22 participants from Facebook had a mean age of 27 years. Seven identified their gender as male, 14 as female and one individual reported a different gender identity. Demographic responses indicated 81% identified as

³ During the development of the studies in 2019, Greece was drafting an amendment to their sexual assault laws to criminalise sexual activity without consent, but it had not been finalised (Amnesty International, 2019; 2020).

White/Caucasian and 59% identified as heterosexual. Finally, 81% acknowledged knowing a victim of sexual assault, while 36% identified as a victim of sexual assault.

Materials

Participants were asked to read a fictitious rape trial transcript, which was developed for this study. The transcript equated to four typed A4-pages in length, starting a new line for each character's dialogue. The trial follows the format of a trial in England and Wales (outlined in the Ministry of Justice (2016) video on jury duty) and involves a fictional case of a female college student (named Claire) who reported she was raped at a house party by a male peer (named Mark). The case incorporates details related to several common rape myths including victim alcohol consumption, no physical resistance and delayed reporting. The transcript starts with the charges against the defendant, followed by the judge presenting the undisputed facts of the case. The trial begins with the prosecution's opening statement and questioning of the witness for the prosecution (i.e., the complainant Claire). Following this the defence cross-examines the witness and subsequently present the defence's opening statement. The defence then presents their evidence-in-chief, followed by cross-examination of their witness (i.e., the defendant Mark) by the prosecution. The last section of the transcript includes the closing statements of the prosecution followed by the defence and a brief summary by the judge. Three content-related attention check questions were dispersed throughout the transcript to ensure participants were reading it carefully.

Following the trial transcript, participants were asked to imagine themselves on the jury and to deliver a verdict of *guilty* (0) or *not-guilty* (1) based on the evidence provided, in addition to how likely the defendant was guilty rated from *completely unlikely* (1) to *completely likely* (7). Participants were also asked to rate their level of confidence in their verdict (from 0-100) and how many years the defendant should be sentenced. Feild (1978) justified the use of sentencing and confidence in verdict as well as guilt/not-guilty verdicts, stating: "intercorrelations among the three variables were highly significant ... indicating

that the variables were measuring the same construct. Second, because the sentencing variable involved a multistep rating rather than a two-point guilty-not guilty judgment, the sentencing rating would be a more sensitive measure of individual differences among jurors' decisions in the rape cases."

Complainant credibility, complainant responsibility and empathy towards the complainant were all assessed using single items, namely: "To what extent do you find the complainant (Claire) to be credible/believable?", "To what extent do you find the complainant (Claire) is responsible for the events that took place?" and "How much do you empathise with the complainant (Claire)?". Credibility was measured on a 6-point Likert-type scale from *completely believable* (6) to *completely unbelievable* (1). Responsibility was measured on a 6-point Likert-type scale from *completely responsible* (6) to *completely irresponsible* (1). Finally, empathy was measured on a 5-point Likert-type scale from *completely* (5) to *not at all* (1); this was to ensure meaningful full labels for each point and avoid end-labelling which has been found to increase response bias (Moors et al., 2014).

Rape myth acceptance was measured using the Updated Illinois Rape Myth Acceptance (U-IRMA) scale (McMahon & Farmer, 2011) which contains 19 items. Examination of the scale's construct validity found that the five-factor solution was the best fit, with five items loading onto *she lied*, four items loading onto *she asked for it*, four items loading onto *it wasn't really rape*, three items loading onto *he didn't mean to* and the final three items loading onto *he didn't mean to-intoxicated*. However, the four-factor solution (where *he didn't mean to* contains its three items plus the three intoxication items for a total of six items) also achieved acceptable fit and is more commonly used in the literature. Given this factor is not included beyond correlational analyses throughout the thesis, for ease of comparison with the existing literature the four-factor structure is maintained throughout. Here I also note the potential for confusion between these rape myth factor labels and the complainant evaluation constructs I measure above. For example, *she lied* and whether Claire is credible/believable appear to be synonymous concepts, given that "she" reads as if it relates to a specific victim. Instead, *she lied* as a factor of the U-IRMA refers to a belief that women routinely lie about being raped, an underpinning myth that I

hypothesise will influence whether Claire is believed in this case. Thus, as noted previously, for the purposes of clarity throughout the thesis, the U-IRMA factors have been relabelled to *victims lie (VL)*, *victims ask for it (VA)*, *not really rape (NR)* and *perpetrators don't mean to rape (PD)*.

Although McMahon and Farmer's (2011) original paper did not report the test-retest validity of the scale, reliability analyses showed good internal consistency for the full U-IRMA scale ($\alpha=.89$), in addition to each of the factors: *victims lie* ($\alpha=.80$), *victims ask for it* ($\alpha=.73$), *not really rape* ($\alpha=.73$) and *perpetrators don't mean to rape* ($\alpha=.70$). In the present study, the full scale also achieved good reliability ($\alpha=.91$) in addition to each of the factors: *victims lie* ($\alpha=.92$), *victims ask for it* ($\alpha=.72$), *not really rape* ($\alpha=.70$) and *perpetrators don't mean to rape* ($\alpha=.68$). One additional item was also included to the *victims lie* subscale, "Women who wait weeks or months to report rape are probably just making it up", based on Kelleher's (2019) MSc research, which found the item was one of the most highly endorsed (i.e. had the highest item mean) and made a small positive contribution to the factor reliability. Participants rated their level of agreement for each item on a 7-point Likert scale from *strongly disagree* (1) to *strongly agree* (7). Although the U-IRMA is traditionally used with a 5-point Likert, a 7-point scale was utilised to offer additional subtle responses, which I believed could provide a more accessible option to participants cautious of socially undesirable responding. Finally, two filler items from Payne et al.'s (1999) Illinois Rape Myth Acceptance Scale are used as attention checks. The full survey is available in Appendix A.

Procedure

The questionnaire was created using Qualtrics, an online survey platform and took an average of 24 minutes to complete. The survey link was distributed on Facebook and through RPS, with a brief description of the study accompanying the link. The survey started with an information sheet and statements to ensure informed consent. The questionnaire started with general demographic questions on gender, age, ethnicity and sexual orientation. Next, participants read the transcript and answered the questions

evaluating the case and, finally, answered the U-IRMA scale. At the end of the survey, participants were debriefed and contact details for the Samaritans and local rape crisis centres were included. The anonymous data was cleaned in SPSS Version 26 and cases with more than 5% missing data were deleted.

Ethics

The British Psychological Society's (2021) ethical guidelines were consulted and strictly adhered to for all aspects of the study. Ethical issues such as informed consent, confidentiality and debriefing were identified and dealt with appropriately. A full ethical application was submitted to the University of Kent's psychology ethical review board and the study was fully approved (ethics approval number: 202015835820376219).

4.3. Study 1 Results

Descriptive Statistics

Results indicated that participants regarded the case presented in the transcript as highly realistic, with 77% of participants strongly agreeing and a further 17% agreeing somewhat or slightly. Two participants said they neither agreed nor disagreed that the situation described in the trial was realistic and no participant disagreed.

Regarding the responses to the case presented, I discovered there were only five not-guilty verdicts, representing just 12% of the total sample. Additionally, all of the not-guilty verdicts came from the social media groups, suggesting there may be important differences between the groups. The continuous verdict ($M=6.12$, $SD=.94$) also did not show much variance in responses – those who delivered not guilty verdicts appeared unconvinced of the defendant's guilt rather than convinced of his innocence. Figure 2 illustrates the distribution of responses.

Regarding confidence, there was considerably more variation in responses. The mean level of confidence was 80% ($SD = 19\%$), with a range from 10% ($n=1$) to 100%

($n=6$). The average recommended sentence length was 5.5 years (including 5 zero-sentences due to not-guilty verdicts). The median length was 6 years with a standard deviation of 3.5 years. Responses for the decision-making variables of credibility ($M = 5.11$, $SD = .772$), responsibility ($M = 2.21$, $SD = 1.32$) and empathy ($M = 4.02$, $SD = 1.00$) were all skewed in favour of supporting the complainant. Figures 3, 4 and 5 below demonstrate the range in responses for the three decision-making variables.

Figure 2

Frequency distribution of continuous verdict responses

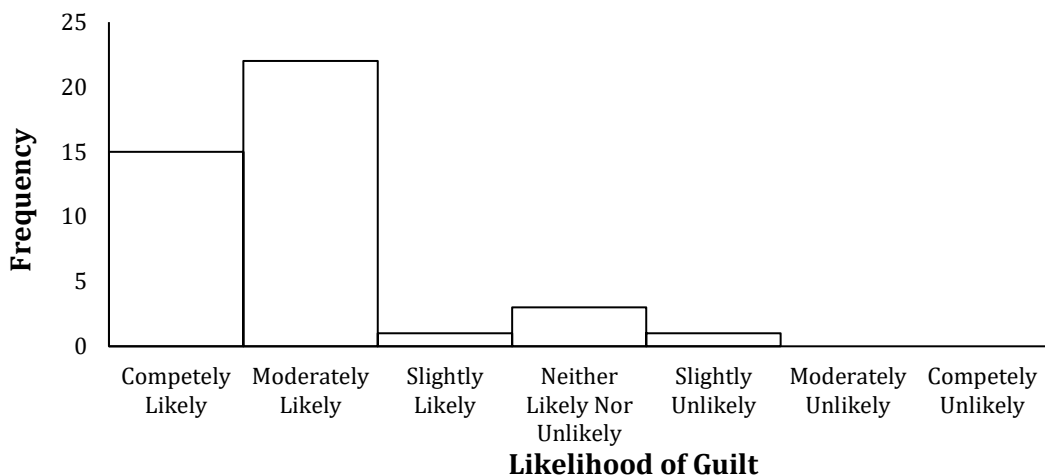


Figure 3

Frequency distribution of complainant credibility evaluation

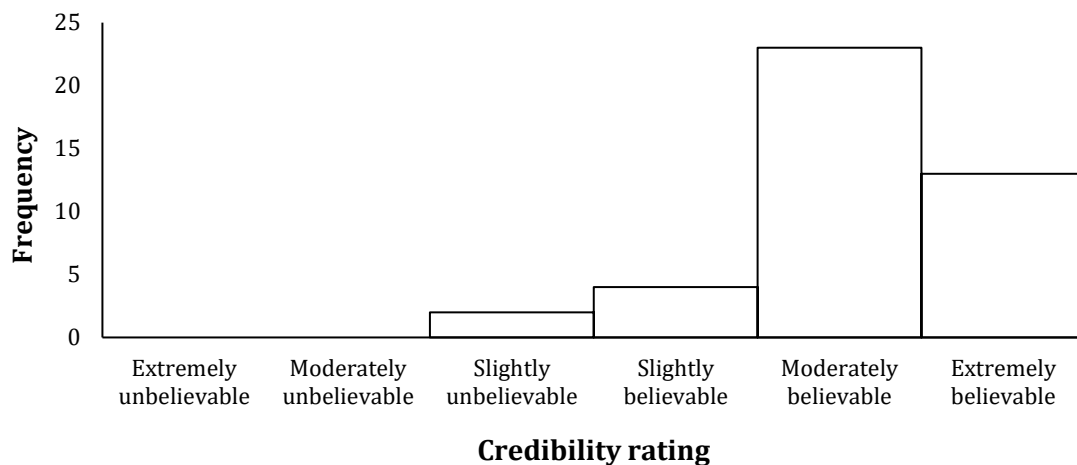
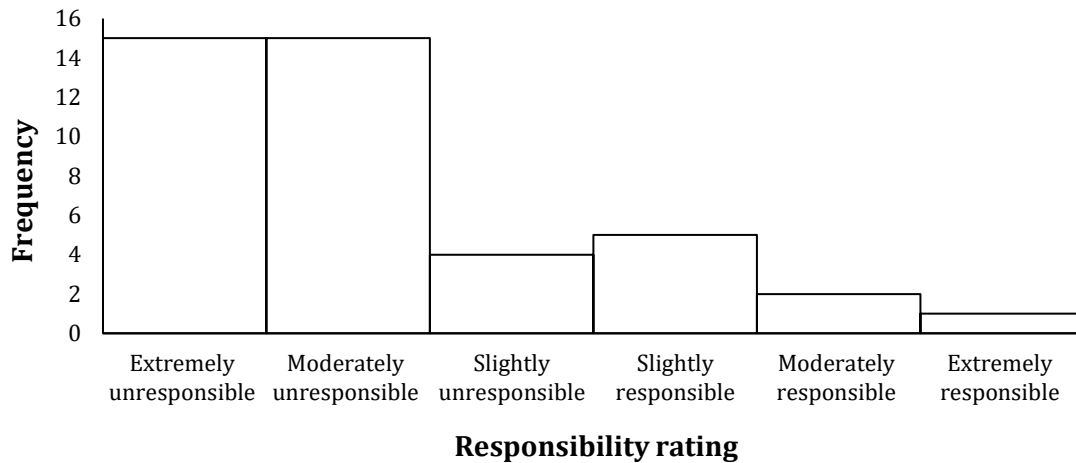


Figure 4

Frequency distribution of complainant responsibility scores

**Figure 5**

Frequency distribution of participant's level of empathy with plaintiff

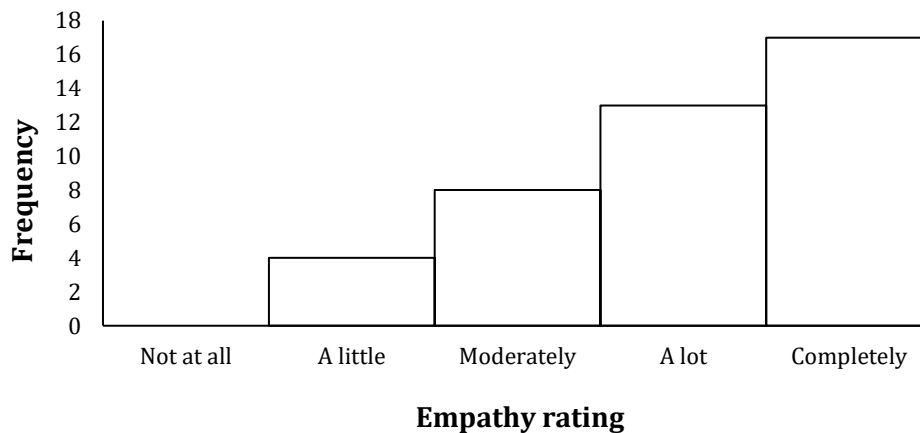
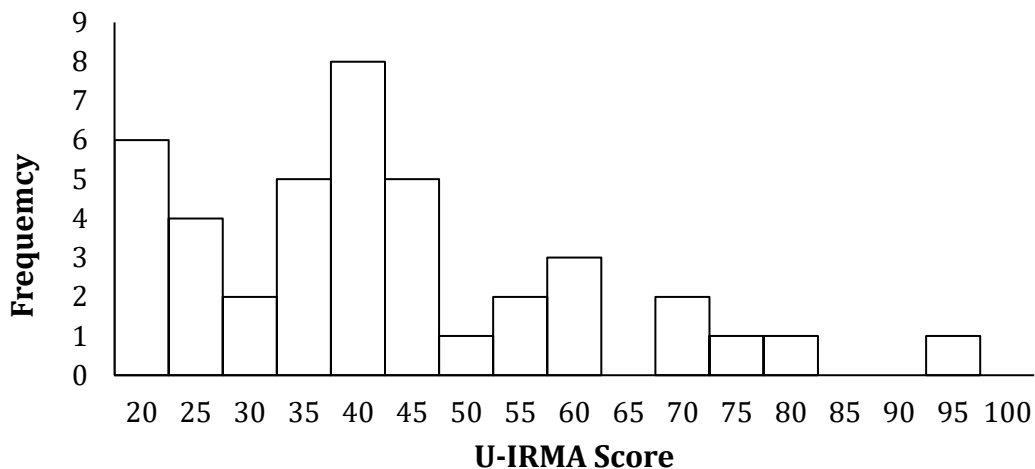


Figure 6 illustrates the distribution of the responses for the U-IRMA. As expected, the distribution of responses was positively skewed with a mean total score of 42.75 ($SD = 17.28$) and a mean item score of 2.14 with an averaged standard deviation of 1.39 for each item. The maximum total score obtained was 98, with 5 cases scoring the minimum total of 20. Table 2 summarises the descriptive statistics for each of the U-IRMA factors. The most supported factor was *perpetrators don't mean to rape, while not really rape* received the least endorsement from participants.

Figure 6

Frequency distribution of total U-IRMA scores

**Table 2**

Descriptive statistics for U-IRMA factors

Variable	No. items	Item Mean	Total Mean	Total SD	Min. score	Max. score achieved	Max score possible
Victims ask for it	4	1.67	6.46	3.27	4	18	28
Perp. don't mean to	6	2.67	16.00	6.19	6	30	35
Not really rape	4	1.65	6.59	3.55	4	20	28
Victims lie	6	2.27	13.64	7.15	6	31	35

Correlations

Interesting correlations emerged for demographic factors. Identifying as female or gender non-conforming was significantly correlated with higher levels of confidence in their verdict decision ($r = .40, p = .009$), higher levels of empathy with the complainant ($r = .42, p = .005$) and lower scores on the *victims lie* subscale ($r = -.38, p = .015$). For dependent variables, the continuous verdict demonstrated significant positive relationships with credibility ($r = .55, p < .001$) and empathy ($r = .72, p < .001$), in addition to significant negative

relationships with responsibility ($r = -.49, p < .001$), *perpetrators don't mean to rape* ($r = -.31, p = .043$), *not really rape* ($r = -.32, p = .043$) and *victims lie* ($r = -.38, p = .013$). All decision-making variables were significantly correlated with each other and each of the RMA factors. Responsibility was most strongly correlated with *victims ask for it* ($r = .50, p < .001$), supporting the proposed pathways in the theoretical model. However, credibility was most strongly correlated with *not really rape* ($r = -.64, p < .001$) and empathy was most strongly correlated with *victims lie* ($r = -.52, p < .001$). The full correlation matrix is shown in Table 3.

Table 3*Correlation matrix*

Variable	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.
1. Gender	1	.11	-.03	.23	.27	.40**	.19	.29	-.22	.42**	-.25	-.24	-.16	-.38*
2. Age	.11	1	.06	.07	.08	.01	-.13	.20	-.07	.12	-.13	-.25	-.07	-.16
3. Ethnicity	-.03	.06	1	.01	<.01	-.05	-.15	-.06	.30	-.10	.27	-.05	.01	.03
4. Sexuality	.23	.07	.01	1	.18	.16	.14	.36*	-.22	.35*	-.20	-.45**	-.26	-.38*
5. Continuous verdict	.27	.08	<.01	.18	1	.27	.12	.55**	-.49**	.72**	-.02	-.31*	-.32*	-.38*
6. Confidence	.40**	.01	-.05	.16	.27	1	.28	.40**	-.04	.15	-.07	-.39*	-.24	-.35*
7. Sentence	.19	-.13	-.15	.14	.12	.28	1	.30	-.15	.09	-.17	-.43**	-.11	-.20
8. Credibility	.29	.20	-.06	.36*	.55**	.40**	.30	1	-.41**	.50**	-.39*	-.60**	-.64**	-.63**
9. Blame	-.22	-.07	.30	-.22	-.49**	-.04	-.15	-.41**	1	-.58**	.50**	.36*	.43**	.48**
10. Empathy	.42**	.12	-.10	.35*	.72**	.15	.09	.50**	-.58**	1	-.21	-.32*	-.50**	-.52**
11. Total VA	-.25	-.13	.27	-.20	-.02	-.07	-.17	-.39*	.50**	-.21	1	.57**	.58**	.42**
12. Total PD	-.24	-.25	-.05	-.45**	-.31*	-.39*	-.43**	-.60**	.36*	-.32*	.57**	1	.57**	.60**
13. Total NR	-.16	-.07	.01	-.26	-.32*	-.24	-.11	-.64**	.43**	-.50**	.58**	.57**	1	.68**
14. Total VL	-.38*	-.16	.03	-.38*	-.38*	-.35*	-.20	-.63**	.48**	-.52**	.42**	.60**	.68**	1

Note: Gender was coded as: Male (1), Female (2), Transgender Male (3), Transgender Female (4), Non-Binary (5) and Other Gender (6). Ethnicity was grouped into the following categories: Black (1), Minority Ethnic (2), Asian (3) and White (4). Sexuality was coded as Heterosexual (1), Bisexual (2), Homosexual (3), Asexual (4) and Other (5). Note: ** Correlation is significant at the 0.01 level (2-tailed). * Correlation is significant at the 0.05 level (2-tailed).

Logistic regression

Six independent logistic regression analyses were also run to evaluate the rape myth factors and decision-making factors ability to predict verdict decisions. Only responsibility and empathy emerged as significant predictors of verdict decisions, although *the victims lie* factor also approached significance ($p=.060$). Nonetheless, it should be emphasised again that the ratio of guilty to not-guilty verdicts was very uneven, and as

such these analyses are likely underpowered. Full statistics for each of the logistic regressions are shown in Table 4.

Table 4

Univariate Logistic Regressions for Binary Verdict

Variable	X ²	B	Odds Ratio	p
Victims lie	26.38	0.13	1.14	.060
Victims ask for it	30.24	-0.10	0.90	.552
Not really rape	29.17	0.12	1.14	.243
Credibility	29.74	-0.56	0.57	.329
Responsibility	23.44	0.93	2.53	.016
Empathy	18.79	-1.97	0.14	.010

4.4. Study 1 Discussion

It is important to note from the outset that conclusions drawn from these results should be treated with caution due to the small sample recruited for the study. Nonetheless, preliminary results showed the trial transcript was effective as overall 94% of the sample agreed that the case presented was realistic. However, results showed only 12% of the sample provided not guilty verdicts, although interestingly, the most common response on the Likert verdict was *moderately likely* rather than *completely likely*, which suggests participants were not completely convinced of the defendant's guilt from the case presented. Furthermore, each of the evaluative variables were significantly skewed in favour of the complainant. This suggested while the case was suitably realistic, the case strongly endorsed a guilty verdict and such an uneven distribution of guilty to not-guilty verdicts would pose analytical difficulties. Thus, it was deemed necessary to make some adjustments to the transcript.

Nonetheless, this study also provided some interesting preliminary insights into the relationships between the key variables of interest. Gender (specifically identifying as male) demonstrated significant correlations with lower empathy and higher endorsement of the *victims lie* (VL) factor, but not with any of the other rape myth or evaluative factors. As for the continuous verdict, significant positive correlations were found with the decision-making factors credibility and empathy. Additionally, significant negative correlations for the continuous verdict were found with responsibility and each of the rape myth factors, with the exception of the *victims ask for it* (VA) factor. The lack of relationship between VA and ratings of the defendant's guilt is unexpected since the victim-blaming attitudes typically correspond to reduced perpetrator culpability. However, VA scores were strongly correlated with responsibility judgements, and also demonstrated moderate relationships with credibility and empathy. Both the VL factor and the not really rape (NR) factor were also significantly correlated with each of the three evaluative variables, however, results indicated that the strongest relationship for credibility was with NR (rather than VL) and the strongest relationship for empathy was with VL (rather than NR). Nonetheless, the differences were quite small and although the analyses were sufficiently powered, the overall sample may not reflect public attitudes given the majority were students. This limitation may have also impacted the results of the logistic regression analyses, which typically failed to correctly classify not-guilty verdicts by any of the key rape myth or decision-making variables due to the rarity of the event. Based on these findings, the trial transcript was altered for the next study (a summary of the changes is included in the materials section) and further analyses will be conducted to examine the predictive ability of the key variables on verdict decisions.

4.5. Study 2 Method

Participants

Forty-four participants were recruited through a combination of Reddit and Prolific, with the same eligibility criteria as Study 1. G*Power indicated that a single logistic regression with an expected 75:25 ratio required a sample of 35. Additionally, based on the

correlation results in Study 1, Schoemann et al.'s (2017) web application for monte carlo power analysis indicated that a sample of 40 participants would achieve sufficient power for mediation analyses. Participants from Prolific were compensated £1.15 for completing the survey, while participants from Reddit were not compensated.

For the 20 Prolific participants, four identified as male and 16 as female. The mean age was 32 years. 85% identified as White/Caucasian and 90% identified as heterosexual. 50% acknowledged knowing a victim of sexual assault, while 10% identified as a victim of sexual assault. For the 24 Reddit participants, 15 identified as male and eight as female and one participant identified as other. The mean age was 26 years. 83% identified as White/Caucasian and 63% identified as heterosexual. 67% acknowledged knowing a victim of sexual assault, while 25% identified as a victim of sexual assault.

Materials

In order to achieve a more even distribution of verdicts, adjustments were made to the vignette to increase the presentation of elements in the case related to rape myths and strengthen the case for the defence. The original ethics application allowed for minor adjustments to the vignette. These adjustments included: removing deception used by the defendant to get the complainant to come up to his bedroom (in complainant's statement), removing the term "rape" by prosecution lawyer, adding the following questions to defence lawyer's examination of plaintiff: "what did you expected would happen in defendant's bedroom" and "was there any violence used", accompanied by corresponding responses from complainant. Finally, the updated vignette highlighted the defendant's level of intoxication in defence opening statement. The vignette for Study 2 is shown in Appendix B.

A minor adjustment was also made to the credibility and responsibility Likert scales to be rated on seven points instead of six, in the aims of creating a more normal distribution and to be more comparable with the U-IRMA measure; however, empathy continued to be measured using a 5-point Likert scale (i.e., *not at all, a little, moderately, a lot, completely*) as it proved difficult to provide meaningful labels for a 7-point version. The

remaining psychometrics were unaltered, with the reliability scores for the U-IRMA subscales ranging between $\alpha=.71$ and $\alpha=.91$. No further changes were made to the procedure. The average completion time for the survey was 15 minutes ($SD=7$ minutes).

4.6. Study 2 Results

The changes made to the trial transcript elicited little change in the disparity between guilty and not-guilty verdicts. A total of four participants from Prolific and three participants from Reddit delivered a guilty verdict, equating to 16% of the total sample. Similarly, there was little variation in the Likert verdict, with the vast majority of participants believing it was completely or moderately likely that the defendant was guilty.

Interestingly, again the mean percentage level of confidence was 80% ($SD = 21\%$). The minimum level of confidence reported was 20%, while 11 participants stated 100% confidence in their verdict decision. The average recommended sentence length was 4.14 years ($SD= 2.59$ years). Evaluations of credibility ($M = 6.18$, $SD = 1.19$), responsibility ($M = 2.75$, $SD = 1.91$) and empathy ($M = 3.93$, $SD = 1.04$) were also all skewed in favour of supporting the complainant. The distribution of responses for the U-IRMA scale was positively skewed with a mean total score of 43.12 ($SD = 19.35$), including a maximum score of 99. The mean item score was 2.16 and again, reliability analysis showed excellent internal consistency ($\alpha=.92$). Mirroring the first study, the most supported factor was *perpetrators don't mean to rape and not really rape* receiving the least endorsement from participants.

Correlation

Identifying as female was significantly correlated with higher levels of confidence in their verdict decision ($r= .324$, $p= .032$). No significant correlations emerged for age, ethnicity or sexuality. Similarly, the Likert verdict was correlated with confidence ($r= .404$, $p= .007$), credibility ($r= .685$, $p< .001$), VA ($r= -.424$, $p= .005$), NR ($r= -.366$, $p= .016$) and VL

($r = -.571, p < .001$), in addition to responsibility ($r = -.538, p < .001$) and empathy ($r = .432, p = .004$). Repeating the findings from Study 1, all decision-making variables were highly correlated with each other and the rape myth factors. Credibility was most strongly correlated with VL ($r = -.540, p < .001$) and empathy most strongly correlated with NR ($r = -.461, p = .002$). However, in contrast to the previous findings, responsibility was most highly correlated with VL ($r = .683, p < .001$) rather than VA ($r = .664, p < .001$).

Logistic Regression

Again, six univariate logistic regression analyses examined the predictive ability of each of the victim-focused rape myth and evaluative factors for verdict decisions. Scores on all three rape myth factors and victim credibility judgements were significant predictors of verdict decisions. For every one-point increase in *not really rape* scores, participants were 1.2 times more likely to provide a not-guilty verdict, while for every one-point increase in credibility ratings, participants were 1.4 times more likely to deliver a guilty verdict. Interestingly neither responsibility nor empathy judgements significantly predicted verdict decisions. Full statistics for each of the logistic regression analyses are shown in Table 5.

Table 5

Univariate Logistic Regressions for Binary Verdict (Study 2)

Variable	X ²	B	Odds Ratio	p
Victims lie	30.33	0.14	1.15	.009
Victims ask for it	34.29	0.18	1.19	.041
Not really rape	33.68	0.20	1.22	.033
Credibility	29.69	-0.97	0.38	.007
Responsibility	35.04	0.41	1.50	.071
Empathy	36.69	-0.52	0.59	.174

Mediation Analysis

To test the relationships between the rape myth factors, decision-making factors and Likert verdicts, three separate bootstrapped mediation models were run using Model 4 in the PROCESS macro for SPSS (Hayes, 2017) with 5,000 samples. The first model found a significant effect for VA scores on responsibility ratings ($\beta = .66, p < .001$) and for responsibility ratings on the likelihood verdict ($\beta = -.46, p = .013$). The direct effect for VA on the likelihood verdict was significant ($\beta = -.43, p = .005$), but including the indirect pathway meant that VA was no longer a significant predictor ($\beta = -.12, p = .506$) and the bootstrapped 95% CI [-.70, -.04] did not cross zero. Thus, the model demonstrated full mediation.

The credibility mediation model found a direct effect of VL on Likert verdict decisions ($\beta = -.57, p < .001$), as well from credibility to verdict ($\beta = .53, p = .002$). When credibility was included, the relationship between VL and the Likert verdict decreased in significance ($\beta = -.28, p = .034$) indicating a partial mediation, further confirmed by the 95% confidence interval [-.067, -.003]. The model showed that an increase in VL scores resulted in lower credibility judgement, which subsequently predicted lower scores on the Likert verdict outcome. Finally, for the empathy mediation model, NR was a significant unique predictor of the Likert verdict ($\beta = -.37, p = .016$), as well as empathy ($\beta = .33, p = .040$). Empathy was also a successful mediator in the NR to Likert verdict relationship ($\beta = -.21, p = .185$). The bootstrapped 95% CI [-.30, -.05] also did not cross the zero threshold, which confirmed significant full mediation.

Path Analysis

Finally, path analysis was run using maximum-likelihood estimation to review the proposed model (without latent factors) using SPSS AMOS version 26, with the full path model diagram shown in Figure 7. It must be noted again due to the limited sample size, the results of this analysis should be considered tentatively and with caution. The chi-square test was significant ($\chi = 28.45, p < .001$) and model fit statistics also suggested very poor fit (CFI = .86, RMSEA = .24). Furthermore, many of the anticipated pathways were not

significant, including the paths from VA and NR to verdict which were not in the expected direction. While each of the rape myth factors were significant predictors of their respective evaluative measure, credibility was the only significant predictor for the continuous verdict. A full breakdown of regression and covariance coefficients are presented in Table 6.

Figure 7.

Path Model of RMA Impact on Verdicts

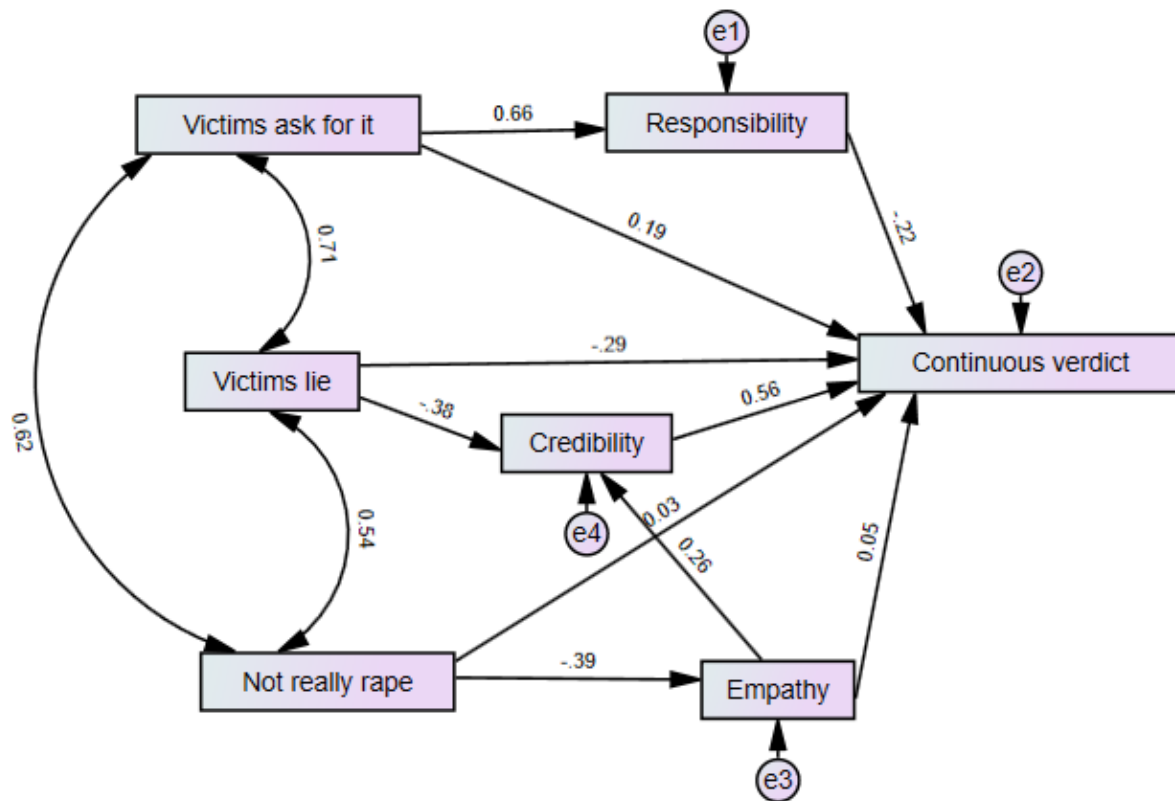


Table 6.*Path Model Regression and Covariance Coefficients.*

Pathway		Estimate	S.E.	Std. Estimate	Sig.	
Total VL	→	Credibility	-.06	.02	-.38	.004
Total VA	→	Responsibility	.29	.05	.67	***
Total NR	→	Empathy	-.10	.04	-.39	.006
Empathy	→	Credibility	.29	.15	.270	.053
Total VL	→	Likert Verdict	-.04	.02	-.39	.065
Total VA	→	Likert Verdict	.04	.04	.19	.306
Total NR	→	Likert Verdict	.01	.03	.04	.807
Credibility	→	Likert Verdict	.46	.10	.56	***
Responsibility	→	Likert Verdict	-.11	.07	-.22	.188
Empathy	→	Likert Verdict	.04	.11	.05	.699
Total VA	↔	Total NR	10.84	3.15		***
Total VA	↔	Total VL	24.32	6.39		***
Total NR	↔	Total VL	17.02	5.44		.002

4.7. Study 2 Discussion

The changes implemented in the trial transcript did not elicit notable differences in outcome for the guilty to not-guilty ratio, as just seven participants (16% of the sample) delivering a not-guilty verdict, suggesting the evidence presented in the case still strongly favoured the complainant. Inspection of the continuous verdict measure across studies also showed little variation in mean, although the mode response for Study 1 was *moderately likely* (5) versus *completely likely* (7) in Study 2. Nonetheless, the data collected for this study enabled a preliminary examination of the relationships between the variables of interest.

Correlations from this study were generally consistent in direction and strength with the findings of Study 1. Furthermore, while all the relationships between the decision-making variables and the rape myth factors remained strong, there were some changes in which relationships were strongest. Regarding the differences between participants who gave a guilty verdict to those who gave a not guilty verdict, in the previous study, significant differences emerged for the *victims lie* factor, responsibility and empathy ratings. However, in this study, both responsibility and empathy narrowly missed the significance cut-off, while significant differences were found for the scores on the *victims lie* factor, the *not really rape* factor and credibility ratings.

Regarding the logistic regression analyses, the three rape myth factors and credibility significantly predicted the binary verdict, in contrast to the findings of Study 1. However, it was surprising that neither responsibility nor empathy judgements significantly predicted verdict decisions, particularly when these were the only significant predictors of verdict in Study 1. Again, these discrepancies may relate to the unequal distribution of guilty to not-guilty verdicts which likely resulted in underpowered analyses. Mediations analyses indicated that credibility fully mediated the relationship between the *victims lie* factor and the likelihood verdict, while responsibility and empathy ratings partially mediated the relationship between likelihood verdict and the *victims ask for it* factor, and between likelihood verdict and the *not really rape* factor, respectively. Finally, many of the expected pathways in the path model did not reach significance and the overall

fit of the model was disappointing. Similar to the regression model, only credibility was a significant predictor of the continuous verdict, meaning none of the direct paths from the rape myth factors, nor responsibility or empathy were significant predictors in the path model. It should be noted that the path model represented a more simplistic version of the hypothesised model, excluding latent factors for the rape myth factors and using the Likert rather than dichotomous verdict as the outcome variable, due to limitations with SPSS AMOS. Later studies, presented in the subsequent chapters, will use R to allow for a greater range of analyses. Furthermore, the model will need to be tested on a considerably larger sample size as many of the statistical analyses for this study were underpowered, which may also provide some explanation for the unexpected findings.

There are some other common limitations to the studies presented, such as the lack of normal distribution in rape myth acceptance scores. While the data did achieve normally distributed residuals, the rape myth factor scores were still considerably skewed after log-transformation, highlighting the extent to which the majority of participants strongly or moderately disagreed with the items. While scales such as the Acceptance of Modern Myths about Sexual Aggression (Gerger et al., 2007) have tried to address this common problem, the items in this scale are notably broader theoretically (such as including a number of sexual harassment myths), which is why U-IRMA was deemed most appropriate for this (and subsequent) studies. Nonetheless, the lack of consistent cut-off score for the U-IRMA made it more difficult to compare the effects of RMA in this study with the wider literature. Many studies simply employ a “high scores versus low scores” methodology to evaluate the ability of rape myth acceptance to predict or mediate the dependent variable being examined (for example Krahe et al., 2008). With high and low scores generally calculated based on the mean of the study sample in question, contextualising findings on RMA may not be as informative as other areas of research. Another limitation noted at the beginning of the chapter is the reliance on vignettes to assess individual juror decision-making. Süssenbach et al. (2013) noted that many vignettes explicitly draw participants’ attention to focal pieces of information which may unduly influence results. While the longer trial transcripts used in this research may minimise this concern, the lack of ecological validity is duly noted.

The next chapter will further examine the theoretical model using more advanced analyses. Power analysis indicated that approximately 350 participants would be required for sufficient power to obtain moderate effect sizes. For logistic regression in particular, a 75:25 ratio of guilty to not-guilty verdicts is required to keep the necessary participant numbers to 360, based on the 10 events per variable (Peduzzi et al., 1996). To achieve this, additional changes were made to the vignette to include a more detailed explanation of reasonable doubt and the burden of proof, with the most significant change in the narrative being the defendant's complete denial of hearing the complainant say "no". Additionally, under demographic questions, a question assessing knowledge of victims of false allegations was included in order to minimise any perceived research bias which may subsequently result in elevated social desirability bias.

Chapter 5: Study 3 - A Structural Equation Model of Rape Myths Impact on Juror Decisions

5.1. Introduction

The literature on jury decision-making has consistently demonstrated that high levels of RMA result in lower rates of guilty verdicts (Dinos et al., 2015; Leverick, 2020)⁴. However, to date the literature has not provided a coherent model explaining *how* rape myth acceptance impacts individual juror decision-making. If educating jurors and other members of the criminal justice system is imperative, as Gillen (2019) suggests, it is essential to first understand the process by which rape myths impact decision-making. In this chapter I set out to test a model of how specific victim-focused rape myths impact on juror decision-making processes and decisions.

Rape cases are complex and idiosyncratic in terms of the events of the alleged offences, as well as the strengths/weaknesses of available evidence. In turn, the breadth and range of rape myths are extensive, ranging from scrutinising victim behaviours (*victims ask for it*) and their perceived intentions (*victims lie*) to expectations of the event itself (*not really rape*) and the likely offender (*perpetrators don't mean to rape*). The literature has also clearly evidenced that rape myths may also influence the course of a rape case at any point along its timeline, from the situational context of the perpetration of the sexual offence, to the likelihood of prosecution proceeding, to the outcome of the case itself (Chalmers et al., 2021b; St. George & Spohn, 2018; Venema, 2019). It is beyond the scope of this research to map all of these processes. Instead, I focus on how jurors may form opinions about the female complainant in a rape case, opinions that may inform the verdict they render and which may reflect pre-existing rape myths.

⁴ The research presented in chapters five, six and seven is currently being developed into a paper for publication. As such, to maintain consistency with the paper, there may be some minor overlap between this section and earlier chapters.

Drawing on the wealth of literature related to rape myths and evaluations of complainants in rape trials, in addition to available models of jury decision-making and rape complainant evaluations, a hypothetical model was developed where credibility, responsibility and empathy were key factors mediating the relationship between the victim-focused rape myth factors (i.e., *victims lie* [VL], *victims ask for it* [VA] and *not really rape* [NR]) and verdict decisions. It was anticipated that there would be three pathways through which rape myth factors would influence participants' evaluations of defendant guilt. Specifically, I expected *victims lie* rape myths to influence verdict via complainant credibility, *victims ask for it* to operate via complainant responsibility, and *not really rape* to influence evaluations of complainant empathy and, in turn, verdict. Together, these three indirect and direct pathways would predict verdict decisions. An additional path from empathy to credibility was also expected, considering consistent findings in the literature (Nason et al., 2019; Rinehart et al., 2023; Sperry & Siegel, 2013). Overall, the following focal hypotheses were specified:

H1a: Credibility would mediate the relationship between VL and verdict decisions.

H1b: Responsibility would mediate the relationship between VA and verdict decisions.

H1c: Empathy would mediate the relationship between NR and verdict decisions.

H2: Credibility would be predicted by empathy.

H3: Verdict would be predicted by credibility, responsibility and empathy, in addition to the three victim-focused rape myth factors (VL, VA and NR).

5.2. Methodology

Participants

Based on the 10:1 ratio proposed by Schreiber et al. (2006) which specified for each estimated parameter in a structural equation model, there should be 10 observations, it

was anticipated a total sample of 360 participants were necessary for SEM⁵. Participants were recruited using a combination of Prolific—an online participant recruitment website—in addition to snowballing methods on social media to minimise recruitment costs. Eligibility criteria for the study included being over 18 years old and residing in any of the eight European countries with consent-based sexual assault laws (namely: UK, Ireland, Germany, Iceland, Luxembourg, Belgium, Cyprus and Sweden). These criteria were selected to ensure participants met the broad criteria for jury inclusion and resided in a country with comparable laws to maximise the number of potential participants, while minimising different legal interpretations of the vignette.

Using Prolific, 239 participants were recruited and compensated £1 for their participation (averaging at just over £5.15 per hour). An additional 177 individuals were recruited through social media, including Facebook, Twitter, Instagram and Reddit. Participants recruited from social media were not compensated. Any response with more than 1% of data missing or failed attention checks were removed, resulting in the exclusion of 64 cases. In addition, 5 cases were recognised as multivariate outliers using Mahalanobis distance and were subsequently excluded from analysis, leaving a total sample of 347 participants.

Materials

Participants were asked basic demographic questions on gender, age, sexual orientation and ethnicity. Participants were also asked whether they knew a) anyone who was a victim of rape and b) anyone who was falsely accused of rape. Then, participants were asked to read a 4-page fictitious rape trial transcript involving a female college student who reported she was raped at a house party by a male peer. The case incorporated details that were typical of several common rape myths, such as complainant alcohol consumption and delayed reporting. Studies 1 and 2 (presented in Chapter 4)

⁵ The *semPower* package (Moshagen & Bader, 2023) was not available at the time of data analysis, however, post-hoc power analysis of the proposed model indicated no concerns.

evaluated the transcript to achieve a scenario where the distribution of guilty to not-guilty verdicts was as no greater than 75:25. These studies indicated that 77-84% participants strongly agreed the situation was realistic, with a further 13-17% agreeing somewhat.

Following the trial transcript, participants were asked to imagine themselves on the jury and to deliver a verdict of *guilty* or *not-guilty* based on the evidence provided and to rate their level of confidence in their verdict (from 0% to 100%). Not-guilty verdicts were coded as 0, while guilty verdicts were coded as 1. In order to examine a more sensitive measure of guilt, participants were also asked to rate the likelihood of the defendant's guilt on a 7-point Likert scale from *completely unlikely* (1) to *completely likely* (7). Participants were also asked how many years (from 0 to 10) the defendant should be sentenced.

Complainant credibility, complainant responsibility and empathy towards the complainant were all assessed using single items, i.e.: "To what extent do you find the complainant (Claire) to be credible/believable?", "To what extent do you find the complainant (Claire) is responsible for the events that took place?" and "How much do you empathise with the complainant (Claire)?". Credibility was measured on a 7-point Likert-type scale from *completely unbelievable* (1) to *completely believable* (7). Responsibility was measured on a 7-point Likert-type scale from *completely irresponsible* (1) to *completely responsible* (7). Finally, empathy was measured on a 5-point Likert-type scale from *not at all* (1) to *completely* (5).

Rape myth acceptance was measured using the Updated Illinois Rape Myth Acceptance scale (U-IRMA: McMahon & Farmer, 2011). The scale contains 19 items and loads onto 4 factors: *victims lie (VL)*, *victims ask for it (VA)*, *not really rape (NR)*, and *perpetrators don't mean to rape (PD)*. Participants rated their level of agreement for each item on a 7-point Likert scale. In the present study, the full scale achieved good reliability ($\alpha=.92$) in addition to each of the factors: *victims lie* ($\alpha=.93$), *victims ask for it* ($\alpha=.84$), *not really rape* ($\alpha=.67$) and *perpetrators don't mean to rape* ($\alpha=.75$). Two filler items were included from the original IRMA scale (Payne, Lonsway and Fitzgerald, 1999) as attention checks. One additional item, which loaded onto the *victims lie* factor was included, namely "women who wait weeks or months to report rape are probably just making it up" based

on Kelleher's (2019) MSc research, which found the item was one of the most highly endorsed (i.e. had the highest item mean) and made a minor positive contribution to the overall scale reliability ($\alpha=.93$). The full survey is available in Appendix C.

Procedure

Participants were provided the link to access the survey on Qualtrics, where they were first presented with an information sheet which informed them of what the study would involve, their right to withdraw and the confidentiality of their data. Participants were then presented with the trial transcript, followed by questions related to their verdicts and evaluations of the complainant and then the U-IRMA scale to measure their rape myth acceptance. Participants were also asked to provide basic demographic information before being shown the debrief sheet, which provided them with further information on the purpose of the research, as well as, contact numbers and websites for regional support and sexual violence centres. The average time to complete the full survey was 14 minutes ($SD=11$ minutes).

Method of Analysis

Hierarchical multiple regression and logistic regression were run to examine predictors for the dichotomous and Likert verdicts, respectively. Three independent mediation analyses were performed to analyse the decision-making variables' (credibility, responsibility and empathy) ability to mediate the relationship between the rape myth factors and verdict decision. Finally, Structural Equation Modelling (SEM) was conducted to investigate the model proposed in hypothesis three. SEM enables the examination of latent constructs (i.e., Confirmatory Factor Analysis) in addition to estimating the significance and magnitude of direct and indirect causal relationships between measured variables, similar to path analysis (Kline, 2016). Most SEM estimation methods assume multivariate normality (J. B. Ullman, 2013), and while robust estimation methods such as DWLS can correct for non-normality, these methods are not robust to multivariate outliers (Savalei,

2014). One important advantage of SEM is its ability to incorporate measurement error (Jeon, 2015; Kline, 2015). Kline (2016) defines latent variables as hypothetical constructs which cannot be directly observed. Considering the challenges in accurately capturing individuals' rape myth acceptance despite psychometrically sound measurements, as noted previously, conceptualising rape myth factors as latent factors considerably reduces statistical inaccuracies and biases. All analyses were conducted on R (version 4.3.1) using RStudio (version 2023.06.0). A full breakdown of the packages used for the analyses is available in Appendix D, accompanied by a link to an open-access GitHub repository to access all of the data and code used in the analysis.

5.3. Results

Descriptive Statistics

In the total sample, 63% ($n=219$) identified as cisgender female and 38% ($n=121$) identified as cisgender male. The median age was 27 years ($M=29.86$, $SD=9.70$). 82% of participants identified as heterosexual and 83% reported their ethnicity as White/Caucasian. Furthermore, 37% of the sample reported knowing a victim-survivor of rape, while 8% reported knowing someone who had been falsely accused of rape. A full breakdown of these demographics is represented in Appendix E.

Two hundred and fifteen participants, accounting for 61.96% of the total sample, delivered a guilty verdict. For the Likert verdict, the most endorsed response was "moderately likely" ($n=131$), followed by "completely likely" ($n=80$) suggesting that, overall, the majority of participants believed the defendant was guilty. Unsurprisingly, there were differences in responses for the Likert verdict between those who voted guilty ($M=6.15$, $SD=.79$) and those who voted not guilty ($M=4.33$, $SD=1.46$). There was considerable variation in the levels of confidence reported by participants. The mean percentage level of confidence was 70% ($SD=22.50\%$). The average recommended sentence length for participants who delivered a guilty verdict was 4.48 years ($SD= 2.85$). This is relatively consistent with the England and Wales Crown Prosecution Service's

recommendation of a starting point of 5 years for a single offence of rape by a perpetrator where the victim is over 16 years of age (CPS, 2017). Responses for the decision-making variables of credibility ($M= 5.53, SD = 1.37$), responsibility ($M= 3.19, SD= 1.86$) and empathy ($M= 3.71, SD= 1.08$) were all skewed in favour of supporting the plaintiff. Cronbach's alpha for the original 19-items of U-IRMA Scale was .92. As expected, the distribution of responses was strongly positively skewed with mean total score of 41.70 ($SD=18.96$) and a mean item score of 2.19. The maximum possible score for the items was 133, but the maximum total score obtained was 110, with 12 cases scoring the minimum of 19. Table 7 summarises the descriptive statistics for each of the U-IRMA factors.

Table 7.

Descriptive statistics for U-IRMA factors

Factor	No. items	α	Mean	SD	Min. score	Max. obtained score	Max. possible score
VA	4	.84	7.45	4.88	4	26	28
NR	4	.67	6.51	3.56	4	21	28
VL	5	.93	12.69	7.39	5	35	35
PD	6	.75	15.05	6.71	6	35	42

Correlation

Correlations with demographic factors demonstrated that participants that did not identify as male were significantly more likely to know/ be a victim of rape ($r=.16, p=.004$), reported higher ratings on the continuous guilt measure ($r=.13, p=.014$), had more confidence in their decision ($r=.25, p<.001$), recommended longer sentences ($r=.20, p<.001$), attributed less responsibility to the complainant ($r= -.25, p<.001$), believed the complainant was more credible ($r=.21, p<.001$), empathised more with the complainant ($r=.15, p=.005$) and scored significantly lower on each rape myth factor: VA ($r= -.25,$

$p < .001$), VL ($r = -.24, p < .001$), NR ($r = -.17, p = .001$) and PD ($r = -.25, p < .001$), respectively. Furthermore, older participants also provided lower ratings on the continuous guilt measure ($r = -.14, p = .010$), demonstrated higher responsibility ratings ($r = .13, p = .017$), lower empathy levels ($r = -.18, p = .001$) and more strongly endorsed each of the victim-focused rape myth factors. Conversely, non-heterosexual participants and participants who knew/were a victim-survivor of rape demonstrated higher guilt ratings, lower responsibility ratings, higher empathy scores and lower rape myth acceptance.

For the dependent variables, high ratings of guilt on the continuous verdict were significantly correlated with higher confidence ratings ($r = .27, p < .001$), higher sentence recommendations ($r = .46, p < .001$), higher ratings of empathy ($r = .60, p < .001$) and complainant credibility ($r = .67, p < .001$) as well as lower ratings of complainant responsibility ($r = -.50, p < .001$) and lower rape myth endorsement for VL ($r = -.53, p < .001$), NR ($r = -.43, p < .001$) and VA ($r = -.47, p < .001$). All decision-making variables demonstrated significant moderate positive correlations with each other; equally all rape myth factors were highly correlated. Credibility was most strongly correlated with VL ($r = -.54, p < .001$) supporting the proposed pathway in the model, although the strongest relationship emerged between VL and responsibility ($r = .63, p < .001$), rather than responsibility and VA ($r = .62, p < .001$). Empathy was also most strongly correlated with VL ($r = -.60, p < .001$) as opposed to NR ($r = -.50, p < .001$). The full correlation matrix is presented in Appendix F.

T-tests

An independent samples t-test was conducted to compare the differences between guilty verdicts and not-guilty verdicts for each of the dependent variables. Table 8 describes the respective statistics demonstrating significant differences for all variables. Thus, participants who selected a not guilty verdict were less confident in their verdict decision ($t(346) = -6.96, p < .001$), rated the victim as less credible ($t(346) = -10.18, p > .001$) and more responsible ($t(346) = 7.99, p < .001$), empathised less with the victim ($t(346) = -9.14, p < .001$) and had significantly higher acceptance of all rape myths factors.

Table 8.

Comparison of means between guilty and not-guilty verdicts.

Variable	Not Guilty		Guilty		t	p
	M	SD	M	SD		
Likert Verdict	4.33	1.46	6.15	0.79	-15.01	<.001
Confidence	59.98	21.43	76.22	20.90	-6.96	<.001
Sentence	1.17	2.14	4.48	2.85	-11.48	<.001
Credibility	4.64	1.40	6.07	1.03	-10.18	<.001
Responsibility	4.13	1.69	2.62	1.72	7.99	<.001
Empathy	3.11	1.15	4.08	0.84	-9.14	<.001
Total VA	9.55	5.63	6.15	3.84	6.68	<.001
Total VL	16.32	7.84	10.34	5.99	8.30	<.001
Total NR	8.22	4.28	5.47	2.54	7.53	<.001
Total PD	16.90	6.23	13.91	6.39	4.12	<.001

A chi-square test also showed a significant difference between male and female participants verdict decisions, with women being considerably more likely to deliver a guilty verdict ($\chi^2= 17.32, p<.001$). T-tests were also conducted to compare differences in key variables depending on gender, with a conservative p-value of 0.01 set to minimise the chance of a Type I error. Significant differences emerged for each of the evaluative factors, in addition to the continuous guilt rating and sentence recommendation, with women demonstrating more victim-supportive attitudes. Similarly, women scored significantly lower than men on the *victims lie*, *victims ask for it* and *perpetrators don't mean to rape* myth factors. Table 9 provides the full statistics for the gender comparisons.

Table 9.*Comparison of means between men and women.*

Variable	Male		Female		t	p
	M	SD	M	SD		
Likert Verdict	4.97	1.62	5.71	1.21	-4.40	<.001
Confidence	66.06	23.76	71.94	21.79	-2.25	.025
Sentence	2.35	2.79	3.69	3.10	-4.10	<.001
Credibility	5.11	1.53	5.77	1.19	-4.10	<.001
Responsibility	3.83	1.76	2.88	1.83	4.70	<.001
Empathy	3.45	1.18	3.86	1.00	-3.25	.001
Total VA	9.17	5.16	6.60	4.53	4.58	<.001
Total VL	15.18	7.34	11.45	7.09	4.54	<.001
Total NR	7.31	3.88	6.14	3.35	2.81	.005
Total PD	17.44	6.44	13.82	6.57	4.92	<.001

Logistic Regression

Six logistic regression analyses were also run to evaluate the rape myth factors and decision-making factors ability to predict the dichotomous verdict. Due to the multiple analyses being run, a more conservative p value ($p < .01$) was utilised to reduce the risk of a Type I error. Nonetheless, each of the three victim-focused rape myth factors and the three evaluative factors were all significant predictors of verdicts. Full statistics for each of the logistic regressions are shown in Table 10.

Table 10.*Univariate Logistic Regressions for Binary Verdict*

Variable	X ²	B	Odds Ratio	Lower 95% C.I.	Upper 95% C.I.	p
Victims lie	59.51	-0.12	0.88	0.85	0.91	<0.001
Victims ask for it	40.02	-0.15	0.86	0.81	0.90	<0.001
Not really rape	50.91	-0.25	0.78	0.72	0.84	<0.001
Credibility	97.44	0.97	2.63	2.10	3.38	<0.001
Responsibility	56.35	-0.48	0.62	0.54	0.71	<0.001
Empathy	71.32	0.96	2.62	2.05	3.40	<0.001

Mediation Analysis

Mediation analysis was run using the Lavaan package, with each model bootstrapped with 5000 samples. The first mediation model showed there was a negative direct effect of VL on verdict decisions ($B = -.48, p < .001$). Path *a* (VL on credibility) ($B = -.54, p < .001$) and path *b* (credibility on verdict) ($B = .48, p < .001$) were both significant, showing increased VL scores predicted lower complainant credibility ratings and higher credibility ratings increased the likelihood of a guilty verdict. The direct effect of VL on verdict including credibility ($B = -.22, p = .012$) was also significant. The 95% CI $[-.09, -.05]$ for the indirect effect excluded zero indicating credibility significantly mediated the relationship between VL scores and verdict decisions.

The second model shows there was a significant total effect between VA and verdict decisions ($B = -.41, p < .001$). Path *a* (VA on responsibility) ($B = .62, p < .001$) and path *b* (responsibility on verdict) ($B = -.36, p < .001$) were both significant, suggesting increased VA scores predict higher responsibility scores and higher responsibility scores predict not guilty verdicts. Finally, when responsibility entered the relationship between VA and

verdict, the direct effect ($B = -.18, p = .038$) was significant. Again, the 95% CI $[-.07, -.03]$ for the indirect effect excluded zero indicating responsibility significantly mediated the relationship between VA scores and verdict decisions.

The final mediation model found a significant total effect between NR and verdict decisions ($B = -.46, p < .001$). Path a (NR on empathy) ($B = -.50, p < .001$) and path b (empathy on verdict) ($B = -.40, p < .001$) were both significant, suggesting increased NR scores predict lower empathy scores and higher empathy scores predict guilty verdicts. Finally, when empathy was included in the relationship between NR and verdict, the direct effect ($B = -.26, p = .004$) was significant. The 95% confidence interval for the indirect effect (CI = $-.09$ to $-.04$) excluded zero, indicating empathy significantly mediated the relationship between NR scores and verdict decisions. Diagrams of the three mediation models are shown in Appendix G.

Structural Equation Modelling

SEM was conducted using the Lavaan package on R, with the verdict variable specified as a binary with the “ordered=” argument, resulting in diagonally weighted least squares (DWLS) estimation to calculate the model parameters (Rosseel, 2021). Prior to investigating the full structural model, each section of the measurement model was inspected using confirmatory factor analysis (CFA). This was particularly important given one of the subscales of the U-IRMA (perpetrators don’t mean to rape) was not incorporated in the model, plus an additional item was available for the *victims lie* factor. However, comparison of the CFA for VL’s original five items to the CFA for VL with the additional item showed notable differences. The six-item VL factor achieved mediocre fit indices ($\chi(9) = 66.78, p < .001, CFI = .996, RMSEA = .136, SRMR = .038$), whereas the original five-item version achieved much stronger fit indices ($\chi(5) = 11.46, p = .051, CFI = .996, RMSEA = .059, SRMR = .012$). Although the inclusion of the additional item improved the reliability of the scale in previous research (Kelleher, 2019), evidently the underlying structure of the factor is stronger without it. Thus, for all subsequent studies, the five-item version of the *victims*

lie factor will be used⁶. CFA results for both the *victims ask for it* factor ($\chi(2)=11.74, p=.003$, CFI=.985, RMSEA=.118, SRMR=.023) and the *not really rape* factor ($\chi(2)=12.76, p=.002$, CFI=.967, RMSEA=.124, SRMR=.037), demonstrated good fit, according to Hu and Bentler's (1999) criteria⁷. Although the chi-square statistic was significant in each case, many have noted absolute fit indices penalize models with large sample sizes and high numbers of free parameters (Kenny, 2020).

Following the satisfactory results for the measurement model, the full SEM was run. The original model included promising fit indices ($\chi(110)=117.39, p=.297$, CFI=.999, RMSEA=.014, SRMR=.055). However, on further inspection of the model, a total of five predicted pathways were non-significant, namely, each of the direct paths from the rape myth factors to verdict, empathy to verdict and the indirect path from the *not really rape* factor to verdict. Kenny (2020) states a good fitting model does not prove a model is correctly specified and it is still possible to remove specification error. Nonetheless, while model respecification is a common aspect of SEM analyses, it is important that modifications are theoretically justified to avoid overfitting the model to the sample (Kline, 2016). The findings for the lack of significance in the direct pathways from the rape myth factors to verdict mirrored Schuller and Hasting (2002) results, who also found the direct path between RMA and guilt proposed in their model was non-significant. Thus, these direct pathways were deleted one at a time from the model, starting with the least significant path (*not really rape* factor to verdict). The removal of this path resulted in minimal change to the overall model fit, however, the path from empathy to verdict and the indirect path from *not really rape* to verdict both became significant. Subsequently, the non-significant direct path from *victims ask for it* to verdict was removed, followed by the non-significant direct path from *victims lie* to verdict.

At this point, the model demonstrated excellent fit indices ($\chi(113)=119.71, p=.315$, CFI=.999, RMSEA=.013, SRMR=.055), and all paths were significant, including the three

⁶ All earlier analyses involving the *victims lie* factor in this chapter were also rerun and updated to reflect results for the original five-item version.

⁷ Hu & Bentler's (1999) goodness of fit cut-offs are as follows: CFI>.95, RMSEA<.06, SRMR<.08.

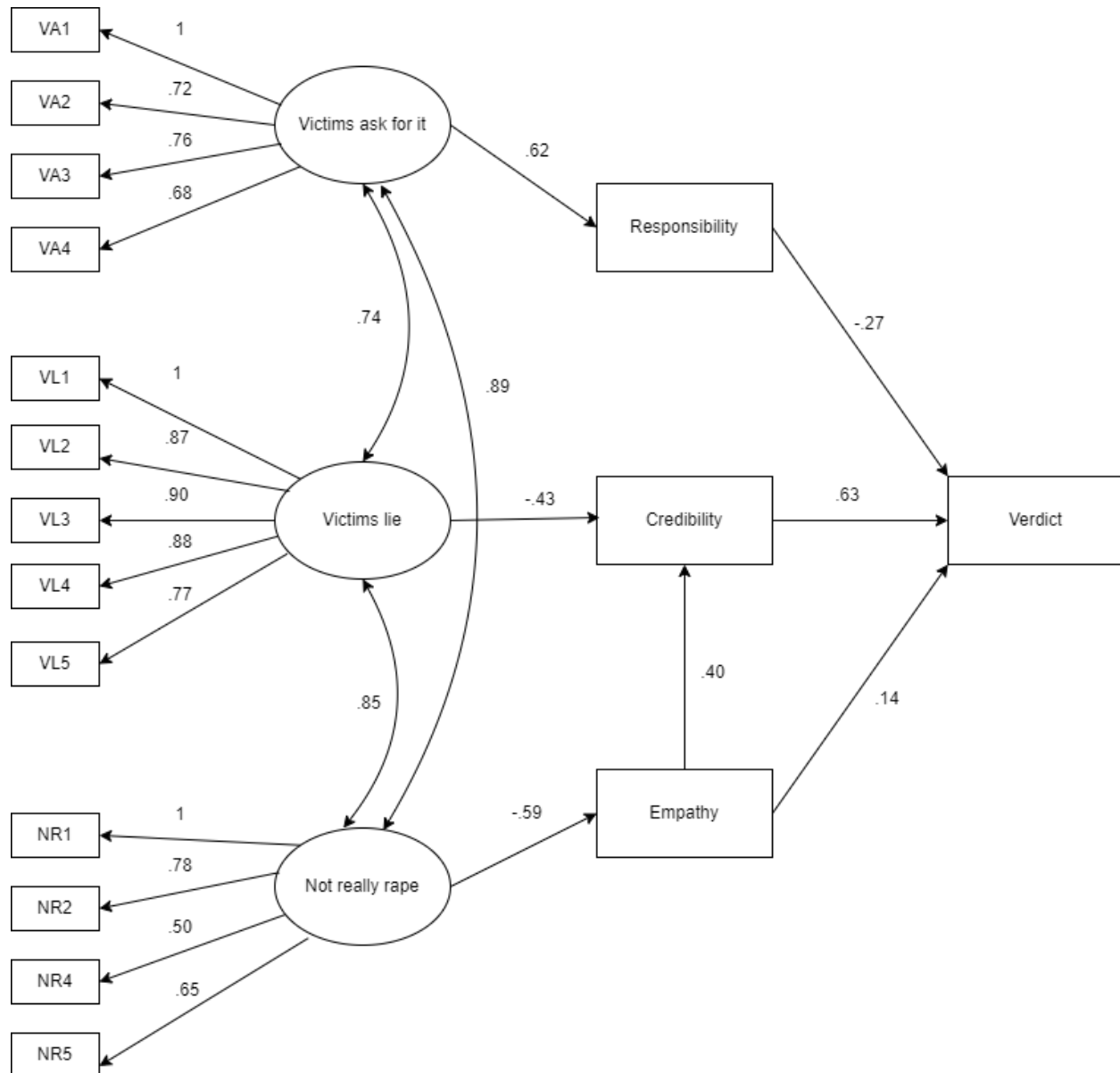
indirect paths from the latent rape myth factors to verdict. Modification indices were inspected for potential additional pathways however, the only recommendation with a score above 10 was the addition of a path from credibility to empathy (MI=10.29). However, this would have resulted in considerable added complexity due to the subsequent a feedback loop between credibility and empathy. Thus, this path was not included, in favour of a more parsimonious model. Given the high level of fit and the risk of overfitting the model to the data no further modifications were made. The final Rape Myths in Evaluations and Verdicts (RMEV) model including standardised path coefficients is shown in Figure 8, with a full breakdown of the model in Table 11.

Table 11.*Regression and Covariance Statistics for SEM.*

Pathway	Estimate	SE	Std. Estimate	p
VL1 ←VL	1.00			<.001
VL2 ←VL	1.08	0.07	0.87	<.001
VL3 ←VL	1.03	0.06	0.90	<.001
VL4 ←VL	0.82	0.06	0.88	<.001
VL5 ←VL	0.94	0.07	0.77	<.001
VA1 ←VA	1.00			<.001
VA2 ←VA	0.87	0.08	0.72	<.001
VA3 ←VA	0.77	0.08	0.76	<.001
VA4 ←VA	1.25	0.15	0.68	<.001
NR1 ←NR	1.00			<.001
NR2 ←NR	0.95	0.06	0.78	<.001
NR4 ←NR	0.35	0.03	0.50	<.001
NR5 ←NR	1.56	0.16	0.65	<.001
Credibility → Verdict	0.47	0.03	0.63	<.001
Responsibility → Verdict	-0.14	0.02	-0.27	<.001
Empathy → Verdict	0.13	0.04	0.14	.001
Empathy → Credibility	0.47	0.05	0.40	<.001
VL → Credibility	-0.40	0.04	-0.43	<.001
VA → Responsibility	1.30	0.15	0.62	<.001
NR → Empathy	-0.97	0.10	-0.59	<.001
Indirect VL → Verdict	-0.19	0.02	-0.27	<.001
Indirect VA → Verdict	-0.18	0.04	-0.17	<.001
Indirect NR → Verdict	-0.12	0.04	-0.09	.001
VA ↔ VL	-0.14	0.14	0.74	<.001
NR ↔ VA	0.99	0.07	0.89	<.001
NR ↔ VL	0.58	0.08	0.68	<.001

Figure 8

Structural equation model including standardised path coefficients.



5.4. Discussion

The theoretical model proposed in Chapter 3 offered a meaningful insight into how rape myths influence verdict outcomes in sexual violence trials; a model for which this study provided considerable empirical evidence. Due to the combination of multiple

regression and mediation pathways, in addition to multiple latent factors, it was necessary to systematically evaluate different elements of the model, prior to a full analysis.

Regarding the first set of hypotheses, results from the univariate logistic regressions showed that each of the three victim-focused rape myth factors and the three evaluative factors were all significant predictors of verdict decisions. Furthermore, credibility, responsibility and empathy each mediated the relationship between their respective rape myth factors (*victims lie*, *victims ask for it and not really rape*) and verdict decisions. The direct effect was still significant in each mediation model, suggesting each rape myth factor made a unique contribution to predicting verdict decisions beyond the decision-making factors. However, the significance for the indirect paths, evidenced by the exclusion of zero in the bootstrapped confidence intervals, clearly demonstrated partial mediation. Many researchers, such as Rucker et al. (2011), have noted the assumption that a partial mediation effect is smaller or less important than a full mediation effect is flawed, and promote evaluating the mediation model based on the statistical effect size demonstrated. They note “ $a \times b$ is the amount by which Y is expected to change as a function of a change of size a in M”. Thus, for every 0.54 increase in the association between LI scores and credibility, there was a 0.26 decrease in the probability of a guilty verdict. Additionally, for every increase in the association between SA scores and responsibility, there was a 0.22 decrease in the probability of guilty verdicts, and for every increase in the NR-empathy relationship, there was a 0.20 decrease in the probability of a guilty verdict.

There were some small but interesting changes between the originally hypothesised model and the final model. While the three indirect paths between the rape myth factors and verdict were all significant, the direct pathways were not significant, suggesting full rather than partial mediation. These results are in contrast to the independent mediation models presented in this chapter, although the lack of a direct path from RMA to verdict was also seen in Schuller and Hasting’s (2002) findings. It’s possible that the disparities between the full SEM, logistic regression and mediation analyses could be explained by suppression effects—whereby the inclusion of additional variable(s) in the model reduces the regression coefficient for a predictor variable (Krus & Wilkinson, 1986). Nonetheless,

the final SEM presented upholds the most important theoretical assumptions – that judgements of complainant’s credibility, responsibility and empathy mediate the relationships between rape myth factors and verdict decisions. High VA myth endorsement corresponds to increased complainant responsibility ratings and subsequently reduces the likelihood of a guilty verdict. Concurrently, high levels of VL and NR myth endorsement correspond to lower ratings of complainant credibility and jurors’ empathy with the complainant, respectively, while higher credibility and empathy ratings are linked with guilty verdicts.

Considering the complexity of the RMEV model, the final goodness of fit measures indicated an exceptionally well-fitted model. While recent research has brought into question the applicability of goodness of fit cut-off points in estimation methods other than maximum-likelihood, particularly for methods suited to categorical outcomes such as DWLS (Xia & Yang, 2019), some indices, such as SRMR, have demonstrated robustness regardless of estimation method used (Shi & Maydeu-Olivares, 2020). The SRMR assesses the magnitude of discrepancies between the correlations in the observed and expected model, with values less than 0.08 indicating a good fit. The final model achieved an SRMR=.055, indicating a very good fit requiring little to no modification. The main limitation of a model with a categorical outcome is the lack of a suitable significance test for model comparisons. Typically, measures such as AIC are useful to determine whether the differences between a models can be deemed significant (Wagenmakers & Farrell, 2004). However, because AIC is likelihood-based estimator which calculates the likelihood information criteria, it is not applicable to DWLS estimation which is based on least-squares estimation. As such, it is important to note that the comparison of the proposed model to both the null and alternative models is guided by interpreting changes in goodness of fit measures. It should be also noted that due to a lack of measurement invariance, it was not possible to compare the full model for men versus women. Considering t-test results found significant differences for almost every variable in the model for men compared to women, in line with previous research on rape myths and victim evaluations (Leverick, 2020; Nitschke et al., 2019; van der Bruggen & Grubb, 2014), the overall goodness of fit for the model may also vary slightly depending on gender.

Considering the sample featured a higher proportion of female participants, it is possible that the model fit may be less accurate for men. Nonetheless, each of the fit measures far exceeded the cut-offs which determine excellent fit, so it's not unreasonable to assume that the RMEV model is at least a good fit both for men and women's evaluation processes and decisions in rape cases.

Overall, this study provided a robust structural model of the process of juror verdict decisions in rape trials, incorporating rape myth factors and key decision-making factors relevant to complainant evaluation. Naturally, some limitations to the study should be noted, such as the inclusion of participants from European countries which do not use a jury system. While these participants may legally comprehend consent in a similar way to judiciaries in the UK, they are unlikely to experience jury duty in reality. In addition, extrapolating causality amongst the variables in the model from a purely correlational study is ill-advised, although the study still holds considerable merit in contributing to knowledge development. The subsequent study aims to further extend the understanding of rape myths impact in verdict decisions, in addition to bolstering the causal implication of the model by introducing manipulated conditions, so that these relationships can be examined experimentally.

Chapter 6: Study 4 - A Causal Model of Rape Myths Impact on Juror Decisions

6.1. Introduction

The first study enabled us to identify a strong, parsimonious model. However, the cross-sectional nature of the data limited the causal conclusions that could be drawn from these findings. The purpose of the second study, therefore, was to increase the causal evidence available by employing an experimental methodology. By manipulating rape-myth-relevant elements in the fictitious rape case transcript, I expected to elicit changes in the respective decision-making factors and subsequently impact verdict decisions. It should be noted that the rape-myth-relevant elements altered in the scenario (e.g., victim clothing, victim intoxication, relationship with the accused) *should not* impact credibility or responsibility as they do not change the facts of the case. However, it is anticipated that these elements which align with rape myths will impact the decision-making variables. Establishing that manipulation of the salience of rape-myth-relevant (but guilt-irrelevant) factors influences decision-making would help develop evidence for a causal model and inform future intervention studies. The following hypotheses were proposed for the study:

H1a: Participants in the low rape myth condition will have lower ratings of complainant responsibility.

H1b: Participants in the low rape myth condition will have higher ratings of complainant credibility and empathy towards the complainant.

H1c: Participants in the low rape myth condition will have increased levels of guilty verdicts.

H2a: Case conformity with rape myths (i.e., condition) will moderate path *a* from VL to Credibility with weaker relationships in the low rape myth condition.

H2b: Rape myth case conformity will moderate path *a* from VA to Responsibility with weaker relationships in the low rape myth condition.

H2c: Rape myth case conformity will moderate path a from NR to Empathy with weaker relationships in the low rape myth condition.

H3: Pathways from the latent rape myth factors to their respective decision-making factors will be significantly stronger in the high rape myth condition.

6.2. Methodology

Participants

For this study, participants needed meet the general eligibility criteria for jury duty within the UK—this was achieved using Prolific filters. All participants were between the ages of 18 to 74, had resided in the UK for over five years and were registered on the local electorate (as indicated by voting in the most recent general election). However, participants were not screened for disqualifying criteria (i.e., individuals resident at hospital, detained or under guardianship for severe mental illness, individuals currently on bail, individuals who have been convicted of an offence within the past 10 years and individuals who have ever been sentenced to five years imprisonment or more). A-priori power estimation using semPower (Moshagen & Bader, 2023) for two groups of equal sizes recommended a sample of 450 participants. Evidence from Preacher et al. (2007) also suggested a sample of 200 with moderate sized regression coefficients should achieve sufficient power for moderated-mediation. A total sample of 505 participants were recruited and were compensated £1 for their participation. Again, any response with more than 1% incomplete data or failing attention checks were removed, resulting in 23 cases removed. Furthermore, 13 cases were also identified as multivariate outliers using Mahalanobis distance and were excluded from analysis, leaving a total sample of 469 participants.

Design

To evaluate the impact of varying levels of rape-myth-relevant information, the study employed an experimental survey design by randomly presenting one of two trial transcripts to the participant within the survey.

Materials

Participants were asked the same demographic questions as the those in Study 4. Following this, participants were presented with 1 of 2 fictitious rape trial transcripts, modelled after the previous study's transcript. The circumstances of the crime remained as similar as possible in the transcripts (i.e., involving a female college student who was raped at a house party by a male peer), however the level of rape-myth-relevant information was altered. For example, in the high condition, the transcript includes an extended delay in reporting, previous flirting between the complainant and the defendant, as well as complainant's decision to wear "sexy lingerie". Meanwhile in the low condition, the complainant was sober during the offence and physically fought the defendant and then reported the offence immediately. Both trial transcripts are available in Appendix H.

After the transcript, participants were asked to imagine themselves on the jury and to deliver a verdict in dichotomous and Likert form, recommend a sentence from 0 to 10 years and evaluate their level of confidence in their verdict decision. The single item questions on complainant credibility, complainant responsibility and complainant empathy were not altered from Study 3 and again, rape myth acceptance was measured using McMahon and Farmer's (2011) Updated Illinois Rape Myth Acceptance scale. The full scale achieved good reliability ($\alpha=.91$) in addition to each of the factors: *victims lie* ($\alpha=.93$), *victims ask for it* ($\alpha=.80$), *not really rape* ($\alpha=.69$) and *perpetrators don't mean to rape* ($\alpha=.77$).

Procedure

Participants on Prolific were directed to the survey on Qualtrics, which started with the information sheet informing them of what the study involved, their right to withdraw and the confidentiality of their data so they could provide informed consent. Participants were then randomly presented with one of the two trial transcripts, followed by questions related to their verdicts and evaluations of the complainant. Finally, participants were asked to fill out the U-IRMA scale, followed by basic demographic questions before being shown the debrief sheet. The debrief provided further information on the purpose of the research, as well as, contact numbers and websites for support services. The average time to complete the full survey was 12 minutes ($SD=6$ minutes).

Method of Analysis

Independent t tests were run first to compare differences in the mean for each dependent variables based on condition and gender. Moderated-mediation analyses were conducted with condition as a moderator on path *a* from the rape myth factor to the decision-making variable. Finally, Multigroup Structural Equation Modelling was conducted to investigate differences in the proposed model based on condition. All analyses were conducted in R (version 4.3.1) using RStudio (version 2023.06.0). A full breakdown of the packages used for the analyses is available in Appendix D, accompanied by a link to an open-access GitHub repository to access all of the data and code used in the analysis.

6.3. Results

Descriptive Statistics

In the total sample, 43% ($n=200$) identified as cisgender male and 56% identified as cisgender female ($n=263$). The median age was 34 years ($M=36.42$, $SD=12.89$). 84% of participants identified as heterosexual and 86% identified as White/Caucasian. Furthermore, 32% of the sample acknowledged knowing a victim-survivor of rape, while

9% reported knowing someone who had been falsely accused of rape. A full breakdown of these demographics is represented in Appendix I.

T-tests

There were 230 participants in the low rape myth condition, in comparison to 239 in the high rape myth condition. Table 12 presents the results of Welch's t-tests. Examination of the t-tests indicated there were no significant differences for any of the demographic factors or rape myth acceptance between conditions. A chi square test for gender was also non-significant ($\chi^2 = .20$, $df = 1$, $p = .560$), suggesting there was no significant differences between samples. Regarding dependant variables, t-tests revealed significant differences for the continuous verdict ($t(468) = -2.72$, $p = .035$, $\eta^2 = .009$), as well as credibility ($t(468) = -2.72$, $p = .007$, $\eta^2 = .016$). Chi square tests were performed to compare the dichotomous verdict outcomes between conditions, and found a significant difference ($\chi^2 = 5.99$, $df = 1$, $p = .014$), suggesting individuals in the high condition were less likely to return a guilty verdict, shown in Figure 9.

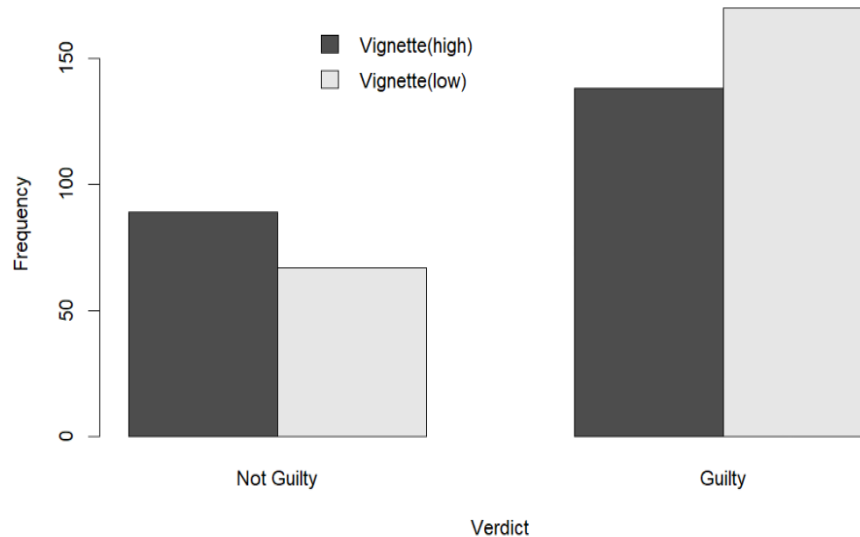
Table 12.

Comparison of Means between Conditions (Study 4)

Variable	Low Condition		High Condition		t	p
	M	SD	M	SD		
Likert Verdict	5.60	1.42	5.31	1.55	-2.11	.035
Confidence	72.62	22.92	72.31	22.92	-0.15	.882
Sentence	4.11	3.27	3.62	3.43	-1.60	.109
Credibility	5.80	1.26	5.47	1.44	-2.72	.007
Responsibility	3.13	1.94	3.22	1.94	0.49	.625
Empathy	3.80	1.07	3.67	1.11	-1.28	.201
Total RMA	38.69	18.37	40.59	16.76	1.16	.248

Figure 8.

Frequency of verdict outcomes between conditions (Study 4).



Moderated-Mediation

For the purpose of the moderated-mediation analyses, the low condition was coded as -0.5, while the high condition was coded as 0.5, following the example set by Michalak (2019). All independent variables and mediators were mean-centred.

Credibility Moderated-Mediation Model.

Results of the first moderated-mediation showed that participants in the high condition, provided significantly lower credibility ratings $a_2 = -0.12$ ($p=.002$). Every 1-point increase in VL scores was associated with an $a_1 = -0.60$ ($p<.001$) decrease in credibility ratings. However, the strength of this association was different between participants in the low and high conditions, $a_3 = -0.10$ ($p=.016$). Adjusting for VL scores, every 1-point increase in credibility ratings was associated with a $b_1 = 0.70$ ($p<.001$) increased probability of a guilty verdict. However, there was significant evidence that VL scores were still associated with verdict decisions independent of their association with credibility, $cp = -0.15$ ($p=.007$).

The moderation index was significant $imm = -0.07$ ($p = .024$) indicating the amount of rape-myth-relevant information presented significantly moderated the indirect path in the model. A bias-corrected bootstrapped confidence interval with 5,000 samples for the index of moderated mediation also failed to capture zero (95% C.I. = -0.04 to -0.003), suggesting a significant effect of moderation. For participants in the low condition, the indirect pathway showed for every increase in the association between VL scores and credibility, there was an 0.39 decrease in the likelihood of a guilty verdict. Whereas among participants in the high condition, every increase in the association between VL scores and credibility, results in an 0.46 decrease in the likelihood of a guilty verdict. All statistics are presented in Table 13 and a diagram is shown in Figure 10.

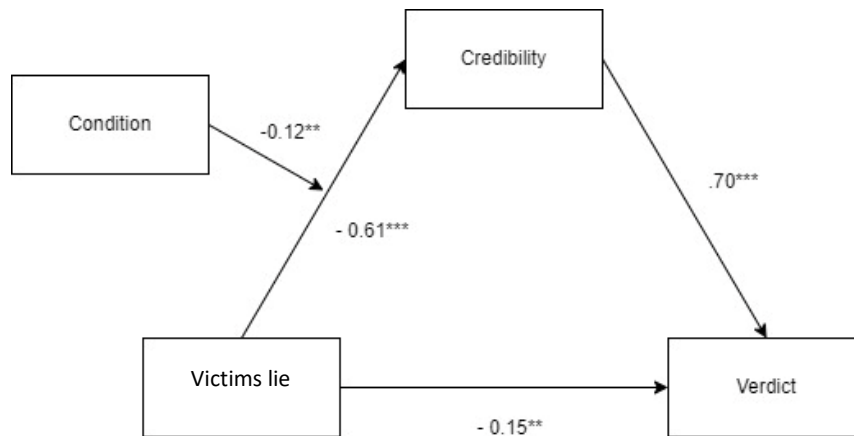
Table 13.

Moderated mediation analysis for credibility (Study 4).

Path	B	S.E	β	p	Confidence Interval	
					Lower	Upper
VL → Credibility (a1)	-0.103	0.007	-0.605	<.001	-0.116	-0.089
Condition → Credibility (a2)	-0.331	0.106	-0.122	.002	-0.538	-0.124
Interaction → Credibility (a3)	-0.035	0.014	-0.102	.016	-0.062	-0.006
Credibility → Verdict (b1)	0.642	0.055	0.698	<.001	0.53	0.742
VL → Verdict (cp)	-0.024	0.009	-0.154	.007	-0.043	-0.008
Moderation index (imm)	-0.022	0.01	-0.071	.024	-0.042	-0.004
Low condition indirect path	-0.055	0.008	-0.386	<.001	-0.071	-0.04
High condition indirect path	-0.077	0.009	-0.457	<.001	-0.094	-0.06

Figure 9.

Credibility moderated-mediation model with standardised coefficients (Study 4).



Responsibility Moderated-Mediation Model.

For the second moderated-mediation model, results showed that participants in the high condition did not provide significantly higher responsibility ratings $a2 = 0.03$ ($p=.450$). Every 1-point increase in VA scores was associated with an $a1 = 0.52$ ($p<.001$) increase in responsibility ratings; this association did not differ between conditions, $a3 = -0.04$ ($p=.369$). Every 1-point increase in responsibility ratings was associated with a $b1 = -0.53$ ($p<.001$) decreased probability of a guilty verdict and VA did not make significant unique contribution in explaining verdict decisions after accounting for responsibility, $cp = -0.13$ ($p=.062$).

The moderation index was not significant $imm = 0.02$ ($p=.377$) and the bootstrapped confidence interval crossed zero (95% C.I. = -0.01 to 0.04). However, the indirect pathways for each condition were significant. In the low condition, for every increase in association between VA and responsibility, there was an 0.29 ($p<.001$) decrease in the likelihood of a guilty verdict. In the high condition, an increase in VA and responsibility's association resulted in an 0.26 decrease in the likelihood of a guilty verdict. All statistics are represented in Table 14 and a diagram is shown in Figure 11.

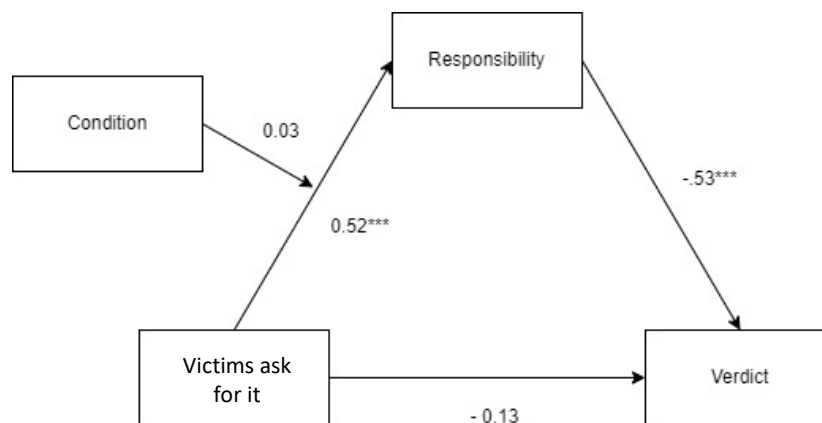
Table 14.

Moderated mediation analysis for responsibility (Study 4).

Path	B	S.E	β	p	Confidence Interval	
					Lower	Upper
VA \rightarrow Responsibility (a1)	0.239	0.018	0.520	<.001	0.204	0.273
Condition \rightarrow Responsibility (a2)	0.126	0.167	0.032	.450	-0.199	0.457
Interaction \rightarrow Responsibility (a3)	-0.037	0.041	-0.040	.369	-0.118	0.042
Responsibility \rightarrow Verdict (b1)	-0.298	0.029	-0.529	<.001	-0.351	-0.234
VA \rightarrow Verdict (cp)	-0.033	0.018	-0.126	.062	-0.068	-0.001
Moderation index (imm)	0.011	0.012	0.021	.377	-0.013	0.036
Low condition indirect path	-0.077	0.011	-0.285	<.001	-0.099	-0.055
High condition indirect path	-0.066	0.01	-0.264	<.001	-0.087	-0.046

Figure 10.

Responsibility moderated-mediation model (Study 4).



For the last moderated-mediation model, results showed that participants in the high condition did not provide significantly lower empathy ratings $a2 = -0.06$ ($p=.149$). Every 1-point increase in NR scores was associated with an $a1 = -0.46$ ($p<.001$) decrease in empathy ratings; but again, this association did not differ significantly between conditions, $a3 = -0.09$ ($p=.068$). Every 1-point increase in empathy scores was associated

with a $b1 = 0.56$ ($p < .001$) increase in guilty verdicts. However, the model was only partially mediated as NR was still a significant predictor of verdict decisions after accounting for empathy, $cp = -0.21$ ($p = .002$).

Again, the moderation index failed to reach significance, $imm = -0.05$ ($p = .096$), and the bootstrapped confidence interval crossed zero (95% C.I. = -0.08 to 0.003). However, the indirect pathways for each condition were significant. In the low condition, for every increase in association between NR and empathy, there was an 0.23 decrease in the likelihood of a guilty verdict. In the high condition, an increase in NR and empathy's association resulted in an 0.28 decrease in the likelihood of a guilty verdict. All statistics are represented in Table 15 and a diagram is shown in Figure 12.

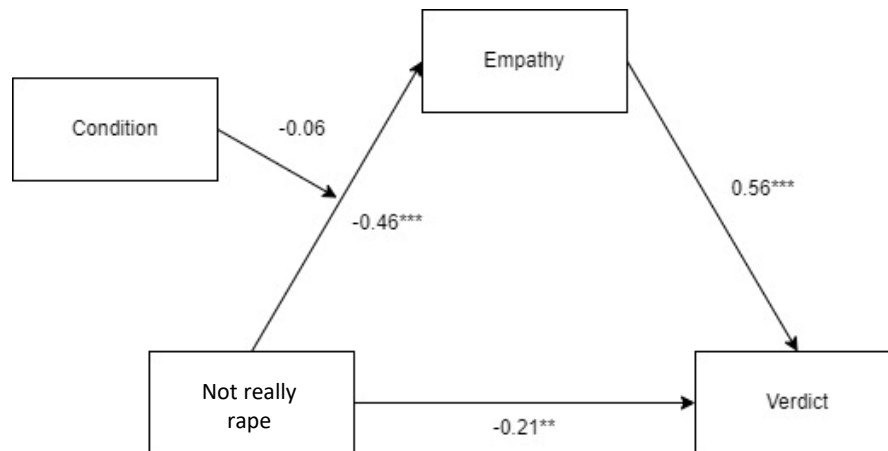
Table 15.

Moderated mediation analysis for empathy (Study 4).

Path	B	S.E	β	p	Confidence Interval	
					Lower	Upper
NR \rightarrow Empathy (a1)	-0.159	0.016	-0.458	<.001	-0.191	-0.129
Condition \rightarrow Empathy (a2)	-0.136	0.094	-0.062	.149	-0.319	0.05
Interaction \rightarrow Empathy (a3)	-0.06	0.033	-0.087	.068	-0.125	0.005
Empathy \rightarrow Verdict (b1)	0.577	0.053	0.556	<.001	0.467	0.678
NR \rightarrow Verdict (cp)	-0.075	0.024	-0.208	.002	-0.123	-0.032
Moderation index (imm)	-0.035	0.021	-0.048	.096	-0.08	0.003
Low condition indirect path	-0.074	0.014	-0.23	<.001	-0.103	-0.048
High condition indirect path	-0.109	0.018	-0.278	<.001	-0.148	-0.078

Figure 11.

Empathy moderated-mediation model (Study 4).



Multigroup Structural Equation Modelling

Finally, the model established in Chapter 5 was examined under the different conditions using Multigroup Structural Equation Modelling (MG-SEM). First, the measurement model for each rape myth factor was examined using confirmatory factor analysis (CFA). The model fit indices for *victims lie* ($\chi(5)=9.98, p<.076, CFI=.997, RMSEA=.046, SRMR=.012$), *victims ask for it* ($\chi(2)=7.85, p<.020, CFI=.991, RMSEA=.079, SRMR=.020$) and *not really rape* ($\chi(2)=3.15, p<.207, CFI=.998, RMSEA=.035, SRMR=.016$) all showed strong fit. However, before the full multigroup structural model could be examined, it was also necessary to ensure the items in the model maintained the same measurement properties in both samples. Measurement invariance is typically tested by evaluating increasingly constrained models using CFA within a SEM framework (Putnick & Bornstein, 2016). Widaman and Reise (1997) outlined four main steps for testing measurement invariance, namely: configural (imposes the same factor structure across groups with no

equality constraints), metric (constraining factor loadings to equivalence between groups), scalar (constraining factor loadings and intercepts between groups) and strict (the most restrictive step, constraining factor loadings, intercepts and residuals between groups). While the nested models can be compared using an ANOVA, chi-square statistics are notably sensitive in large models. Thus, I followed Chen's (2007) recommendation that measurement invariance can be assumed so long as CFI changes are less than .01 and RMSEA changes are less than .015. Table 16 summarises the fit statistics and chi-square changes for the various levels of measurement invariance testing. Despite significant chi-square statistics at the metric and strict stages, examination of the goodness of fit statistics highlights scalar invariance has been maintained.

Table 16.

Measurement invariance statistics

Invariance level	Goodness of fit statistics			df	χ^2	p
	CFI	RMSEA	SRMR			
Configural	.991	.039	.080	226	303.74	
Metric	.981	.054	.088	236	394.45	.012
Scalar	.983	.051	.088	249	395.80	.991
Strict	.977	.056	.093	265	456.40	<.001

Again, for the MG-SEM, DWLS estimation was used. The model contained 114 parameters and as expected with a large model, the overall chi square test was significant ($\chi(226)=303.74, p<.001$). Positively, goodness of fit measures indicated good fit (CFI= .991,

RMSEA=.039, SRMR=.080). In order to assess whether the differences between groups were significant, each regression path was labelled for each condition and difference terms were then specified to be calculated with the model. Significant differences were found on the paths from *victims lie* to credibility ($p=.005$), credibility to verdict ($p=.016$), responsibility to verdict ($p=.012$) and the indirect path from *victims ask for it* to verdict ($p=.007$). Although the regression coefficients for the paths from *not really rape* to empathy and *victims ask for it* to responsibility were also stronger in the high rape myth condition, the difference between conditions did not reach statistical significance for either pathway. As empathy was not a significant predictor of verdict directly in either condition, while it was a significant predictor of credibility in both conditions, an additional indirect path from empathy to verdict (mediated by credibility) was also specified. A full breakdown of statistics of the MG-SEM is shown in Table 16, with the model including standardised path coefficients for each group is illustrated in Figure 13.

Table 16.

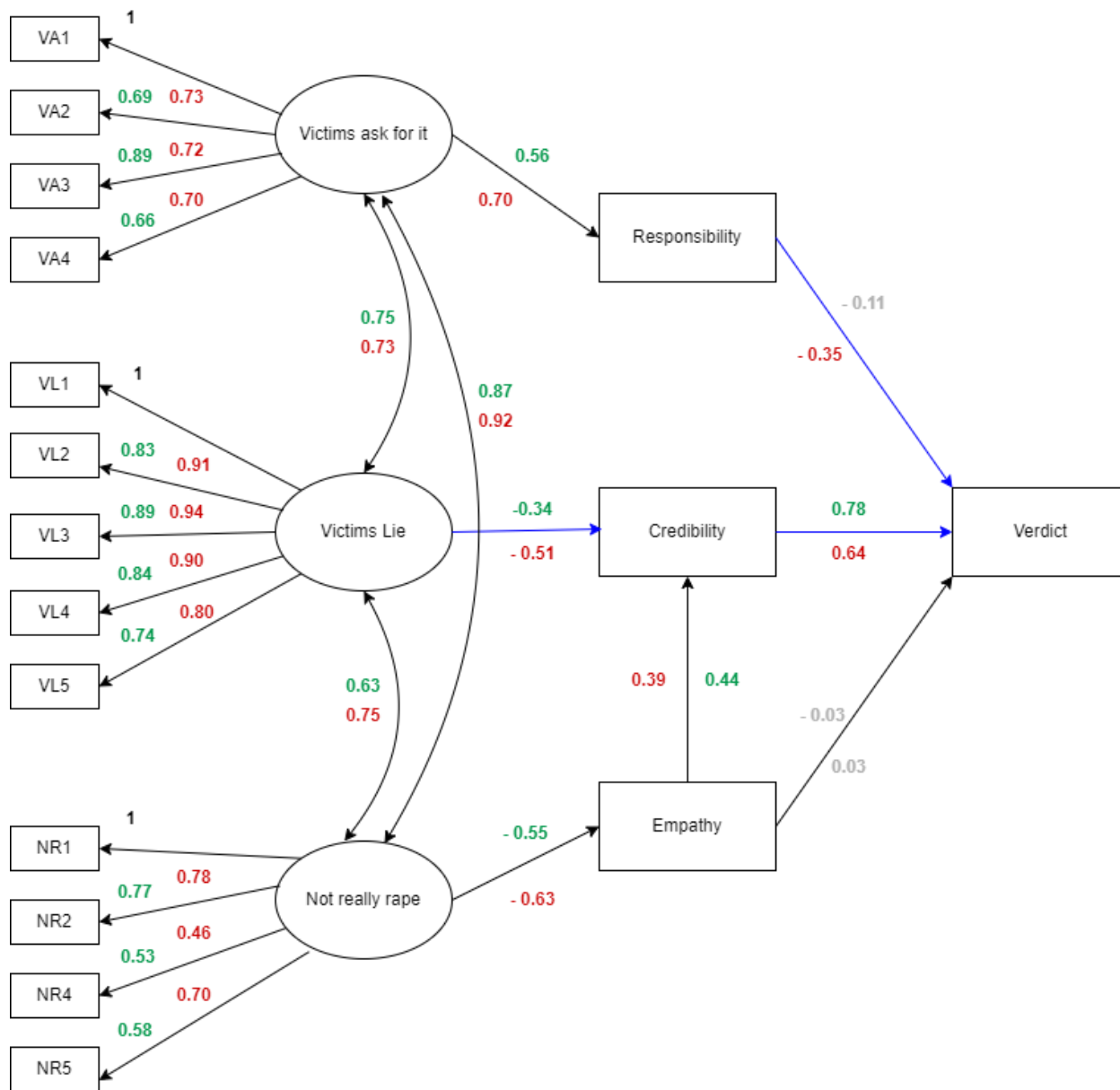
Path coefficients for each condition in the Multigroup SEM (Study 4).

Pathway	Low Condition			High Condition		
	Estimate	SE	p	Estimate	SE	p
VL1 ← VL	1.00			1.00		
VL2 ← VL	1.02	0.09	<.001	1.13	0.09	<.001
VL3 ← VL	1.01	0.09	<.001	1.08	0.08	<.001
VL4 ← VL	0.79	0.08	<.001	0.85	0.09	<.001
VL5 ← VL	0.88	0.08	<.001	1.02	0.12	<.001
VA1 ← VA	1.00			1.00		
VA2 ← VA	0.75	0.08	<.001	0.99	0.16	<.001
VA3 ← VA	0.76	0.09	<.001	0.78	0.13	<.001
VA4 ← VA	1.12	0.18	<.001	1.40	0.25	<.001
NR1 ← NR	1.00			1.00		
NR2 ← NR	0.83	0.08	<.001	1.05	0.09	<.001

NR4 ← NR	0.40	0.05	<.001	0.28	0.04	<.001
NR5 ← NR	1.26	0.19	<.001	1.84	0.26	<.001
Credibility → Verdict	0.63	0.05	<.001	0.46	0.05	<.001
Responsibility → Verdict	-0.06	0.03	.093	-0.18	0.04	<.001
Empathy → Verdict	-0.03	0.05	.607	0.02	0.06	.679
Empathy → Credibility	0.46	0.06	<.001	0.48	0.07	<.001
VL → Credibility	-0.30	0.04	<.001	-0.50	0.05	<.001
VA → Responsibility	1.16	0.20	<.001	1.52	0.26	<.001
NR → Empathy	-0.89	0.13	<.001	-1.05	0.16	<.001
VA ↔ VL	1.01	0.20	<.001	0.94	0.19	<.001
NR ↔ VA	0.61	0.10	<.001	0.56	0.10	<.001
NR ↔ VL	0.63	0.11	<.001	0.74	0.12	<.001
Indirect VL → Verdict	-0.19	0.03	<.001	-0.23	0.04	<.001
Indirect VA → Verdict	-0.06	0.04	.134	-0.28	0.07	<.001
Indirect NR → Verdict	0.03	0.05	.603	-0.03	0.05	.681
Indirect Empathy → Verdict	0.29	0.04	<.001	0.22	0.03	<.001

Figure 12.

Multigroup SEM containing standardised estimates for both conditions (Study 4)



Note: Low condition coefficients in green, high condition coefficients in red and non-significant paths are shown in grey. Paths with significant differences between conditions are shown in blue.

6.4. Discussion

Hypothesis one was partially supported by t-test analyses with significantly higher ratings of complainant credibility and guilty verdicts in the low rape myth condition. Contrary to the hypothesis, significant differences were not found between conditions for responsibility and empathy, although the differences were in the expected direction. Similarly, hypothesis two was only partially supported using moderated-mediation, with condition moderating the *a* pathway (from *victims lie* to credibility) in the credibility mediation model but not the respective *a* pathway in either the responsibility or empathy mediation models. One explanation for this could be that the differences between the low and high rape-myth-salience conditions not being evenly distributed, despite efforts to manipulate the transcript so that there was one less or one additional piece of information relating to each of the three rape myth factors being examined. It is likely that the different rape myths do not uniformly contribute to predicting the decision-making factors, such that information about a complainant's delayed reporting may have a larger effect on credibility ratings compared to the effect of information about a complainant's choice of clothing on responsibility judgements. Considering the variety of factors associated with rape myths, in conjunction with the diversity of rape cases generally, extrapolating and comparing the effect of each individual element which could impact the decision-making factors presents numerous challenges.

Nonetheless, despite the limited differences between the transcript in each condition, there was a significant overall effect on verdict outcomes. This is particularly interesting considering none of the information altered in the transcripts changed the ultimate facts of the case (i.e., both parties agreed on the events upon until their sexual interaction at which point the complainant claims she did not consent and asked the defendant to stop, which the defendant denies). Information pertaining to whether the complainant flirted, reported immediately or was emotional at trial does not indicate whether a crime occurred, and yet participants were significantly more likely to deliver a guilty verdict in the low rape myth salience condition. This finding aligns with decades of experimental and observational research which indicates that jurors rely on pre-existing attitudes and extra-legal factors to inform their trial judgements (Willmott et al., 2021).

Hypothesis three was also partially supported in the MG-SEM analyses, with notable differences between conditions on the paths from the latent rape myth factors to the respective decision-making factors although these differences only reached statistical significance on the paths from *victims lie* to credibility. Nonetheless, each rape myth factor was a stronger predictor of its respective evaluative factor in the high condition, suggesting that when cases contain more information aligning with rape myths, a juror's level of rape myth acceptance contributes more to predicting their evaluations of complainant credibility, responsibility and empathy towards the complainant. However, it must be noted that empathy ratings did not significantly predict verdict decisions in either the low or high condition. This result contradicts expectations based on the findings of the previous study, where empathy ratings were a strong positive predictor of guilty verdicts. Based on these findings, it would appear that credibility and responsibility contribute more to explaining verdict decisions, particularly when the case presented deviates from "real rape" stereotypes.

There were also some other notable differences that emerged between conditions. In the low rape myth condition, responsibility did not reach significance as a predictor of verdict ($p=.060$), but it was a strong significant predictor of verdict in the high condition, resulting in a significant difference between conditions. Similarly, the indirect path from *victims ask for it* to verdict was only significant in the high condition. Thus, it would appear that responsibility, and its associated rape myth factor, only contribute to verdict decisions when the case presented does not conform to jurors' expectations of a "real rape" scenario. It is also interesting that although a significant difference for condition was expected on the path from the rape myth factor to the decision-making factor, the significant difference actually emerged between the decision-making factor and verdict outcomes (i.e., the *b* pathway in the mediation model). Not only do these findings bear important implications for reducing the influence of rape myths in jury decisions, but the multigroup model as whole provides strong support for causal effects between rape myth factors and evaluative factors with verdict decisions.

Chapter 7: Study 5 - The Effect of a Rape Myth Intervention on Jury Decisions

7.1. Introduction

The final study of this project was to test a new educational intervention program, developed as part of this project, which was designed to reduce the impact of rape myth acceptance on jury decision-making and complainant evaluations. Various efforts have been (and continue to be) made to dispel rape myths generally, including dedicated resources providing information about the realities of rape from numerous organisations (Amnesty International, 2021; Crown Prosecution Service, 2021; Rape Crisis England & Wales, n.d.; The Survivors Trust, n.d.). While the breadth of the problem has led to widespread calls to overhaul juries' roles in rape trials, including radical proposals to abolish juries (Munro, 2022; Topping, 2018), many experts have supported the recommendation of educating jurors about rape myths (Gillen, 2019; Smith & Daly, 2022; Willmott et al., 2021).

While some research has suggested the success of interventions in individuals with high endorsement of rape myths is tenuous, such as Leone et al.'s (2021) study which found their empathy-based bystander intervention was less effective in men with high RMA, more positive findings emerged from Hudspith et al.'s (2021) systematic review. The researchers conclude that relatively short, video or web-based interventions can lead to short-term reductions in RMA. They also provide recommendations on incorporating interactive elements, increasing the number of sessions and careful consideration of the intervention presenter. However, a short video intervention targeting prevalent rape myths is very well-suited approach to quickly and effectively educate jurors and reduce their reliance on rape myths during trial decision-making. Thus, I developed a 30-minute educational video addressing key rape myths related to the decision-making factors of the theoretical model (such as delayed reporting, fear and trauma responses and implied consent).

Based on the RMEV model established in previous chapters, I expected victim-focused rape myth factors would directly influence decision-making factors and indirectly influence verdicts. When a juror holds fewer rape myths, or where the influence of rape myths on decision-making has been somehow suppressed—for example through a pre-trial intervention—I expected that rape-myth-independent factors would have a greater influence on complainant credibility, complainant responsibility and empathy towards the complainant, in addition to overall verdict decisions. Nonetheless, I expected that other rape-myth-independent factors (such as factual elements of the case and jurors’ personal characteristics) would also inform evaluations of the complainant. However, addressing rape-myth-independent factors within the intervention was beyond the scope of the current study. For the purposes of this study, the following hypotheses were examined:

H1: Participants in the intervention condition will have lower ratings of complainant responsibility and higher ratings of complainant credibility and empathy towards the complainant, and increased levels of guilty verdicts.

H2a: Condition will moderate the path VL to Credibility, with weaker relationships in the intervention condition.

H2b: Condition will moderate the path from VA to Responsibility, with weaker relationships in the intervention condition.

H2c: Condition will moderate the path from NR to Empathy, with weaker relationships in the intervention condition.

7.2. Methodology

Participants

In order to participate in this study, participants needed to meet the general eligibility criteria for jury duty within the UK – this was achieved using Prolific filters for Prolific participants and using a screening question for participants recruited through social media. Hence, all participants were between the ages of 18 to 74, had resided in the

UK for over five years and were registered on the local electorate participants. However, participants were not screened for disqualifying criteria relating to severe mental health issues or criminal history. Based on the multigroup-SEM results presented in the previous chapter, power analysis conducted using *semPower* (Moshagen & Bader, 2023) recommended 191 observations for each condition, for a total sample of 382. On Prolific, 289 participants were recruited and were compensated £5 for their participation. An additional 294 participants were recruited through social media sites including Facebook, Twitter and Reddit to minimise recruitment costs– these participants were allowed to enter a draw for a £50 Amazon voucher. Again, any response with more than 1% missing data or failing attention checks were removed. Additionally, 16 cases were identified as multivariate outliers using Mahalanobis distance and were excluded from analysis, leaving a total sample of 394 participants.

Design

This study employed an experimental design in order to test the effectiveness of a rape myth intervention in reducing the impact of rape myths in jury decision-making. Participants were randomly allocated into either the experimental or control condition.

Materials

Rape myth acceptance was measured using the Updated Illinois Rape Myth Acceptance scale (U-IRMA: McMahon & Farmer, 2011). The scale contains 19 items and loads onto 4 factors: *victims lie (VL)*, *victims ask for it (VA)*, *not really rape (NR)*, and *perpetrators don't mean to rape (PD)*. Participants rated their level of agreement for each item on a 7-point Likert scale. In the present study, the full scale achieved good reliability ($\alpha=.91$), and most factors also demonstrated good reliability: *victims lie* ($\alpha=.94$), *victims ask for it* ($\alpha=.78$), *not really rape* ($\alpha=.59$) and *perpetrators don't mean to rape* ($\alpha=.77$). Additionally, three attention check items were dispersed throughout the scale.

Following this, participants were presented with either the control or intervention video. The intervention video was a 30-minute educational presentation on rape myths, guided by the model established in previous studies. The video was created on Canva in the form of a presentation, including various simple animations and visual elements to complement the text and audio. The presentation starts with an overview of what the video will cover, followed by the question “what does a victim look like to you?” to encourage participants to consider their own expectations. Following this, information is provided about what rape myths are, why they are important and how they are used and reinforced in media. A short clip from a TEDx (2016) examining people’s expectations of rape and rape victims is embedded, linking back to the question from the start of the video. The video subsequently examined a number of rape myths related to credibility, responsibility and empathy in detail and provided evidence to counteract these myths. The presentation was then recorded and posted as an unlisted YouTube video to be added to the survey. Example slides can be seen in Figure 14, with screenshots of the full intervention video illustrated in Appendix H, accompanied by a link to watch the video online. The full audio transcript for the intervention is also presented in Appendix I.

The control video was a 30-minute educational presentation on climate change created in a similar style. Example screenshots of the control video are shown in Appendix J. After the video, participants were asked to write a sentence explaining a key element of the video they had watched. In order to test the manipulation, a 10-item scale on sexual consent was constructed to evaluate differences between those who received the intervention and those who received the control.

The transcript included in this study was the same as the one used in Study 3. The post-transcript questions about the case also remain the same as the previous two studies—participants were asked to deliver a verdict of *guilty* (1) or *not-guilty* (0) and rate the likelihood the defendant was guilty from *completely unlikely* (1) to *completely likely* (7), to recommend a sentence (from 0 to 10 years) and evaluate their level of confidence in their verdict decision (out of 100%). Finally, participants were asked the same single-item questions evaluating complainant credibility from *completely unbelievable* (1) to *completely*

believable (7), complainant responsibility from *completely irresponsible* (1) to *completely responsible* (7) and their level of empathy with the complainant from *not at all* (1) to *completely* (5).

Procedure

Participants were directed to the Qualtrics survey from Prolific or social media. The survey starts with the information sheet which informed participants what the study involved, their right to withdraw and the confidentiality of their data. First, participants were asked to complete the U-IRMA. Next, participants were randomly presented with either the intervention or control video (a timer was included on this page of the survey to prevent participants from advancing before they had watched the whole video). Participants were then presented with the fictitious trial transcript and asked to provide their verdict and evaluations of the complainant. Finally, participants were asked to fill out basic demographic questions before being shown the debrief sheet, which contained further information on the study and signposted contact information for support services. The average time to complete the full survey was 52 minutes ($SD=18$ minutes).

Figure 13.

Example screenshots from the intervention video

"Real Rape" Misinformation





MYTH: If someone didn't scream or try to fight their attacker, then it wasn't rape

There are 5 trauma responses: Fight, Flight, Freeze, Flop and Friend. A study by Moller et al. (2017) found that 70% of sexual assault victims froze.



MYTH: If someone doesn't have physical injuries, then it wasn't rape

The absence of physical injuries does not translate to the absence of sexual violence. Zilkens et al. (2017) found genital injuries were detected in just 22% of women examined at a SARC centre.



MYTH: Most rapes occur outdoors and are committed by strangers

Most rapes are actually committed by someone known to the victim and generally in a familiar environment. Let's look at the statistics...

Women are most likely to be raped by a partner or ex-partner



The graph on the right illustrates the % of suspects by relationship with the victim based on 2020 data from the Office for National Statistics. Male victims are represented in the inner blue circle



Justice is blind

It can be difficult to separate our preconceived ideas about rape from our verdict decisions.

However, as a juror, your role is to evaluate the case before you. Try not to compare the scenario and the actions of those involved to what you think "should" have happened.

Be mindful that no two cases are the same and weigh up the evidence and arguments presented using what you know now.

Victim-blaming myths





MYTH: If someone is dressed in sexually suggestive clothing, then they want to have sex

Consent cannot be inferred from clothing. Even if a person went out with the intention of having sex, consent can be revoked before and during the event.



MYTH: If someone is drunk or high, they are responsible if they are raped

Consent must be fully and freely given by someone with the capacity to do so. If an intoxicated person is incapacitated they can't give consent. Alcohol and drugs are not the cause; only the perpetrator is responsible.



MYTH: If someone has previously consented to sex with a person, they can't be raped by them

Consent must ALWAYS be obtained regardless of previous consent, length of the relationship or marriage. Similarly, consent for sexual intercourse does not include consent for other sexual activities.

Method of Analysis

Independent T-tests were run to compare differences in the means for each dependent variable based on condition. Additionally, in order to examine gender differences for the key dependent variables by condition, ANOVAs would be conducted for the key dependent variables– a power analysis conducted on G*power indicated the minimum sample for a power of .8 was 158 participants. Originally, I expected to assess the second set of hypotheses in the same Multigroup SEM framework as the previous study. However, in this study, configural-level measurement invariance was not achieved, indicating path coefficients could not be accurately compared across groups. My solution was to use moderated-mediation analyses to examine the effect of the condition on the pathways for each rape myth and decision-making variable pairing. Post-hoc power analysis for the moderated-mediation was conducted using Xu et al.'s (2024) WebPower web application. Achieved power for the direct and indirect effects ranged from .883 to 1 for each of the moderated-mediation analyses, however, while the moderation achieved a power of .877 for the credibility model, the moderation for both the responsibility (.20) and the empathy (.05) models were considerably underpowered.

All analyses were conducted in R (version 4.3.1) using RStudio (version 2023.06.0). A full breakdown of the packages used for the analyses is available in Appendix D, accompanied by a link to an open-access GitHub repository to access all of the data and code used in the analysis.

7.3. Results

Descriptive Statistics

In the total sample, 49% (n=192) identified as cisgender male and 49% (n=192) identified as cisgender female. The median age was 37 years ($M=39.47$ $SD=14.11$). Demographic results indicated that 86% of participants identified as heterosexual and 86% identified as White/Caucasian. Furthermore, 32% of the sample acknowledged knowing a victim-survivor of rape, while 9% acknowledged knowing someone who had been falsely accused of rape. A full breakdown of these demographics is represented in Appendix J.

T-tests

With multivariate outlier cases removed, there were 195 participants in the control condition, in comparison to 199 in the intervention condition. Table 17 presents the results of Welch's t-tests. Significant differences emerged for the manipulation check (consent scores), Likert verdict, confidence, credibility, responsibility and empathy. Importantly, the groups did not differ in their levels of RMA (assessed pre-manipulation), although there are clear differences for the victim evaluation measures post-intervention. A chi-square test was also run to test for significant differences in verdict decisions for the two conditions, with results indicating a significant difference was only just achieved ($\chi=3.82, p=.050$).

Table 17.

Comparison of means between control and intervention conditions (Study 5).

Variable	Control		Intervention		t	p
	M	SD	M	SD		
Likert Verdict	5.92	1.06	6.27	0.94	-3.41	<.001
Confidence	76.45	19.83	80.35	18.50	-2.01	.044
Sentence	4.06	3.21	4.41	3.08	-1.11	.268
Credibility	5.95	1.15	6.24	0.97	-2.64	.009
Responsibility	2.76	1.67	2.29	1.73	2.74	.006
Empathy	3.89	0.97	4.16	0.92	-2.87	.004
Total RMA	37.77	16.60	36.41	15.89	0.83	.405
Consent score	8.20	1.29	8.68	1.05	-4.06	<.001

ANOVAs

Following on from the significant t-test results, six two-way ANOVAs were conducted to examine whether these variables differed significantly between sexes, as well as between conditions. For the continuous verdict, results differed significantly by gender $F(1, 380)=19.05, p<.001$ and condition $F(1, 380)=11.49, p<.001$, however, there was no significant interaction effect between gender and condition. The top right-hand boxplot in

Figure 14 shows that men in the control condition rated the defendant as less guilty than men in the intervention condition and women in both conditions. Confidence also showed significant differences for gender $F(1, 380)=18.08, p<.001$ and condition $F(1, 380)=4.52, p=.034$. Interestingly, consent scores did not vary significantly by sex with a mean score of 8.47 ($SD= 1.13$) for women and 8.42 ($SD=1.29$) for men. The top-left boxplot in Figure 14 shows that despite similarities in mean scores for men and women, consent scores varied considerably more among men and were notably higher in the intervention condition. As for the three evaluative factors, ratings for victim credibility, responsibility and empathy all varied significantly by both condition and sex. A full breakdown of statistics for the two-way ANOVAs can be found in Table 19.

Figure 14.

Boxplots for dependent variables by condition and sex

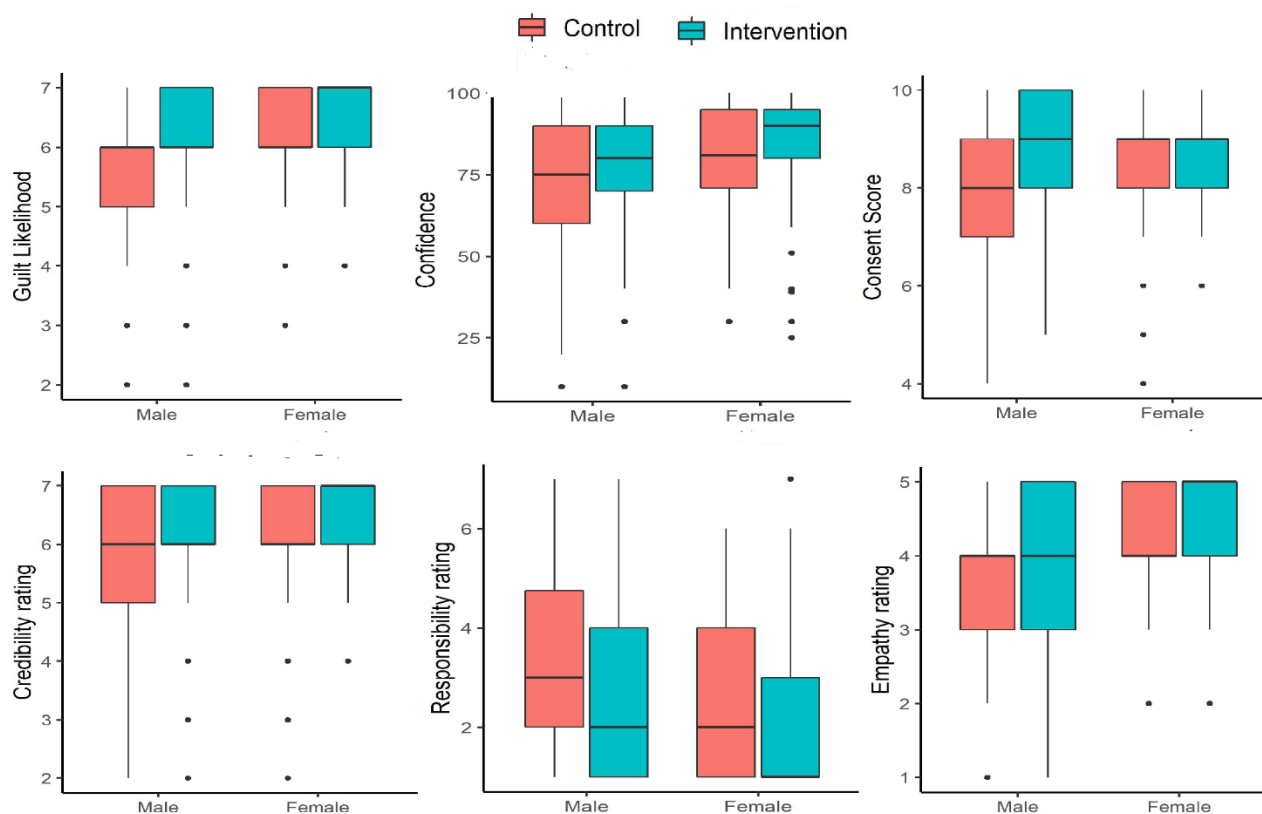


Table 19.*Two-way ANOVA results by condition and sex*

Variable	Mean Sq	F	p
Likert Verdict			
Condition	11.18	11.49	<.001
Sex	18.53	19.05	<.001
Interaction	0.03	0.03	.870
Confidence			
Condition	1594.00	4.52	.034
Sex	6371.00	18.08	<.001
Interaction	16.00	0.05	.832
Consent Score			
Condition	23.19	16.42	<.001
Sex	0.47	0.34	.560
Interaction	0.28	0.20	.660
Credibility			
Condition	8.31	7.54	.006
Sex	17.21	15.62	<.001
Interaction	2.03	1.84	.176
Responsibility			
Condition	22.20	7.78	.006
Sex	34.70	12.16	<.001
Interaction	0.70	0.23	.631
Empathy			
Condition	6.75	7.86	.005
Sex	17.20	20.00	<.001
Interaction	0.25	0.29	.592

Finally, four one-way ANOVAs were conducted for sentence and the three victim-focused rape myth factors given the t-tests revealed no significant differences by condition. Sentence recommendations did differ significantly between men and women $F(1,382)=9.79, p=.002$, with men recommending an average of 3.73 years ($SD=3.05$) whereas women recommended an average of 4.73 years ($SD=3.18$). Additionally, significant differences emerged for scores on the *victims lie* factor $F(1,382)=26.20, p<.001$, the *victims ask for it* factor $F(1,382)=9.37, p=.002$ and the *not really rape* factor $F(1,382)=5.63, p=.018$. For each of the rape myth factors, men scored significantly higher than women, with the difference on the *victims lie* factor between the mean total scores for men and women ($M_{\text{men}} - M_{\text{women}} = 3.43$) showing the largest divergence between sexes.

Moderated-Mediation

Moderated mediation analyses were undertaken to examine the hypothesis that the intervention would reduce the impact of rape myths on their respective decision-making variable. Thus, it was anticipated that the moderation of condition would occur on the “a path” of the mediation. To aid interpretation, all independent variables and mediators were mean-centred.

Credibility Moderated-Mediation Model.

In the credibility model, results indicated that participants in the intervention condition, provided significantly higher credibility ratings $a2 = 0.12 (p=.005)$. Every 1-point increase in VL scores was associated with an $a1 = -0.61 (p<.001)$ decrease in credibility rating. However, there was a significant difference in this association between participants in the control and intervention conditions, $a3 = -0.20 (p=.006)$. Figure 15 illustrates the simple slopes for relationship between the VL factor and credibility ratings in the two conditions. As shown, participants with low VL scores rated the complainant as highly credible, with no differences between conditions. However, as VL scores increase, participants rated the complainant as less credible, but this effect is weakened for participants who received the intervention. For those with the highest VL scores,

participants in the control group generally selected “slightly unbelievable”, compared to participants in the intervention group who selected “slightly believable”.

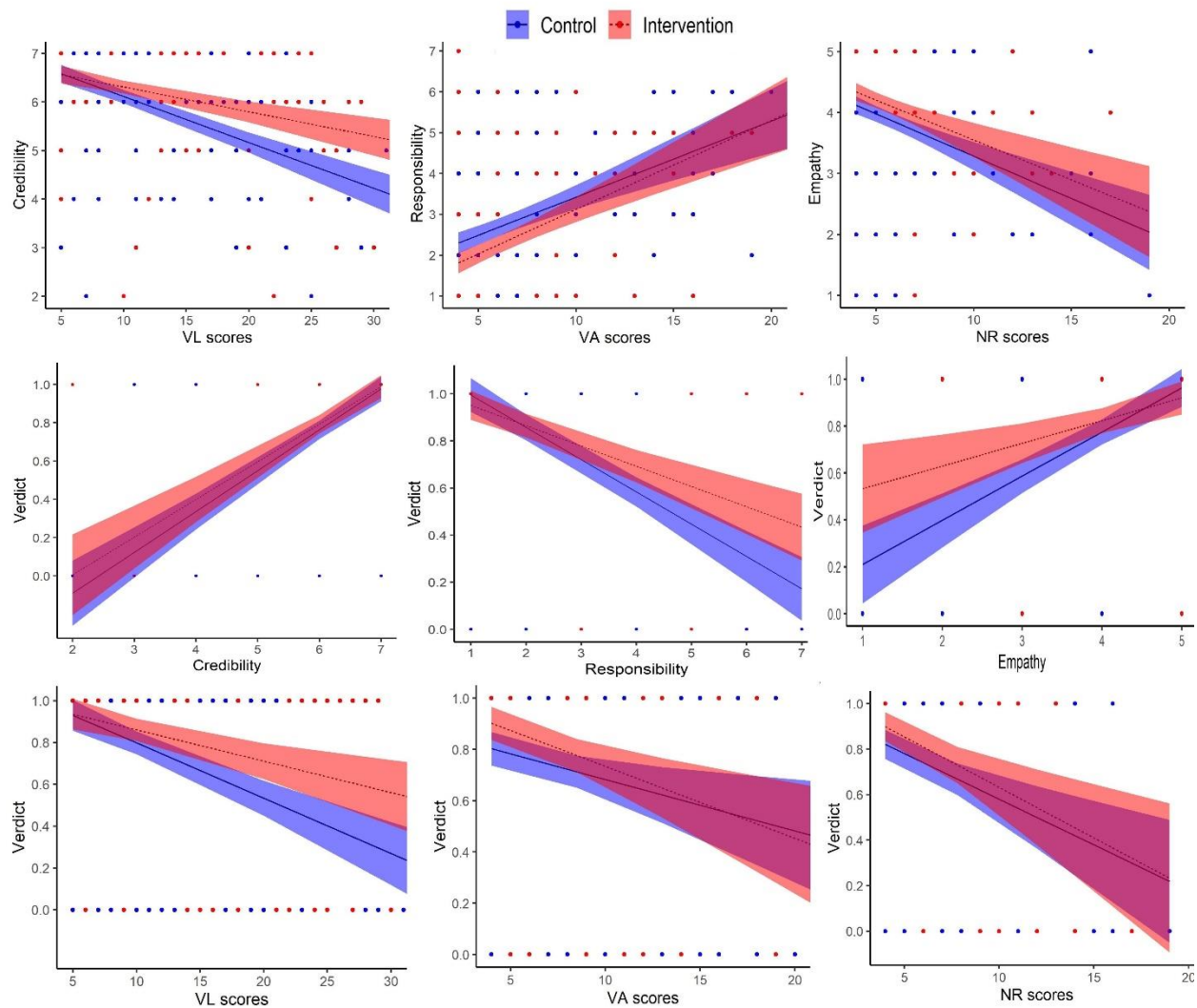
Adjusting for VL scores, every 1-point increase in credibility ratings was associated with a $b1 = 0.53$ ($p < .001$) increase in the probability of a guilty verdict. Increases in VL scores were associated with a decrease in guilty verdicts indirectly through a decrease in credibility ratings, with a significant indirect effect, $imm = 0.07$ ($p = .026$). A bias-corrected bootstrapped confidence interval with 5,000 samples for the index of moderated mediation also failed to capture zero, (95% C.I. = 0.004 to 0.045), suggesting a significant effect of moderation. For every $a1 = -0.47$ increase in the association between VL scores and credibility among participants in the intervention condition, there was a -0.39 ($p < .001$) decrease in the probability of a guilty verdict, compared to a -0.54 ($p < .001$) decrease in the probability of a guilty verdict in the control condition. While the indirect effect illustrated successful mediation following a decrease in the significance of the total effect ($cp + ab = -.43$, $p < .001$), there was evidence that VL scores were still associated with verdict decisions independent of their association with credibility ($c' = -0.19$, $p = .025$), indicating a partial mediation. Table 20 includes the standardised and unstandardised coefficients for the moderated mediation analysis.

Table 20.*Mediation analysis for credibility with moderation on path a (Study 5)*

Path	B	S.E	β	p	Confidence Interval	
					Lower	Upper
VL → Credibility (a1)	-.068	.008	-.465	<.001	-.084	-.054
Condition → Credibility (a2)	.287	.100	.134	.004	.097	.494
Interaction → Credibility (a3)	.043	.016	.146	.007	.012	.075
Credibility → Verdict (b1)	.554	.104	.531	<.001	.408	.757
VL → Verdict (c')	-.028	.013	-.185	.025	-.054	-.005
Moderation index (imm)	.024	.011	.077	.026	.004	.045
Control condition SS	-.090	.011	-.538	<.001	-.112	-.069
Intervention condition SS	-.047	.011	-.392	<.001	-.069	-.025
Control indirect effect	-.050	.012	-.285	<.001	-.072	-.030
Intervention indirect effect	-.026	.009	-.208	.003	-.044	-.011
Control total effect	-.078	.011	-.470	<.001	-.099	-.056
Intervention total effect	-.054	.012	-.393	<.001	-.078	-.031

Figure 15.

Simple slope plots for moderated mediation models (Study 5)



Note: Top row shows “a path” plotted for each condition in 1) credibility, 2) responsibility and 3) empathy. Middle row show “b path” plotted for each condition in 1) credibility, 2) responsibility and 3) empathy. Bottom row shows “c path” plotted for each condition in 1) credibility, 2) responsibility and 3) empathy.

Responsibility Moderated-Mediation Model.

In the responsibility model, participants in the intervention condition provided significantly lower responsibility ratings $a_2 = -0.12$ ($p = .006$) than those in the control condition. Every 1-point increase in VA scores was associated with an $a_1 = 0.41$ ($p < .001$) increase in responsibility ratings. However, the experimental condition was not significant moderator of this relationship, $a_3 = -0.05$ ($p = .418$) and was notably underpowered. The simple slopes plot illustrates that participants with the lowest VA scores rated the complainant as least responsible (“completely irresponsible”) in the intervention group, while those in the control group tended to choose “moderately irresponsible”; though this difference was not large enough to reach significance. In addition, there was no difference between conditions once participants achieved mean scores in VA, resulting in a complete overlap in slopes between conditions for participants who scored high in VA, and subsequently high in responsibility.

Adjusting for VA scores, every 1-point increase in responsibility ratings was associated with a $b_1 = -0.57$ ($p < .001$) decreased probability of a guilty verdict. VA also made a significant unique contribution in predicting not guilty verdict decisions, $c' = -0.19$ ($p = .025$). Although the model showed partial mediation, the moderation index was insignificant ($imm = -0.28$, $p = .325$) and the bootstrapped confidence intervals also crossed zero (95% C.I. = -0.047 to 0.014). Full statistics for the responsibility moderated-mediation model are described in Table 21.

Table 21.

Mediation analysis for responsibility with moderation on path a (Study 5).

Path	B	S.E	β	p	Confidence Interval	
					Lower	Upper
VA → Responsibility (a1)	.202	.020	.443	<.001	.163	.240
Condition → Responsibility (a2)	-.480	.163	-.480	.003	.793	-.154
Interaction → Responsibility (a3)	.044	.043	.048	.304	-.040	.125
Responsibility → Verdict (b1)	-.350	.036	-.572	<.001	-.417	-.276
VA → Verdict (c')	-.028	.013	-.185	.025	-.046	.029
Moderation index (imm)	-.015	.016	-.028	.325	-.047	.014
Control condition SS	.180	.031	.419	<.001	.120	.243
Intervention condition SS	.225	.027	.467	<.001	.169	.275
Control indirect effect	-.063	.013	-.239	<.001	-.090	-.041
Intervention indirect effect	-.078	.014	-.267	<.001	-.107	-.053
Control total effect	-.070	.021	-.263	<.001	-.110	-.028
Intervention total effect	-.085	.020	-.291	<.001	-.127	-.047

Empathy Moderated-Mediation Model.

Finally, in the empathy model, illustrated in Figure 8, significantly higher empathy ratings were found for participants in the intervention condition, $a_2 = 0.12$ ($p = .009$). A single point increase in NR scores resulted in a $a_1 = -.37$ ($p < .001$) decrease in empathy ratings. However, again, the experimental condition was not a significant moderator of this relationship, $a_3 = 0.01$ ($p = .843$) and the relationship did not achieve sufficient power. Figure 15 shows the simple slopes for the relationship between NR scores and empathy ratings, with a clear decline in empathy ratings with higher NR scores. However, as illustrated in the overlapping ribbons, there was no significant difference between participants who received the intervention and those who did not.

Adjusting for NR scores, every 1-point increase in empathy ratings was associated with a $b1 = 0.38$ ($p < .001$) increase in the probability of a guilty verdict. NR also made a significant unique contribution in predicting not guilty verdicts, $c' = -0.18$ ($p = .013$). Although the model showed partial mediation, the moderation index was insignificant ($imm = .002$, $p = .935$) and the bootstrapped confidence intervals also crossed zero (95% C.I. = -0.036 to 0.032). Full statistics for the empathy moderated-mediation model are described in Table 22.

Table 22.

Mediation analysis for empathy with moderation on path a (Study 5).

Path	B	S.E	β	p	Confidence Interval	
					Lower	Upper
NR → Empathy (a1)	-.135	.020	-.358	<.001	-.173	-.094
Condition → Empathy (a2)	.257	.092	.135	.005	.075	.437
Interaction → Empathy (a3)	.003	.041	.004	.934	-.080	.079
Empathy → Verdict (b1)	.418	.072	.377	<.001	.274	.554
NR → Verdict (c')	-.076	.031	-.182	.013	-.135	-.016
Moderation index (imm)	.001	.017	.002	.935	-.036	.032
Control condition SS	-.137	.028	-.361	<.001	-.186	-.078
Intervention condition SS	-.133	.019	-.356	<.001	-.193	-.080
Control indirect effect	-.057	.015	-.136	<.001	-.088	-.030
Intervention indirect effect	-.056	.017	-.134	.001	-.094	-.028
Control total effect	-.133	.030	-.318	<.001	-.193	-.073
Intervention total effect	-.132	.029	-.316	<.001	-.187	-.076

Considering significant differences were found for both responsibility and empathy between conditions, I decided to run the moderated mediation analyses on alternative paths in order to explore whether condition moderated these relationships. However,

despite some diversion between conditions on the b path for both responsibility and empathy (illustrated in the simple slope plots), none of the models obtained a significant moderation index.

7.4. Discussion

The results of the final study provided compelling evidence that providing jurors with educational information about rape myths can reduce their influence on evaluations of the complainant and, ultimately, on verdict decisions. The manipulation check showed significant differences between individuals who received the intervention compared to those who received the control video, suggesting the content of the intervention led to greater awareness and understanding of issues surrounding sexual consent. Numerous studies have found strong predictive relationships between attitudes to/knowledge of sexual consent with rape myth acceptance (see: Kilimnik & Humphreys, 2018; Klement et al., 2017; Warren et al., 2015), making it suitable for testing the effectiveness of the intervention. Hypothesis 1 was supported by t-test results showing significantly higher ratings of complainant credibility and empathy towards the complainant, as well as significantly lower ratings of complainant responsibility for participants who received the intervention.

In addition to t-tests, two-way ANOVAs were run to examine whether participants' decisions and evaluations varied by sex. Results indicated that ratings of defendant guilt, confidence in verdict plus complainant credibility, responsibility and empathy ratings all varied significantly between both condition and sex, however, consent scores only differed significantly by condition. The fact that men and women have similar levels of knowledge surrounding sexual consent, on average, is quite positive. However, there was considerable variation in understanding for the men in the control condition compared to the intervention condition. While it is not possible to rule out that the differences seen in men's scores were not the consequence of sampling errors, the fact that participants did not show significant differences in any of the demographic variables or pre-existing attitudes towards rape across conditions suggests it is the intervention driving these changes.

Nonetheless, the boxplots did illustrate that the differences in outcomes between the control and intervention groups were more pronounced in men compared to women. This suggests that the intervention may be less effective at changing women's decisions and evaluations – future research should further explore the dynamics between sex and the intervention's effectiveness in facilitating attitude changes.

In relation to the verdict decisions, the chi square test demonstrated differences in verdicts between conditions just reached significance. One concern in educating jurors about the realities of sexual violence and correcting rape myths, is that it could inadvertently create a negative bias against defendants in rape trials, which would impinge on defendants' rights to a fair trial. The results indicated that out of the 199 participants in the intervention condition, 32 delivered a not guilty verdict (compared to 48 out of 195 participants in the control condition). Evidently, the educational intervention video did not eradicate not-guilty verdicts, suggesting that at least some participants were not completely biased in favour of the complainant (further evidenced by the descriptive statistics for victim credibility, responsibility and empathy which showed some variance in responses). However, extrapolating that the intervention did not bias participants against the defendant would be premature given the absence of measures evaluating the defendant across conditions. Future research should examine participants' evaluations of both the victim and defendant in depth following the intervention, particularly in cases which are unambiguous or where rape myths have limited salience, to establish whether the intervention may be inadvertently biasing participants, as opposed to simply reducing biases against the victim.

It was not possible to evaluate the differences between conditions for the full model tested in the previous studies due to a lack of measurement invariance. However, considering the intention of the intervention is to reduce participant's reliance on rape myths to inform their complainant evaluations and verdict decisions and effectively disrupt the model, it is quite logical that participants in each condition did not perceive each measurement item equally. The moderated-mediation analyses employed as an alternative provided a robust test of the hypotheses and resulted in some interesting findings. The

credibility model showed that condition impacted the strength of the relationship between total scores for the VL rape myth factor and credibility assessments, as expected. As illustrated in the top left plot in Figure 14, participants in the control condition with high VL scores provided low to medium ratings of complainant credibility. In comparison, for individuals who received the intervention, those with high VL scores typically provided medium to high ratings of complainant credibility.

Conversely, there was no significant moderation of condition on the *a* paths from the respective rape myth factors to either responsibility or empathy. This was interesting considering there were significant differences in ratings for responsibility and empathy between conditions as expected, although it must be noted that post-hoc power analyses indicated the moderated-mediation analyses for responsibility and empathy were underpowered. Examination of the plots showed minimal variation between conditions for the relationship between VA scores and responsibility and between NR and empathy, however, there was notably more divergence for these models on the *b* pathways, i.e., the relationships for responsibility and verdict and for empathy and verdict (shown in the middle row of plots in Figure 14). The moderation index for both models suggested the difference in the strength of these *b* path relationships also did not differ at a statistically significant level across condition. Nonetheless, the diagrams showed that for participants who received the intervention, high ratings of complainant responsibility had a noticeably weaker relationship with not-guilty verdicts, compared to participants in the control group. Similarly, low rating of empathy strongly corresponded with not-guilty verdicts for participants in the control condition, but this effect was weaker for participants in the intervention condition. As to why case conformity with rape myths was not a significant moderator on the *a* pathway for either responsibility or empathy, it could be that an individual's rape myth acceptance for the respective factors (VA and NR) is a more fixed predictor of responsibility and empathy ratings, while the influence of responsibility and empathy on verdict decisions is more flexible. In other words, it suggests that levels of VA myth endorsement are extremely difficult to disentangle from complainant responsibility judgements and levels of NR myth endorsement are difficult to disentangle from ratings of empathy with the complainant. This is not to say it is not worth addressing VA and NR rape

myths in interventions, as there is still a notable impact on responsibility and empathy evaluations. However, it would appear the endorsement of victim VL rape myths (generally covering myths related to motivations for and frequency of false accusations), are more amenable to education efforts. In summary, the intervention was effective at reducing negative judgements of the complainant, particularly for credibility judgements informed by rape myths categorised by the *victims lie* factor.

Chapter 8: Discussion

Rape victim-survivors who choose to pursue justice through the criminal justice system (CJS) in England and Wales face countless obstacles, many of which are caused or compounded by the widespread and misguided acceptance of rape myths. The literature to date has clearly evidenced how rape myth acceptance (RMA) influences the unacceptably high attrition of rape cases at each stage of the CJS, in addition to the devastating impacts on victim-survivors of sexual violence who endure further victimisation through the system designed to deliver justice (Baird, 2020; Hohl & Stanko, 2015; Smith, 2018; Temkin & Krahé, 2008). The research presented in this thesis, in addition to the wider literature on jury decision-making in sexual violence cases, has illustrated the undeniable impact of RMA on jurors evaluations of the complainant, defendant, and the overall case; culminating in low rates of conviction (Dinos et al., 2015; Leverick, 2020; Suarez & Gadalla, 2010). Given the troubling knock-on effect of juries' verdicts on decisions to proceed with the prosecution and investigation of other rape cases, perpetuating the cycle of attrition, the need for intervention to reduce the impact of RMA in jury decision-making has been highlighted for some time (Hudspith et al., 2021).

Gillen's (2019) renewed calls for education to challenge RMA in jurors, and other members of the CJS, inspired me to undertake this thesis, which was conceived with the overall aims to better understand the process by which rape myths impact verdict decisions and, from this knowledge, to design and test an educational intervention which could reduce the impact of RMA. Of course, while all the studies conducted for this thesis are novel, it could be argued that the overall aims are not. As illustrated in Chapters 2 and 3, considerable research has already examined RMA in mock jury research and numerous interventions have already been assessed. However, while Hudspith et al.'s (2021) paper reviews 40 years of research with similar aims, the lack of targeted interventions for jurors with the potential for real world application motivated the specific research conducted and presented in this thesis. While the advancement of the literature was deemed unquestionably important, I was inherently motivated to create an intervention which could be implemented in real trials. As such, despite the wealth of knowledge readily

available on RMA and jury decision-making, I persisted in further examining the causality of rape myths in this context, creating the Rape Myths in Evaluations and Verdicts (RMEV) model which helped inform the development of the video intervention examined in Chapter 7.

This final chapter is divided into several sections to examine whether the aims of the thesis were achieved and to consider the overall impact of the research presented. The first section will review the findings of each study presented, in light of the specific hypotheses and overall research aims. The subsequent sections will discuss the theoretical and practical applications of these findings. The last sections will discuss the strengths and limitations of the research presented, in addition to suggestions for future research, followed by concluding remarks.

8.1. Summary of Findings

Review of Study 1 and 2

The primary aim of the first two studies was to provide a validated trial transcript which would produce a sufficiently varied range of guilty to not-guilty verdicts for further analyses. A target ratio of 75:25 for guilty to not-guilty verdicts was set, based on a-priori power analyses undertaken to ensure sufficient power in subsequent analyses. In Study 1, I obtained five not-guilty verdicts (relative to 37 guilty verdicts), whereas Study 2 provided seven not-guilty verdicts (relative, again, to 37 guilty verdicts). Thus, the primary aim was not fully achieved within these studies, as the transcript required additional (although minor) modifications before Study 3 to reach the target ratio. Results from these initial studies illustrated the challenges in achieving a more equitable distribution of verdict decisions in mock jury studies. Nonetheless, these studies were pivotal to developing the final trial transcript, in addition to providing valuable evidence on the relationships between rape myth factors, complainant evaluations and verdict decisions.

Subsequently, the second purpose of Study 1 and Study 2 was to explore the relationships between the key variables. I expected *victims lie* (VL) scores and *not really*

rape (NR) scores to be negatively correlated with complainant credibility and empathy, respectively, while *victims ask for it* (VA) scores would positively correlate with complainant responsibility. Correlations between the rape myth factors and verdict were also expected in the same directions. Additionally, I expected guilty verdicts would be associated with higher ratings of credibility and empathy, and lower ratings of responsibility. In Study 1, I found significant negative correlations between credibility and empathy with each of the rape myth factors, as well as significant positive correlations between responsibility and each of the rape myth factors. While the strongest relationship for responsibility was with VA scores as expected, the strongest relationship with credibility was NR scores and the strongest relationship for empathy was with VL scores contrary to expectations. Interestingly, while VA's correlation with responsibility conformed to the first hypothesis, it was the only variable which did not significantly correlate with continuous guilt ratings, while credibility, responsibility, empathy, VL and NR scores were all significant correlates of continuous guilt ratings as expected. While there is limited existing research which has examined relationships with the rape myth factors, the findings in Study 1 are generally consistent with the existing literature on the relationships between RMA and victim credibility judgements (Bohner & Schapansky, 2018; Ellison & Munro, 2009; Nitschke et al., 2021), RMA and victim responsibility judgements (Leverick, 2020; Rollero & Tartaglia, 2019; Süssenbach et al., 2017), RMA and empathy towards the victim ((Deitz et al., 1982; Sperry & Siegel, 2013; Tsoudis, 2002) and RMA and verdict (Dinos et al., 2015; Leverick, 2020; Willmott, 2017).

Correlation analyses from Study 2 were broadly consistent with Study 1, with the exception that VA scores also demonstrated a significant correlation with continuous guilt scores as expected. While the relationship between VA and continuous guilt was in the expected direction for both studies, it is unclear why the relationship was only significant in the second study. Additionally, the strongest relationships between the evaluative factors and rape myth factors were somewhat inverted from the previous study, such that credibility and VL plus empathy and NR were the strongest as originally predicted, whereas responsibility was most strongly correlated with VL rather than VA. It should be noted that given the high level of correlation between each of the evaluative and rape myth factors,

the differences between these relationships are not likely to be statistically significant in either study. For example, in Study 2 the correlation coefficient for VL with responsibility was $r=.683$ ($p<.001$) while the coefficient for VA to responsibility was only marginally lower at $r=.664$ ($p<.001$). Thus, these minor disparities are most likely inconsequential. Further correlation results from both studies indicated that neither gender nor personal experience of sexual violence were linked to verdict outcomes. Both studies found that people who did not identify as male and/or identified as a victim-survivor was associated with higher ratings of complainant credibility and empathy, but ultimately not with either the dichotomous or continuous measures of guilt. These findings echo the existing literature on the influence of individuals' characteristics on case evaluations, including gender and sexual orientation (Burt & DeMello, 2002) and personal experiences of sexual victimisation (Miller et al., 2011). Univariate logistic regression analyses were also conducted to examine the rape myth and evaluation factors ability to predict verdict decisions. In Study 1 only responsibility and empathy ratings were significant predictors, however, in Study 2, neither responsibility nor empathy significantly predicted verdicts. Instead, credibility and the three rape myth factors predicted the binary verdict. Considering both responsibility and empathy were significant predictors of the continuous verdict in the mediation analyses, these discrepancies are likely due to the lower power of these analyses given the highly unequal numbers of guilty to not-guilty verdicts in both studies.

Additional analyses in Study 2 provided some preliminary insight into hypothesised paths in the proposed model. Results from the three independent mediation analyses aligned with my initial hypotheses, which showed credibility partially mediated the relationship between VL scores and the continuous verdict scores, while responsibility and empathy both fully mediated the relationships between their respective rape myth factor and the continuous verdict. Credibility was the only significant predictor of the continuous verdict in the path model, even though the paths from responsibility to guilt ratings, and from empathy to guilt ratings, were both significant in their respective logistic regressions and mediation models. Nonetheless, each of the three rape myth factors were significant predictors of their associated evaluative measure, and all remaining non-significant

pathways were still in the expected direction. Again, it must be stressed these analyses were likely underpowered and should be interpreted with caution, although credibility does persevere as the most significant predictor in the remaining studies.

Review of Study 3

The main aim of Study 3 was to investigate the proposed theoretical model outlined in Chapter 3, in which the three latent rape myth factors (VL, VA and NR) were hypothesised to predict the three victim evaluation factors (credibility, responsibility and empathy) and subsequently predict verdict decisions. An additional path from empathy to credibility was also predicted. The model was analysed in stages, with the structural section of the model (i.e. path model) examined first through univariate logistic regressions and independent mediation models, followed by examination of the measurement model using confirmatory factor analysis (CFA). Finally, the full model was examined using structural equation modelling (SEM), culminating in a well-fitting and theoretically coherent model.

Results from logistic regression showed each of the three victim-focused rape myth factor scores, plus ratings for the three evaluative factors, were all significant predictors of verdict. Independent t-tests showed that participants who delivered a guilty verdict were more confident in their decision and rated the victim as more credible and empathetic, and less responsible, than participants who gave a not-guilty verdict. Participants who gave guilty verdicts also scored significantly lower on each of the rape myth factors. A similar pattern emerged for the t-tests by gender with women being significantly more likely to give higher ratings of credibility and empathy, lower ratings of responsibility, higher sentence recommendations and lower acceptance of all rape myths factors, compared to men. The chi square test also showed men were significantly less likely to deliver a guilty verdict. These findings are highly consistent with the existing literature on gender differences in rape case evaluations, which finds women's evaluations are considerably more positive towards victims in comparison to men's evaluations (Leverick, 2020; Lonsway & Fitzgerald, 1994; Nitschke et al., 2019; van der Bruggen & Grubb, 2014).

In this study, the Lavaan package in R enabled the use of the binary verdict variable as the outcome measure in the mediation analyses, with results for each of the three mediation models reaching significance. Each of the three models showed successful mediation, although, the rape myth factors made a unique contribution in predicting verdict decisions. These results partially duplicate Willmott's (2017) path analysis, which included rape myth acceptance (measured by the AMMSA scale) was predictive of complainant credibility (measured in the JDS scale), which in turn was predictive of guilt ratings.

Results of the CFA confirmed the validated structure for each of the victim-focused latent factors of McMahon and Farmer's (2011) U-IRMA scale—the four items of the *she asked for it/ victims ask for it* factor demonstrated good fit, the four items of the *it wasn't really rape/ not really rape* factor demonstrated good fit and the five items of the *she lied/ victims lie* factor demonstrated excellent fit, according to Hu and Bentler's (1995) cut-offs. Of course, the key findings from this study emerge from the SEM analysis which examined the fit of the full hypothesised model. While the fit indices for the original model were extremely promising, there were a number of pathways which failed to reach significance, including the direct paths from each of the latent rape myth factors to verdict. Despite the unique contribution of the rape myth factors in predicting verdict in the mediation models in this study, the removal of the direct pathways aligns with Schuller and Hasting's (2002) model modifications, who also found rape myths indirectly influenced verdict. Following the removal of the non-significant direct pathways, the final RMEV model displayed excellent goodness of fit statistics ($\chi(113)=119.71$, $p=.315$, CFI=.999, RMSEA=.013, SRMR=.055). All of the retained paths, including the indirect pathways from the three latent rape myth factors to verdict, were highly significant.

It is also worth acknowledging some interesting findings found in the initial correlation and t-test analyses. Significant differences in verdict decisions were found based on participants' age, sexual orientation and familiarity with sexual violence, with individuals who were younger, identified as LGBTQ+ and/or knew a rape victim being more likely to provide a guilty verdict. Given the notably larger sample in this study which

contained considerable representation of the LGBTQ+ community and diversity in age groups, these warrant further consideration, though it may be premature to focus on these variables as predictive factors. Given the multitude of campaigns on consent and sexual violence adopted by universities and other organisations which utilise social media and the internet to spread the message, it is possible younger people have more awareness of the realities of sexual violence. This is also evidenced by older participants demonstrating significantly higher scores on all victim-focused rape myth factors, while identifying as younger and/or LGBTQ+ was significantly correlated with lower scores on the victim-focused rape myth factors. Contrary to these findings, recent research commissioned by the Crown Prosecution Service as part of the recent review into public understandings of rape, found that 18–24-year-old participants demonstrated more support than older participants on a number of rape myths – for example, only 42% of young people, compared to 87% of participants aged 65 and above, correctly identified that being in a relationship or marriage does not mean consent to sex can be assumed (Crown Prosecution Service & Equality Now, 2024). The report does highlight the need to consider social desirability biases in responding, given focus groups tended to reject rape myths initially but often relayed support for these myths when discussed in more detail, yet this only further confounds the concern regarding young people’s acceptance of rape myths. Evidently, demographic variables are an important factor to consider in relation to RMA, victim evaluations and verdict decisions.

Review of Study 4

Study 4 aimed to evaluate the robustness of the new RMEV model by comparing its effectiveness in alternate case conditions. Both conditions included details that might seem probative to people holding rape myths, even though they did not alter any details about whether or not the complainant consented to sexual intercourse. The *low* condition adhered more to the “real rape” narrative, with the sober complainant physically resisting and reporting the assault immediately. These details might be read by someone holding rape myths as consistent with a credible and reliable victim-survivor. In contrast, the *high*

condition included rape-myth-relevant details, including victim intoxication, flirting between the victim and perpetrator, revealing clothing worn by the victim and delayed reporting, all of which might be interpreted as more exculpatory for the defendant by people with higher RMA. Thus, I hypothesised that participants in the high condition would rate the victim as more responsible and deliver more not-guilty verdicts, in addition to giving lower ratings of credibility and empathy. I also expected condition to moderate path *a* of the mediation models, such that the relationship between the rape myth factor and their respective decision-making factor would be stronger in the high condition, which would also be seen in the multigroup-SEM. Ergo, when participants were presented with a high exculpatory scenario that does not adhere to the “real rape” scenario, their level of rape myth acceptance would more strongly predict their evaluations of the victim.

T-tests showed there was no significant differences in demographics or RMA scores for participants in each condition, suggesting the two groups did not notably differ in their composition or attitudes towards rape. However, significant differences were found between conditions for complainant credibility ratings and continuous ratings of the defendant’s guilt, with participants in the high condition providing lower ratings of complainant credibility and lower ratings of defendant guilt. Although the differences in responsibility and empathy ratings between conditions did not reach statistical significance, both variables showed small differences in the expected direction. These results partially support the previous literature which has found that cases’ rape stereotypicality/ congruence with rape myths influences mock jurors judgements (Ferrone, 2018; Krahe et al., 2007; Mckimmie et al., 2014). While Mckimmie et al. (2014) and Krahe et al. (2007) varied the relationship between the victim and defendant in their manipulations, Ferrone (2018) instead manipulated the level of victim resistance, the delay between the incident and the report, and her demeanour and consistency in her report to the police. Thus, Ferrone’s manipulations are more comparable to the manipulation in this study (which also kept the relationship between parties consistent), and yet, their results found that both credibility and responsibility ratings for the victims were significantly different in the congruent versus incongruent conditions. Of course, there are still some notable differences to this study – Ferrone’s (2018) short vignettes included a 14-day delay

period, plus the inclusion of information about the victim's demeanour and consistency in reporting, whereas the full transcripts used in this study only varied the reporting time by three days and there was no information provided about the complainant's consistency in their police report. These disparities may help explain the lack of statistically significant differences for victim responsibility ratings between the high and low condition in this study. Nonetheless, the χ^2 test also showed there were significantly more not-guilty verdicts in the high condition compared to the low condition, in line with the hypotheses. Considering research has found consistently found that factors such as victim intoxication (Nitschke et al., 2021; Wenger & Bornstein, 2006) and delayed reporting (Balogh et al., 2003; Ellison & Munro, 2009) impact victim evaluations and verdict decisions, these elements which were incorporated into the high condition trial transcript likely contributed to the significant differences in evaluations and verdicts found between the high and low conditions in this study.

Credibility judgements' consistency with the initial hypotheses is noted again in the moderated-mediation analyses. The credibility model showed successful moderation on the path from the *victims lie* rape myth factor to the credibility evaluation. Results indicated that the relationship between VL scores and complainant credibility ratings was significantly stronger in the high condition compared to the low condition. Additionally, VL scores continued to make a unique contribution to the prediction of verdict outcomes following the inclusion of credibility to the model, indicating partial mediation. In line with the t-test results, neither the empathy model nor the responsibility model showed significant moderation for condition on the relationship between the rape myth factor and decision-making factor (i.e., path *a*). For the empathy model, NR scores relationship with verdict was partially mediated by empathy, however condition did not moderate the impact of NR scores on empathy ratings. Similarly, though the responsibility model indicated full mediation, with VA scores not significantly predicting verdict decisions after the inclusion of complainant responsibility ratings, again, condition did not moderate the relationship between VA scores and responsibility ratings.

The lack of significant moderation and differences in the responsibility and empathy models is interesting considering the wealth of research which shows complainants' alcohol consumption, lack of resistance and behaviours linked to sexual intent typically increase ratings of victim blame and responsibility and reduce ratings of empathy (Angelone et al., 2018; Maurer & Robinson, 2008). However, it is possible that the differences between the high and low conditions were not sufficiently salient to illicit significant differences for each of the evaluative factors. It is also likely that the variables altered between conditions do not uniformly contribute to predicting the decision-making factors, i.e., complainant's emotional expression may have a larger effect on credibility ratings compared to the impact of complainant's choice of suggestive clothing on responsibility judgements. Considering Persson and Dhingra's (2022) meta-analysis results highlighted the considerable variation in effect sizes for studies focused solely on victim blame in stranger and acquaintance rape scenarios, attempting to quantify the effect of the each of the various factors incorporated in the trial transcript on each of the evaluative factors would be a monumental endeavour.

Interestingly, when all the predictors and pathways are examined simultaneously in the multigroup-SEM, the results paint a different picture on the role of responsibility and empathy in predicting verdict decisions. While the goodness of fit statistics dipped in comparison to the previous study, the fit measures still indicated very good fit and overall, the multigroup model demonstrated considerable robustness to variations in the cases presented. The hypotheses were partially supported with statistically significant differences found on the path from VL to credibility, demonstrating the VL scores were a stronger predictor of credibility judgements in the high condition. It is also clear from the regression coefficients for the relationship between VA scores to responsibility, plus the relationship between NR scores and empathy, that the rape myth factors were notably stronger predictors of their respective evaluative factors in the high condition relative to the low condition, even though these differences did not reach statistical significance. Evidently, for cases which include more elements that align with rape myths and are perceived as exculpable for the defendant, participants' RMA is more influential in determining their evaluations of the complainant.

Additional important differences were found on the direct paths from credibility to verdict and responsibility to verdict, plus the indirect path from VA to verdict. It is interesting that condition was more effective in impacting the relationship strength for the equivalent of the b and c' paths in the responsibility section of the model, as opposed to the a path from VA to responsibility as initially hypothesised. The difference in the path from responsibility to verdict was particularly noteworthy, given the path was non-significant in the low condition ($p=.093$) versus significant in the high condition ($p<.001$). This suggests that when participants are presented with a case that aligns with the “real rape” scenario, where the victim is perceived as less culpable (though not completely faultless), responsibility judgements are not informative of verdict decisions. However, when the case presents a scenario where the victim is perceived as highly responsible for the actions of the offender, then ratings of responsibility are highly predictive of potential jurors’ verdicts.

It is also important to compare differences between the results of the multigroup-SEM with to the original SEM from Study 3. Specifically, the direct paths from empathy to verdict and the indirect paths from NR to verdict failed to reach significance in both the high and low conditions. This result is contrary to the previous SEM and moderated-mediation results where empathy was a significant positive predictor of verdict. However, in line with previous findings, NR was a significant negative predictor of empathy in both conditions, and empathy was a significant positive predictor of credibility in both conditions. Thus, an additional indirect was specified from empathy to verdict (mediated by credibility) which was found to be statistically significant. Thus, it is plausible that empathy may be better conceptualised as an indirect rather than direct predictor of verdict. As noted in Chapter 3, there is considerable existing evidence that empathy and compassion for the victim is strong predictor of victim credibility ratings (Landström et al., 2018; Nason et al., 2019; Rinehart et al., 2023; Sperry & Siegel, 2013). While Nason et al.’s (2019) and Rinehart et al. (2023) studies did not include measures of guilt or verdict, Landström et al. (2018) combined ratings of victim credibility with the measure of certainty that an offence occurred into a veracity measure, for which empathy was a significant predictor. From these results, it is difficult to ascertain whether empathy would

have directly predicted the certainty measure alone. However, Sperry and Siegel's (2013) path model provides more compelling support for empathy as an indirect predictor of verdict, given their model also did not include a direct path from empathy to verdict but rather from empathy to credibility and subsequently to verdict.

Overall, the MG-SEM illustrated how the strength of relationships in the model can fluctuate in response to variations in the case presented. However, excluding the considerations of whether or not empathy may be more accurately specified as an indirect predictor for verdict, the model maintains good consistency across variations in cases. This suggests the model offers considerable merit for further research, in addition to the valuable insights provided for the intervention created for the final study.

Review of Study 5

The final study presented in this thesis imparts the results of the newly developed educational intervention. Substantial time and effort went into selecting relevant and impactful information, in addition to considering how to present this information to potential jurors in an engaging and accessible way. Although the intervention aimed to dispel rape myths, I believed the measurement of these beliefs after an intervention would be more indicative of socially desirable responding rather than evidence of genuine attitudinal change. Thus, I controlled for original levels of RMA and anticipated the intervention would reduce the strength of the relationship between the rape myth factors with their respective evaluative factors and subsequently verdict. Ergo, I hypothesised that participants in the intervention condition would have lower ratings of complainant responsibility, higher ratings of complainant credibility and empathy and increased levels of guilty verdicts. Additionally, I hypothesised that participants in the intervention would show significantly weaker relationships between their level of endorsement for each rape myth factor and their evaluations of the victim, in comparison to participants who received the control video.

Subsequently, data from the 195 participants in the control condition and 199 participants in the intervention condition was analysed. T-tests confirmed there were no significant differences between the groups for any demographic variable or rape myth scores. The construct validity of the intervention was evaluated using a manipulation check assessing participants' understanding of sexual consent (assuming that those who received the intervention would be more knowledgeable about sexual consent, and therefore obtain higher scores than the control group). Though the difference between groups was small, the t-test showed that individuals who received the intervention scored significantly higher on the consent scale ($M=8.68$) compared to individuals in the control condition ($M=8.20$). Given the literature has shown strong connections between rape myths and sexual consent (Gurnham, 2016; Powell et al., 2013), this small positive difference in consent scores in the intervention condition is promising.

Furthermore, participants who received the intervention demonstrated more positive evaluations of the complainant compared to the control group, with significantly higher ratings of complainant credibility, empathy and confidence in their decisions, plus significantly lower ratings of complainant responsibility. Considering the tenacity of RMA on evaluations of victims and verdicts, as demonstrated by the limited success of judicial instructions and guidance provided to mock jurors (Brekke & Borgida, 1988; Krahe et al., 2008; Nitschke et al., 2021; Pang et al., 2022), these results are encouraging. Unfortunately, there is limited research on interventions to address rape myth acceptance in jurors for comparison. Hudspith et al.'s (2021) systematic review found that generic interventions addressing rape myth acceptance were usually successful in reducing RMA for short periods of time (with the exception of three studies out the 20 included), although they note that the effectiveness of some were limited to lower risk groups. However, as RMA was not measured post-intervention in this study given concerns around socially desirable responding, it is difficult to draw comparisons between these findings and existing literature. Nonetheless, given the retraumatising experiences that victims currently face in rape investigations, these results offer some much needed hope that positive change is at least possible regarding evaluations from jurors. The χ^2 test also found there was a marginally significant difference in verdicts between conditions ($p=.050$), with

intervention participants being more likely to deliver a guilty verdict. While this barely significant difference may sound underwhelming, the intervention was designed with conscious consideration of the risk of biasing participants in favour of the victim, rather than reducing the bias of rape myths. Thus, a highly significant difference or the eradication of not-guilty verdicts for individuals who received the intervention would have been problematic.

In addition to the significant differences which emerged from the t-test analyses, multiple two-way ANOVAs also demonstrated that ratings of defendant guilt, confidence in verdict, plus victim credibility, responsibility and empathy ratings, all varied significantly by sex as well as condition. Women provided more positive evaluations of the victim, as well as more negative evaluations of the defendant's guilt, in line with existing research (Grubb & Turner, 2012; Nason et al., 2019; Schutte & Hosch, 1997). Although, the boxplot illustrated that the intervention tended to impact men's evaluations more than women's (i.e. there was considerably more variation between scores for men in the control condition compared to men in the intervention condition), none of the ANOVAs showed a significant interaction effects for condition and sex. The only variable that showed significant differences for condition, but not by sex, was the sexual consent knowledge score, whereas the sentencing and rape myth variables all showed significant variation by sex but not by condition.

Due to the lack of measurement invariance, it was not feasible to conduct another MG-SEM to test the differences in the full model between groups. I did not expect any considerable differences in participants' responses to the U-IRMA between the two conditions since it was presented pre-manipulation, and McMahon and Farmer's (2011) original study noted the U-IRMA demonstrated measurement invariance for men and women. Nonetheless, the latent rape myth factors only make up half of the RMEV model; plus, the purpose of the intervention was to disrupt the influence of rape myths on the evaluative factors and subsequently on verdict decisions. As such, it is conceivable that participants in the intervention condition interpreted the victim evaluation measures differently to the participants in the control group. Thus, the lack of measurement

invariance could be considered a strength of the intervention. Results for the credibility moderated-mediation model illustrated that the path from VL scores to credibility ratings was successfully moderated by condition. Individuals who received the intervention had a significantly weaker relationship between VL and credibility, compared to individuals in the control group. In line with results from Study 4, neither the responsibility nor empathy models were successfully moderated by condition, though it must be noted again that post-hoc power analyses suggested both these moderations were insufficiently powered. Nonetheless, the relationships between the rape myth factors (VA and NR) and their respective evaluative factors (responsibility and empathy) were in the expected direction. Thus, it appears the intervention is most disruptive for victim credibility judgements, demonstrating a strong ability to reduce the connection between rape myth endorsement and jurors' assessments of complainant credibility. Given the importance of credibility judgements in determining rape cases, this finding was incredibly important, and will be discussed further under theoretical implications.

Inspection of the simple slope plots showed minimal divergence deviation for both the VA to responsibility path and the NR to empathy path between conditions. However, the plots for the *b* paths from responsibility to verdict and from empathy to verdict showed considerable variation, respectively. Results showed that when participants gave low ratings of responsibility, the ribbons for both conditions overlapped indicating a high likelihood of a guilty verdict regardless of whether the participant received the intervention or not. However, as responsibility ratings increased, the plots diverged with a notably steeper slope for the control condition, so that those in the control condition who provided high complainant responsibility ratings were more likely to deliver not-guilty verdicts compared to individuals in the intervention condition who provided high complainant responsibility ratings. Similarly, while individuals who empathised highly with the complainant were likely to deliver a guilty verdict regardless of condition, as empathy ratings decreased differences emerged. Results signified that individuals with lower levels of empathy with the victim were considerably more likely to provide a not-guilty verdict in the control condition compared to the intervention condition. While the

moderation index for these paths did not reach significance, it is evident that the intervention was impactful for participants with less positive views of the participant.

One critical point to note is that it is still too early to conclude whether the intervention could be deemed as biasing participants against the defendant in favour of the complainant. As noted previously, further research into the effects of the intervention on evaluations of the defendant is required, particularly with cases which vary the ambiguity or salience of rape-myth consistent features, where it would be expected that the intervention would have minimal impact of jurors' decisions. Additionally, considering the Crown Prosecution Service and Equality Now's (2024) report stated that the repetition of rape myths may unintentionally amplify and reinforce rape myths rather than dispelling them, it is important the future research carefully explores what participants have learned from the intervention. While the results of this study demonstrated that the intervention had a positive influence on participants' evaluation and decisions overall, it is possible that some participants only encoded the myth rather than the "myth-busting" information. Given the longitudinal effects of the intervention are unknown, and considering how even low levels of RMA may prove detrimental to jury deliberations (Chalmers et al., 2021a), it is important that the intervention has a positive impact on all participants.

The impact of the intervention on participants' ratings of confidence in their verdict decision also raises important questions. On one hand, dispelling rape myths may naturally alleviate potential jurors' doubts in establishing if the case meets the threshold for an unlawful act. Previous mock jury research has demonstrated that jurors struggle with the concept of reasonable doubt in rape cases, which typically feature minimal supporting evidence (Ellison & Munro, 2010). Thus, the intervention may provide assurances that an absence of strong, corroborated evidence is a common in rape cases, and that expectations of such are not strictly necessary for a guilty verdict. On the other hand, should jurors misconstrue this as an assurance that exceeding reasonable doubt is unattainable (and thus considerable leniency should be afforded in determining verdicts in rape cases), this could result in increased miscarriages of justice. While the burden of proof lies with the prosecution, it is ultimately jurors who decide whether the standard of reasonable doubt

has been exceeded. While identifying the interventions' capacity for inducing bias or misconceptions was beyond the scope of the research presented, ignoring such potential would be remiss. Though such considerations should not be downplayed, these concerns are purely hypothetical. Currently, there is no evidence that the intervention does anything beyond its intended purpose, which was to reduce jurors bias and misconceptions in rape cases and I expect to further examine this in future research. Without overstating the findings of the final study, the results provided extremely promising evidence that the intervention can disrupt the impact of rape myths on victim evaluations and juror decision making. Furthermore, the intervention offers considerable opportunities for further research and, potentially, application to real trials. This will be discussed further under practical implications.

8.2. Theoretical Implications

The RMEV model offers a valuable contribution to the literature

The Rape Myths in Evaluations and Verdicts (RMEV) model offers a coherent and parsimonious theory which has been empirically validated across different samples and in response to variations of rape cases. The model illustrates how jurors' acceptance of the independent rape myth factors (*victims ask for it, victims lie and not really rape*) predict critical evaluations of the victim in a rape trial via responsibility, credibility and empathy, respectively. Subsequently, credibility and responsibility directly predict verdict decisions, while empathy indirectly predicts verdicts through credibility. Additionally, each of the latent rape myth factors also indirectly predict verdict outcomes. The model suggests there is value in considering the individual influences of the different dimensions of RMA, to provide a more detailed understanding of how these attitudes impact juror decision-making in rape cases. Following the results obtained through the experimental manipulation utilised in Study 4, there is also an argument for inferring causality between the rape myth factors, victim evaluation factors and verdict decisions in rape cases.

Of course, the rape myth factors and victim evaluation factors alone cannot fully determine verdict decisions, as many other aspects of the case, in addition to evaluations of the perpetrator, also hold considerable merit in causal explanations of verdicts. However, the RMEV model was never intended to capture every nuance to comprehensively determine how jurors evaluate and decide rape cases. It is for this reason variables such as confidence were omitted from the model as the results indicated that although participants confidence in their verdict decision was strongly correlated with the continuous guilt rating, there was a considerable unique variance which suggested the variable may have been a proxy for other evaluations of the case presented. Similarly, demographic factors such as gender were not specified in the model, given a) the literature has already clearly established a strong relationship between gender and RMA (Lonsway & Fitzgerald, 1994; Suarez & Gadalla, 2010) and b) this relationship (and/or relationships with other personal demographic or attitudinal variables) could in fact moderate the relationships in the model, as opposed to directly or indirectly predicting verdict outcomes (Rollero & Tartaglia, 2019). These omissions to the proposed and validated model should not be considered limitations. In addition to enabling the identification of an exceptionally strong model, which achieved its aims of clarifying the process of how RMA influences verdicts, these omissions offer an abundance of opportunities for further research. Some suggestions for future directions will be explored later in this chapter.

Rape myths actively (though indirectly) influence decisions within the CJS

Compelling recent research from Thomas (2020), involving real jurors in England and Wales, questioned decades of academic literature on rape myths by suggesting jurors held inconsequential levels of RMA which did not impact their verdict decisions. While the research was criticised on a number of fronts by leading researchers in the field (i.e., Daly et al., 2022), as the only research to date including real jurors, it resulted in considerable scrutiny and scepticism of the rape myth literature. Compounding the concern about the accuracy of this conclusion was the growing evidence that measures of RMA were becoming less sensitive to the increasingly subtle expression of rape myth endorsement

(Beshers & Divita, 2021; Zidenberg, Wielinga, et al., 2021). However, the findings from the studies presented in this thesis demonstrate that not only are RMA levels in community samples and eligible-juror samples far from trivial, but acceptance of these attitudes and beliefs has been demonstrably shown to impact both victim and case evaluations. The results of Study 4 in particular, highlighted the need for concern, following the significant difference in verdicts that was obtained depending on which trial condition participants read. While the difference in verdicts was anticipated, it is incredibly disheartening that extra-legal factors, such as victims' flirting and intoxication, and jurors misguided beliefs about these factors, decreases the likelihood of a guilty verdict when none of these factors changed the facts of the case or indicate whether the complainant was raped.

Although mean scores for the U-IRMA were relatively low across studies, with the average item response for the U-IRMA being *somewhat disagree*, every study found significant relationships between victim-focused rape myth factors, complainant evaluative factors and verdict decisions. Results of the individual mediation or moderated-mediation analyses across studies tended to demonstrate partial mediation, indicating rape myth factors still directly predicted verdict decisions above and beyond their respective judgement variables. However, the structural equation models, typically found the relationships between the rape myth factors and verdict were fully mediated by credibility, responsibility or empathy. As such, research analysing the direct relationship between rape myth scores and ratings of defendant's guilt may find inconclusive results if these indirect pathways are overlooked. These findings give further support to Zidenberg, Wielinga, et al. (2021) conclusions that although rape myths may be overtly disagreed with, they remain influential in participants cognitive evaluation of cases. Furthermore, as noted by Chalmers et al. (2021a), even participants with low levels of RMA on psychometric measures can sometimes use or be persuaded by stereotypes and misconceptions about rape, hence, it is important to carefully and thoroughly consider the influence of rape myths on victim evaluations and verdict decisions.

The RMEV model, from studies 3 and 4, clearly elucidates the impact of RMA on jurors' decisions. Positively, results from Study 5 indicate there is the potential to separate

rape myths from evaluations of the complainant, which will be discussed further under the practical implications. While the samples used in these studies may not be perfectly representative of the population in England and Wales, almost any participant from studies 4 and 5 (and the majority of participants from the previous studies) could be called to jury duty and deliver a verdict in a similar case. The impact of RMA on group jury deliberations remains unclear, however, there is sufficient evidence that individual jurors' decisions in rape cases are influenced by rape myths, even if the overall explicit endorsement of said myths are low.

Victim credibility evaluations are critical in predicting verdicts

Another key take-away from this research is the integral role that credibility plays in determining verdict decisions. The importance of credibility in juror decisions has previously been highlighted in the literature in both quantitative (Nitschke et al., 2019) and qualitative (Ellison & Munro, 2009) studies. The results throughout the thesis further evidence the critical role of credibility in determining verdicts. Across all studies, low complainant credibility ratings were the most consistent factor in predicting not-guilty verdicts, and yet, it appears that credibility ratings are also one of the most malleable elements in juror decisions. Study 4 found that VL scores are a much stronger predictor of credibility when the case presented is less consistent with the "real rape" stereotype (i.e., the complainant was intoxicated, did not physically resist, etc.), while Study 5 found the intervention significantly reduced the influence of VL myth acceptance on participants' credibility judgements compared to participants in the control condition. Evidently, the perceived credibility of rape victim-survivors is strongly entwined with myths about victims-survivors' propensity to lie and fabricate allegations, but positively, it also possible to disentangle this relationship through education or intervention.

One interesting finding is that although the strength of relationship between VL and credibility is variable, the relationship between credibility and verdict is remarkably consistent across studies constant. The final study, the simple slope plots from the moderated-mediation analyses showed that despite significant differences in both the VL

to credibility and VL to verdict paths between conditions, the intervention did not increase credibility's ability to predict verdicts. This suggests that regardless of the specifics of the case, complainants' perceived credibility is always an important factor in deciding whether a defendant is guilty. The consistent requirement of evaluating complainant's credibility (irrespective of whether that evaluation is positive or negative, or determined from facts of the case or biased ideals) to reach a verdict may seem a rather common-sense finding, however, considering the same cannot be said for judgements of responsibility or empathy, it is worth highlighting.

Results regarding responsibility indicated that evaluations of complainant responsibility are only predictive of verdict when either the case contains a high level of rape-myth-relevant information, or the individual juror has high RMA. Study 4 found that the path from responsibility to verdict (in addition to the indirect path from VA to verdict) were only significant in the high condition, while in Study 5 the relationship between VA scores to responsibility was less amenable to influence from the intervention (even though responsibility ratings were significantly lower in the intervention condition). These findings suggest that it may not be possible to separate responsibility judgements from beliefs about behaviours deserving of victim blame – with research from Süssenbach et al. (2017), which demonstrated how individuals with high RMA actively sought information that blamed the victim, providing more support for the interwoven nature of RMA and victim responsibility ratings. While credibility can be evaluated independently of rape myths, responsibility evaluations appear to be more synonymous with VA rape myth scores. While it is somewhat positive that responsibility ratings are not influential in cases where victim-survivors' behaviour adheres to that of an "ideal" victim, given this scenario seldom aligns with the realities of rape, victim blame and acceptance of victim-blaming myths may pose additional challenges for the CJS.

Evaluations of empathy in particular demonstrated notably weaker relationships with verdict decisions, although, the strong relationships between both empathy and credibility may contribute to this. MG-SEM results from Study 4 suggested empathy judgements may not be informative in directly predicting verdict decisions in more

variable cases, despite strong predictive ability of empathy in each of the independent logistic regressions and mediation/ moderated-mediation analyses, plus the original SEM in Study 3. This finding was intriguing considering that out of the three judgement factors included, I assumed empathy with the complainant would be the variable most pre-determined by external factors, such as jurors' gender or experience with a known victim-survivor of rape, which previous studies have linked to verdicts (Schutte & Hosch, 1997). I speculated that empathy may be good mediator for the relationships between jurors' personal demographic factors and their verdict decision. However, the relationships between jurors' personal characteristics and verdict were also inconsistent, which is discussed further below.

8.3. Practical Implications

Jury education targeting rape myths is an effective and affordable solution

First and foremost, the findings from this thesis support existing calls for jury education to combat myths and misconceptions about sexual violence (Gillen, 2019; Willmott et al., 2021). While previous research has examined the potential for jury education to be delivered via judicial directions (Cooper, 2022; Duncanson & Henderson, 2014; Ellison & Munro, 2009c) and expert witnesses (Retter, 2018; Ryan & Westera, 2018; Ward, 2009) with both methods holding some merits, an accessible pre-trial training session may offer some additional advantages. The recent Rape And Serious Sexual Offences research report highlighted that although all of the judges reviewed stated that they gave directions after evidence and in summary, not all judges gave directions on rape myths at the start of trial (George & Ferguson, 2021). However, there is strong evidence that jurors' evaluations are interpreted through their existing schemas and that guidance after the delivery of evidence may be too late to result in effective change (Cooper, 2022; Duncanson & Henderson, 2014). Additionally, considering Thomas' (2010) finding that just 31% of jurors fully understood the judicial directions they received, it is unsurprising that numerous judges expressed concerns about the effectiveness of directions in reducing the influence of rape myths in deliberations (George & Ferguson, 2021).

Thus, addressing jurors' misconceptions and prejudicial beliefs prior to the start of the trial in a jargon-free, accessible manner is imperative to reduce the influence of rape myths on juror deliberations and decisions. Positively, the intervention developed and examined in Study 5 demonstrated it is feasible to reduce the influence of harmful rape myths and stereotypes, on both complainant evaluations and verdict decisions, with a brief 30-minute educational video. Furthermore, it was possible to enable meaningful change without creating an excessive positive bias towards the complainant. While further validation of the intervention is necessary, in particular assessing its impact on evaluations of the defendant and examining the duration of the intervention's effects, there are clear implications for the applicability of a quick juror training program for the CJS in England and Wales, and beyond.

There are a number of strengths to the video approach utilised beyond the inclusion of expert witnesses and judicial directions. Notably, this methodology of juror education offers a cost-effective measure which can be easily and quickly implemented. The video could also be adapted and separated into appropriate modules to address misconceptions pertinent to the case or it could be standardised to ensure all jurors receive the same information regardless of the facts of the case. There is some evidence to suggest that providing guidance specific to the case is more effective at impacting juror's decisions than general guidance (Brekke & Borgida, 1988; Ellison & Munro, 2009c). However, there may be reluctance to utilise the intervention in such a subjective way, which could arguably impinge on the defendants' right to a fair trial. As such, should the standardised video training method be adopted for real trials, it is important that it does not replace judges' guidance and specific directions.

It should also be noted, despite the promising results of the intervention, that training jurors alone is unlikely to dismantle rape myths' role in rape cases. As noted by Hudson (2002) rape myths are persistent due to their concurrence with legal logic where evidence is measured against hypothetical ideals. Smith (2018) argues that the legal framework for determining "truth" reinforces the use of rape myths, and as such, there needs to be a fundamental shift in how rape cases are tried at court, in order for rape myths

to have no bearing. The next section will examine some other critical measures which are encouraged to reduce the influence of rape myths in rape cases.

Further regulation is needed to prevent the utilisation of rape myths as a defence

Given the plasticity of credibility judgements based on the content presented to jurors, developing further regulations regarding the use of rape myths to undermine complainant credibility by defence lawyers should be prioritised. The research presented in this thesis elucidated the critical role of complainant credibility evaluations on juror decisions. Given the interrogation of complainant's credibility at trial is unlikely to be discontinued, unjust and inaccurate portrayals of what constitutes a credible victim-survivor by defence lawyers should be addressed urgently. Smith and Skinner's (2017) observation study demonstrated the duality of lawyers, whereby they would repeatedly discredit rape myths when prosecuting but actively utilise them when defending clients. As such, providing further training is unlikely to create meaningful change as these individuals have demonstrated that they clearly understand the biasing effects of rape myths and how they can create doubt in jurors' understandings and deliberations. Smith and Skinner's report highlights barristers' willingness to manipulate and invoke rape myths to increase the persuasiveness of their argument, while victim-survivors are treated as collateral damage. They state a substantial shift from "winning at any cost" is necessary, proposing additional clarifications to the Bar Code of Conduct's guidance relating to misleading the jury, in addition to increased prominence of international human rights legislation for treatment at trial. While some lawyers may hold misguided views about rape victim-survivors which could and should be addressed via further training and education, it is equally important to enforce regulations which prevent lawyers from knowingly manipulating the case facts to discredit victim-survivors by using rape myths.

The evidence also supports the prospect of screening potential jurors for high levels of rape myth acceptance. The findings illustrated that individuals with high levels of RMA are less influenced by educational guidance, particularly relating to perceptions of complainant responsibility which remains an important predictor of verdicts in cases

which do not align with the real rape stereotype, i.e., the vast majority of real-life cases. While the American jury process of *voir dire* has many critics (Amar, 1994; Bennett, 2010; Hans & Jehle, 2003), a similar method of juror deselection may be necessary for rape cases given the concerning argument that individuals with strong biases against rape victim-survivors may be unduly affecting the outcomes of rape trials in the UK. However, this suggestion is not without considerable implementation challenges, including identifying an accurate and suitable measure of RMA (in light of the increasing evidence for the growing subtlety of current rape myths), identifying an appropriate RMA cut-off score or level at which to eliminate jurors from selection and, not least, implementing a system that would not be construed as biased in itself. As extreme as this suggestion may be, it is unfortunately warranted for consideration given the unquestionable impact of RMA on jury decisions in rape cases.

8.4. Limitations and Future Directions

Consistent with a large proportion of jury research (Bornstein et al., 2017; Kerr & Bray, 2005), the findings in this thesis are limited to understanding individual jurors' deliberation. While the use of written case materials is widely contested (Kerr & Bray, 2005), Bornstein et al.'s (2017) most recent meta-analysis found short vignettes and individual juror analysis were in fact the most common modalities utilised in mock jury research. Positively, the meta-analysis also found that variations in trial modality does not appear to result in any significant differences in outcomes for studies with community samples, though they noted there was insufficient research including group deliberation to conclude whether there are significant differences between group and individual jury decisions (Bornstein, 1999; Bornstein et al., 2017). While I have strived for stronger ecological validity in this research by developing a trial transcript (which includes a written summary of the defendant's charge and directions from the judge, prosecution and defence opening statements, witness evidence-in-chief and cross-examination for both parties and closing arguments from the prosecution and defence), the lack of group deliberation does still notably limit the conclusions that can be drawn from this research.

Additionally, although the data and analysis code are currently freely available on Github (see Appendix D for more information), and I intend to include all newly developed materials (i.e., the trial transcript and intervention video) in the supplemental materials of the forthcoming paper publication, the lack of pre-registration for the studies in this thesis is a setback for open science practices. Following the replication crisis in psychology (Maxwell et al., 2015), open science practices have been strongly encouraged to ensure psychological studies results are accurate, reliable and trustworthy. Due to the exploratory nature of the model and analyses presented, particularly given the limited existing research on individual rape myth factors rather than general RMA, I thought that pre-registration would hinder and inhibit a thorough exploration of the data. This justification however stemmed more from my lack of familiarity with pre-registration – I was unaware that deviations from planned analyses and developing additional hypotheses following data analysis were permissible with pre-registration so long as they are accompanied by an explanation (Rubin, 2020). Nonetheless, although my understanding of open science practices improved throughout my PhD, another barrier still remained, namely financial resources. Bishop (2018) notes that open access fees for publication can be extremely costly. Unfortunately, as the majority of my research was conducted during the Covid-19 pandemic, additional funding sources were inaccessible which prohibited my engagement with pre-registration and other open science practices. Resources permitting, future research on the RMEV model and intervention should aim to follow open science practices to add further credibility to the findings.

It should also be noted that despite the suitability of the SEM and MG-SEM approach in this thesis, identifying the best model requires subjective interpretation at odds with the scientific approach. Similar to qualitative analysis, the same data examined by two different individuals has the potential for notably different interpretations. It is important to note the RMEV model produced and tested in this thesis may not be the ultimate model of juror decision-making in rape cases, however, I do believe the RMEV model holds considerable merit. I am hopeful that the RMEV can contribute to the literature as a guide for understanding the role of rape myths and complainant evaluations in verdict decisions, which can be adapted and re-examined as necessary. While the model should not be used

as an all-encompassing paradigm to understand and predict verdict decisions in rape cases, it offers critical insight into rape myths role in juries' evaluations and deliberations regarding the complainant and overall case. One particular area in which the model could potentially be improved is in the inclusion of comprehensive and validated scales to measure each of the evaluation factors. The use of single items to measure the complex constructs of credibility, responsibility and empathy unfortunately allows for measurement error. While multiple items and the subsequent additional latent variables for each of the decision-making factors would result in a considerably complex model demanding extremely large samples to achieve sufficient power for analysis, it may further improve model fit and the level of variance in verdict decisions explained by the model..

Furthermore, while some positive steps were taken to avoid biasing participants, such as the inclusion of a question relating to knowledge of false accusations of rape, despite the exclusion of such measures in the RMEV model, it is possible that the omission of defendant evaluative measures resulted in participants' insinuating research hypotheses and subsequently responding overly positive on measures of complainant evaluation. During the construction of the study surveys, I prioritised omitting measures of defendant evaluations which I did not intend to evaluate to avoid exploiting participants' time commitment and also minimising the research costs associated with a longer survey. However, on reflection, the exclusion of three straightforward Likert questions was potentially more detrimental to exacerbating socially desirable responding compared to the minor extra commitment for participants' time and research costs.

Last but not least, there was a missed opportunity to include more thorough or creative measurement of RMA throughout these studies. It should be noted that evidence of psychometric rape myth scales deterioration in accurately measuring RMA was neither known nor available at the onset of this project, with both Zidenberg, Welinga et al.'s (2021) and Beshar and Divita's (2021) findings emerging after the first four studies were already completed. Nonetheless, the structure of McMahon and Farmer's (2011) U-IRMA was incredibly suitable and effective in the RMEV model, even though the scale consistently demonstrated a skewed distribution. While the U-IRMA remains one of the best available

scales to measure RMA, the inclusion of an additional RMA measure would drastically help consolidate the findings presented. The inclusion of qualitative responses, in line with Zidenberg, Welinga et al.'s (2021) suggestions, may provide additional support and nuance in understanding individuals' beliefs about rape.

While a mixed-method approach typically entails additional complexity in terms of resources, the inclusion of simple, open-ended questions was a feasible option for surveys which was overlooked in this research. Interesting research into other quantitative methods of assessing RMA is also emerging, such as the examination of rape attitudes through implicit association tasks (Nunes et al., 2013; Süssenbach et al., 2017; Widman & Olson, 2013). Implicit association tasks (IATs) which measure individuals' automatic evaluations are popular cognitive tools, particularly for assessing attitudes subject to socially desirable responding. While rape attitudes have only recently been investigated using this technique and typically in relation to sexual aggression or assault perpetration, Süssenbach et al.'s (2017) study demonstrated the IAT's suitability to examining juror's evaluations in rape cases. The initial proposal for this thesis did intend for the inclusion of an implicit assessment measure in addition to a traditional psychometric scale, but unfortunately this never came to fruition. This was at least partially due to the disruption of the Covid-19 pandemic during the early stages of this project which prevented research being conducted offline and denied access to in-person support for setting up and utilising complex software. While the inclusion of alternative assessments of RMA was not necessary to evaluate the proposed model or the hypotheses for each study presented in this thesis, further research incorporating these measures is encouraged.

The RMEV model offers a wide range of opportunities for future research. Perhaps the most urgent extension of this research is the inclusion of jury deliberation to assess whether the RMEV is fully applicable to real world cases. Furthermore, the model was created using rape myth factors based on female victim-survivors of rape, and as such is likely not equally applicable to cases with male or non-binary victim-survivors. While there has been limited psychometric evaluation of male rape myths since Melanson (1998), who developed a unidimensional measure, recent research has successfully adapted the items in

McMahon and Farmer's (2011) U-IRMA to be gender-neutral (Reddy et al., 2022). Thus, creating a variation of the RMEV which is more inclusive of victim-survivors of different genders is another interesting and worthy avenue for further research.

Of course, the findings presented also offer numerous opportunities beyond merely extending the RMEV model. The newly-developed intervention has extensive potential for future research. The intervention could be, and ideally should be, examined as an educational resource for other members of the CJS, such as police, prosecutors and defence lawyers within the UK and in other jurisdictions, either as a stand-alone intervention or as part of a more extensive and interactive program. The intervention may also be beneficial to professionals working in connection with the CJS such as workers at sexual assault referral centres or voluntary organisations that provide support to victim-survivors of sexual violence. Considering the increasing focus on educating young people about sexual consent, the intervention may even provide a useful foundation for university and college educational programs, to combat misconceptions on consensual behaviour. However, given younger generations ready access to educational guidance on consent and rape myths online and at universities, the intervention may serve an important purpose for older generations. Thus, research into and applications of the intervention in samples of older adults is strongly encouraged. Furthermore, while the current intervention is suitable for the range of suggestions above, integrating feedback from both legal experts and victim-survivors themselves into both the design and content of the intervention would be extremely advantageous.

Positively, research is currently underway into exploring experts' views on educating jurors in rape trials, including insights from police officers, probation and support workers, lawyers and researchers. Furthermore, there are planned projects to examine the RMEV model utilising different cases and including evaluations of defendants. Finally, in order to encourage further research and utilisation of the knowledge garnered in this thesis, all materials developed will be made available as supplemental materials alongside publications.

8.5. Conclusion

Prejudicial beliefs and misunderstandings about sexual violence remain a significant barrier to rape victim-survivors achieving justice in the UK. Misguided expectations about ideal victims' behaviour are often inaccurately linked to perceptions of real victims' credibility, responsibility and their deservedness of empathy. Problematically, the expectations based on rape myths are wide-ranging, including factors such as clear physical and verbal resistance, the victim-survivor's sobriety and lack of relationship history with the perpetrator, immediate disclosure of the incident to the police and the appropriateness of the victim-survivor's emotional expression giving evidence, to name a few. Unsurprisingly, few victim-survivors meet the expectations of the "real rape" stereotype, however, the consequences for victim-survivors who do not meet these expectations can be devastating, with a significantly increased likelihood of acquittal, should the case even make it to trial.

It should go without saying that these misconceived ideals are not indicative of whether the victim-survivor consented to sexual activity, yet irrefutable evidence has demonstrated that rape myths influence decision-making in rape cases. Empirical evidence from this thesis presents a robust structural model which elucidates the process of *how* jurors rape myth acceptance impacts their evaluations of complainant credibility, responsibility and empathy, and ultimately their verdict decisions. Results from the Rape Myths and Evaluations of Victims (RMEV) model illustrated that a) high endorsement of myths about fabricated allegations of rape (i.e., *victims lie*) predict low ratings of complainant credibility which predicts increased not-guilty verdicts, b) high endorsement of myths that blame the victim-survivor's behaviour (i.e., *victims ask for it*) predict high ratings of complainant responsibility which predicts increased not-guilty verdicts, and c) high endorsement of myths which delegitimises certain victims of rape (i.e. *not really rape*) predict low ratings of empathy with the complainant which indirectly predicts increased not-guilty verdicts. Furthermore, while credibility ratings (and *victims lie* myths indirectly through credibility ratings) are consistently the strongest predictors of verdict, these judgements also offer the most scope for manipulation, while responsibility ratings (and

victims ask for it myths indirectly through responsibility ratings) predictive ability for verdict is only consistently significant when either the case or the individual juror strongly endorses rape myths.

The RMEV model also provided the foundation for a targeted juror intervention on rape myths in the form of a 30-minute educational video. Findings suggest the intervention is effective in reducing the negative influence of rape myths on complainant evaluations and verdict decisions, particularly for evaluations of complainant credibility. Altogether, this thesis offers a strong theoretical foundation for further research, in addition to numerous practical applications. While there is significant room for improvement at each stage of the criminal justice investigation of rape cases in England and Wales, understanding and dismantling the role of rape myths in jury decision-making is imperative given the symbolic role of criminal trials within the CJS. Furthermore, given both police officers and prosecutors evaluate cases on the likelihood of conviction, improving the outcomes of rape trials should have a positive influence on attrition at earlier stages. While disentangling rape myths from decisions in rape cases entirely may be optimistic, the evidence presented in this thesis illustrates it is completely feasible to meaningfully reduce the impact of rape myths on juror decisions.

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Appendix A: Study 1 Survey

Study Information Sheet

Title of Project: Jury decision-making in a sexual assault trial

Ethics Approval Number: 202015835820376219

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Aims of the Study: This study aims to examine different elements of juror decision-making for a sexual assault trial.

Eligibility Requirements: In order to participate in this research, you must be over 18 years of age and reside in a country with consent-based sexual assault laws (i.e. UK, Ireland, Germany, Luxembourg, Cyprus, Iceland, Belgium and Sweden).

What you will need to do and time commitment: The study involves completing an online questionnaire which should take approximately 15 minutes. The study involves reading a fictitious sexual assault trial transcript and answering a number of questions regarding your opinions of the plaintiff and the defendant. You will also be asked to provide basic demographic information and complete a scale which examines attitudes towards sexual assault.

Risks/Discomforts involved in participating: The survey involves reading a fictitious sexual assault trial transcript which may be distressing. If you become distressed by the transcript or any of the questions asked, you may simply exit the survey or contact the Samaritans at 116 123. These contact details will be included again at the end of the survey.

Confidentiality of your data: Any responses you provide will be treated confidentially. Any publication resulting from this work will report only aggregated findings or fully anonymised examples that will not identify you. Any identifying information will be removed and destroyed as soon as possible after necessary data processing has been completed. Once fully anonymised, the responses you provide may be used by the research team, shared with other researchers, or made available in an online data repository.

Please read the following statements and, if you agree, select yes to confirm informed consent:

- I confirm that I have read and understand the information sheet for the above study.
- I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily.
- I understand that my participation is voluntary and that I am free to withdraw at any time without giving any reason.
- I understand that my data will be treated confidentially and any publication resulting from this work will report only data that does not identify me. My anonymised responses, however, may be shared with other researchers or made available in online data repositories.

I freely agree to participate in this study.

- Yes (1)
- No (2)

If you would like a copy of this information sheet and consent form to keep, please ask the researcher. If you have any complaints or concerns about this research, you can direct these, in writing, to the Chair of the Psychology Research Ethics Committee by email at: psychethics@kent.ac.uk.

Start of Block: Demographics

Q1 How do you describe your gender?

- Male (1)
 - Female (2)
 - Trans Male/Trans Man (3)
 - Trans Female/Trans Woman (4)
 - Genderqueer/Gender Non Conforming (5)
 - Different Identity (6)
-

Q2 What age are you?

Q3 Please indicate your ethnicity (i.e., peoples' ethnicity describes their feeling of belonging and attachment to a distinct group of a larger population that shares their ancestry, colour, language or religion):

- African (1)
- Black/African American (2)
- Black/British (3)
- Caribbean (4)
- East Asian (5)
- Latino/Hispanic (6)
- Middle Eastern (7)
- Mixed (8)
- Native American or Alaskan Native (9)
- South Asian (10)
- White/Caucasian (11)
- White Mexican (12)
- White / Sephardic Jew (13)

- Other (14)
-

Q4 What is your sexual orientation?

- Heterosexual (1)
 - Bisexual (2)
 - Homosexual (3)
 - Asexual (4)
 - Other (5)
-

Q5 Do you know anyone who has been a victim of sexual assault?

- Yes (1)
 - No (2)
 - Prefer not to answer (3)
-

Q6 Have you ever been a victim of sexual assault?

- Yes (1)
- No (2)
- Prefer not to answer (3)

Start of Block: Vignette

The following is an extract of a transcript from a rape trial. Please read the trial carefully and consider all of the evidence presented to you. You will be asked questions on your opinions based on what you have read in the next section of the survey.

The Case of the Crown Court

Court Clerk: The case of The Crown Court concerning Luke Jones vs Claire Parker, this trial is taking place on November 30th, 2019.

Judge: Thank you. Are all parties present?

Prosecution Lawyer: Yes, your Honour.

Defence Lawyer: Yes, your Honour.

Judge: Thank you. Luke Jones please rise to hear the charge.

Court Clerk: Luke Jones, on the evening of June 12th, 2019, you have been accused of the following: rape of the victim, Claire Parker, through forced penetration. You have thereby been charged with one count of rape. How do you plead?

Defendant: Not Guilty.

Judge: Welcome members of the jury. Throughout these proceedings, you will hear from the Prosecution and the Defence about the events that took place on June 12th, 2019. You shall be the judge of the facts and I shall be the judge of the law. The Crown Court has charged Luke Jones with one count of rape against the victim, Claire Parker. Before you can return a verdict, the prosecution must prove that Luke Jones is guilty of this offence beyond a reasonable doubt. I will now call upon the Prosecution to give their opening statement.

Prosecution Opening Statement

Prosecution Lawyer: This defendant is charged with the rape of the victim. On June 12th, 2019, Claire Parker was raped in the defendant's home. It is the Crown's case that the individual who raped Claire Parker was the defendant. A man whom she went to college with, who she should have been able to trust.

It is the Crown's case that on this particular day, Luke Jones took the occurrence of a mutual friend's birthday party as an opportunity to advance on Miss Parker. During the party, Luke Jones made Claire Parker his target. He spent the evening conversing with Claire, ultimately with one goal in his mind. He ensured she was intoxicated and then insisted on taking her back to another party at his own house. Being unable to say no to his offer, Claire accepted, a decision she would come to later regret. Arriving at his home, Luke took advantage of Miss Parker's kind

nature and lured her to his bedroom. Inside his room, Luke Jones began to make advances on her. She rejected him, telling him this was going too fast for her. Luke Jones did not listen to Miss Parker and furthered his advances. Miss Parker told Luke Jones “no” twice that night. Once at his first advance, and again when he ignored this. Luke Jones did not stop, he did not accept her no, and Claire Parker was raped by someone she thought she could trust. It is the Crown’s case that Luke Jones raped Claire Parker that night, hearing her instructions to stop and ignoring them.

Prosecution Witness Questioning

Prosecution Lawyer: The Prosecution now calls their witness, Claire Parker

Court Usher: Please repeat after me. “I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth”.

Witness: I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth.

Prosecution Lawyer: Thank you for coming to court today Miss Parker. Can you confirm that both you and the defendant, Luke Jones, attended the party being held that night on June 12th, 2019?

Witness: Yes, that is correct.

Prosecution Lawyer: Could you please tell the Court in your own words what happened that night on June 12th, 2019?

Witness: Well, it was a fellow classmate’s birthday party, which me and my friends were looking forward to attending. When we got there, we had some drinks and started dancing. Luke came over and started chatting with me and brought me to the bar for a drink. We talked for a while and he invited me back to his place, where his roommate was having a house party. I assumed he was just being nice, so I accepted. A few minutes after we arrived at his house, he asked me to help him find something upstairs. I went up to his room to help and he closed the door behind me, at this point I started to feel uncomfortable. I didn’t know what to do, and before I knew it, he was kissing and grabbing me, I tried to pull away to tell him to stop and that I didn’t think it was a good idea. I didn’t want to offend him, when he didn’t stop, I panicked and told him to stop again, but he didn’t listen.

Witness becomes visibly upset

Prosecution Lawyer: Please take your time Miss Parker. Did Mr Jones say anything following the rape?

Witness: No, he left immediately after.

Prosecution Lawyer: And what did you do following the rape Miss Parker?

Witness: I was in shock, I just remember grabbing my things and getting out of there as fast as I could.

Prosecution Lawyer: Thank you Miss Parker, I have no further questions

According to the prosecution lawyer, how many times did Claire tell Luke "no" that night?

Defence Cross-Examination

Judge: I now welcome the defence to question the Prosecution's witness.

Defence Lawyer: Thank you your Honour. Claire Parker can you tell me exactly how much of the evening of June 12th, 2019 did you spend talking to Luke Jones before going home with him?

Witness: We'd been talking about half of the night.

Defence Lawyer: So, it's fair to say that you did not feel in any danger in Mr Jones' presence during the party? Enough to walk back with him afterwards to his home?

Witness: I didn't know what he was capable of at that time.

Defence Lawyer: And is it true you accepted a drink paid for by Mr Jones?

Witness: Yes, he teased that I needed to catch up as he had drunk more than me and I didn't want to be rude.

Defence Lawyer: But throughout the evening you found Mr Jones' company pleasant enough to go home with him, following him inside and up to his room?

Witness: I didn't know what he intended until it happened.

Defence Lawyer: If the act wasn't consensual, then why didn't you fight Mr Jones off of you?

Witness: I didn't know what to do, I was in shock. I just froze.

Witness is visibly upset, and wipes her eyes

Defence Lawyer: Is that why it took you 3 days to report the incident to the police?

Witness: I was afraid I wouldn't be believed, and I didn't want everyone to find out what happened.

Defence Lawyer: Thank you Claire Parker, I have no further questions.

Defence Opening Statement

Defence Lawyer: Members of the jury, the Prosecution have attempted to convince you of Luke Jones guilt by providing you with no corroborating evidence that any crime was even committed. The reality of the situation is that Luke Jones found himself talking to a classmate at a party they both attended. Claire Parker happily walked home with Luke Jones. Claire Parker accepted Luke Jones invitation into his home that night.

This case is just another example of an individual deciding to fabricate this story of rape in order to save her reputation and villainise my client. What the prosecution have failed to mention is that Claire Parker had been very friendly with Luke Jones outside of college, frequently exchanging text messages. These were not two strangers. Luke Jones had no reason to believe that Claire's alleged request to "slow down" was anything more than teasing. These were two adults who both participated in a consensual act. Claire Parker may have felt embarrassed or regret afterwards, but this is not just cause to call my client a rapist. We argue that Claire Parker's word alone is just not enough evidence to create a reasonable doubt to Luke Jones' innocence.

Defence Witness Questioning

Defence Lawyer: The Defence now calls the defendant, Luke Jones, to the stand.

Court Usher: Please repeat after me. "I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth".

Defendant: I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth.

Defence Lawyer: Mr. Jones, can you tell the members of the jury what happened on the evening of June 12th, 2019?

Defendant: Yes, me and Claire Parker were both attending a party in which we ended up spending the majority of the night talking by ourselves. I invited Claire and her friends to come back to my place where my roommate was having a party. She accepted. We walked to my house and she willingly came in. I asked her to come up to my room and she accepted. I did make an advance towards her, but everything that happened between us was completely consensual.

Defence Lawyer: Thank you Mr. Jones, I have no further questions.

How many days passed before Claire reported what happened to the police?

Prosecution Cross-Examination

Judge: I now welcome the Prosecution to cross-examine the defendant.

Prosecution Lawyer: Luke Jones, in the months leading up to this office party, how often had you and Claire Parker been in contact outside of college?

Defendant: I'm not sure, we text on several occasions in a group-chat.

Prosecution Lawyer: And following the night of June 12th, 2019, how often did you and Claire Parker contact each other? **Defendant:** We didn't.

Prosecution Lawyer: According your phone records, you sent a text to your friend that night following the incident didn't you?

Defendant: Yes.

Prosecution Lawyer: What did the text say exactly?

Defendant: That I'd finally gotten Claire around and convinced her to have sex with me.

Prosecution Lawyer: Does consensual sex for you always involve 'convincing' after already ensuring the woman is suitably intoxicated?

Defendant: No, we'd both been drinking, I was just being a gentleman buying her a drink.

Prosecution Lawyer: If you were being a gentleman then why didn't you stop either of the times she said to stop?

Defendant: I figured she was just playing hard to get, she didn't resist or protest at all during sex.

Prosecution Lawyer: Thank you Luke Jones, I have no further questions.

Closing Statements

Judge: We now move on to the final stage of the trial. You will firstly hear from the Prosecution, and then from the Defence. Members of the jury, when coming to your decision, please consider all the facts of the case.

Prosecution Lawyer: Members of the jury, the time approaches for you to decide this case. And when all of the facts of the case are put together, there is no room for doubt about what happened. If it truly was consensual sex, why would Claire be here today? She has nothing to gain from reporting the defendant and she has clearly been negatively affected by the actions of Mr Jones. Why did he ignore her clearly telling him to stop? Why did he text his friends boasting afterwards? Quite simply, sex without consent is rape and Mr Jones raped Claire Parker. It now falls to you to make the important decision and provide Claire Parker with the justice she deserves.

Defence Lawyer: Members of the jury, the case against the defendant has been built from circumstantial evidence. Yes, Luke Jones went home with Claire Parker. But this is because Claire Parker willingly followed Luke Jones to be there. I ask you to not judge my client on the basis of Claire Parker's word but on the event that took place. All my client is guilty of is being attracted to Claire Parker and then being the subject of her regret afterwards. Please reflect on that before coming to your final decision.

Judge: Members of the jury, you have heard the details of the case from the Prosecution and the Defence. It is now up to you to make your verdict: guilty or not guilty.

What did Luke do after the alleged incident that night?

Start of Block: DV

Q8 Based on the evidence presented, do you find the defendant guilty or not guilty?

- Guilty (1)
 - Not Guilty (0)
-

Q9 How likely is it that the defendant committed the rape?

- Completely likely (7)
 - Moderately likely (6)
 - Slightly likely (5)
 - Neither likely nor unlikely (4)
 - Slightly unlikely (3)
 - Moderately unlikely (2)
 - Completely unlikely (1)
-

Q10 How confident are you in your verdict decision?

0 10 20 30 40 50 60 70 80 90 100

Confidence ()	
---------------	--

Display This Question:

If Q8 = 1

Q11 Presuming the defendant was found guilty by the majority of the jury, how long do you recommend his sentence should be? (In England and Wales, the maximum term in prison for rape is 19 years).

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Prison sentence in years ()	
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Q12 To what extent do you find the complainant (Claire) to be credible/believable?

- Extremely believable (6)
- Moderately believable (5)
- Slightly believable (4)
- Slightly unbelievable (3)
- Moderately unbelievable (2)
- Extremely unbelievable (1)

Q13 To what extent do you find the complainant (Claire) is responsible for the events that took place?

- Completely responsible (6)
- Moderately responsible (5)
- Slightly responsible (4)
- Slightly irresponsible (3)
- Moderately irresponsible (2)
- Completely irresponsible (1)

Q14 How much do you empathise with the complainant (Claire)?

- Completely (5)
- A lot (4)
- Moderately (3)
- A little (2)
- Not at all (1)

Q15 The situation described in the trial transcript seemed like something that could happen in real life.

- Strongly agree (7)
- Somewhat agree (6)
- Slightly agree (5)
- Neither agree nor disagree (4)
- Slightly disagree (3)
- Somewhat disagree (2)
- Strongly disagree (1)

Start of Block: RMA

Q16 Please read the statements below and select the circle to indicate how much you agree with each statement.

SA1.	If a woman is raped while she is drunk, she is at least somewhat responsible for letting things get out of control.					
Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
SA2.	When women go to parties wearing slutty clothes, they are asking for trouble.					

	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
SA3. If a woman goes to a room alone with a man at a party, it is her own fault if she is raped.	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
SA4. If a woman acts like a slut, eventually she is going to get into trouble.	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
SA5. When women are raped, it's often because the way they said "no" was unclear.	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
SA6. If a woman initiates kissing or hooking up, she should not be surprised if a man assumes she wants to have sex	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
MT1. When men rape, it is usually because of their strong desire for sex.							

	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
MT2. Men don't usually intend to force sex on a woman, but sometimes they get too sexually carried away.	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
MT3. Rape happens when a man's sex drive gets out of control.	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
F1. This society should devote more effort to preventing rape.	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
MT4. If a man is drunk, he might rape someone unintentionally.	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
MT5. It shouldn't be considered rape if a man is drunk and didn't realize what he was doing.							

	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
MT6.	If both people are drunk, it can't be rape.						
	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
NR1.	If a woman doesn't physically resist sex—even if protesting verbally—it can't be considered rape.						
	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
NR2.	If a woman doesn't physically fight back, you can't really say it was rape.						
	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
NR3.	A rape probably didn't happen if the woman has no bruises or marks.						
	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
NR4.	If the accused "rapist" doesn't have a weapon, you really can't call it a rape.						
	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)

NR5.	If a woman doesn't say "no" she can't claim rape.						
	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
F2.	Victims of rape should be allowed to choose whether they speak with a male or female police officer.						
	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
LI1.	A lot of times, women who say they were raped agreed to have sex and then regret it.						
	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
LI2.	Rape accusations are often used as a way of getting back at men.						
	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
LI3.	A lot of times, women who say they were raped often led the man on and then had regrets.						
	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
LI4.	A lot of times, women who claim they were raped just have emotional problems.						

	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
LI5.	Women who are caught cheating on their boyfriends sometimes claim that it was a rape.						
	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
LI6.	Women who wait weeks or months to report rape are probably just making it up.						
	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)

Start of Block: Debrief

Debrief Form

Dear participant,

Thank you for your time and completing the survey. The data collected will be analysed to examine the attitudes towards sexual assault including rape myth acceptance, victim credibility, victim responsibility and victim empathy. Rape myths are widely-accepted beliefs and misconceptions about rape. Research has suggested these myths influence jury decision-making (see Gillen Review, 2019), however, the process of how these myths impact decision-making is relatively unknown. This study will form the basis of a series of studies to confirm a theoretical model of rape myth acceptance impact on jury decision-making. If you have any questions regarding the survey, feel free to contact the researcher at smk41@kent.ac.uk.

If you have been affected by any of the issues presented in the study today, please contact the Samaritans on **116 123** or your nearest sexual violence centre:

England & Wales:

Rape Crisis helpline: 0808 802 9999

<https://rapecrisis.org.uk/centres.php>

Scotland:

Rape Crisis Helpline: 08088 01 03 02

<https://www.rapecrisscotland.org.uk/help-local-rape-crisis-centres/>

Northern Ireland:

Sexual Assault Helpline: 0800 389 4424

<http://therowan.net/about-us/our-services/>

Republic of Ireland:

Rape Crisis Helpline: 1800 778888

<https://www.rapecrissishelp.ie/find-a-service/>

Germany:

Das Hilfetelefon - Beratung und Hilfe Fur

Frauen: 080000 116 016

<https://www.hilfetelefon.de/>

Luxembourg:

Femmes en détresse: 0808 802 9999

<https://fed.lu/wp/>

Cyprus:

Συνδεσμος για την Προληψη Και

Αντιμετωπιση της Βιασ στην Οικογενεια:

1440

<https://www.domviolence.org.cy/en/>

Iceland:

Stígamót: 101 15 630999

<https://www.stigamot.is/>

Belgium:

Beweging tegen Geweld: 02 229 38 70

<http://www.vzwzijn.be/wie-zijn-we>

Sweden:

Kvinnofridslinjen 020 50 50 50

<https://kvinnofridslinjen.se/en>

Appendix B: Study 2 Vignette

The following is an extract of a transcript from a rape trial. Please read the trial carefully and consider all of the evidence presented to you. You will be asked questions on your opinions based on what you have read in the next section of the survey.

The Case of the Crown Court

Court Clerk: The case of The Crown Court concerning Luke Jones vs Claire Parker, this trial is taking place on November 30th, 2019.

Judge: Thank you. Are all parties present?

Prosecution Lawyer: Yes, your Honour.

Defence Lawyer: Yes, your Honour.

Judge: Thank you. Luke Jones please rise to hear the charge.

Court Clerk: Luke Jones, on the evening of June 12th, 2019, you have been accused of the following: rape of the victim, Claire Parker, through forced penetration. You have thereby been charged with one count of rape. How do you plead?

Defendant: Not Guilty.

Judge: Welcome members of the jury. Throughout these proceedings, you will hear from the Prosecution and the Defence about the events that took place on June 12th, 2019. You shall be the judge of the facts and I shall be the judge of the law. The Crown Court has charged Luke Jones with one count of rape against the victim, Claire Parker. Before you can return a verdict, the prosecution must prove that Luke Jones is guilty of this offence beyond a reasonable doubt. I will now call upon the Prosecution to give their opening statement.

Prosecution Opening Statement

Prosecution Lawyer: This defendant is charged with the rape of the victim. On June 12th, 2019, Claire Parker was raped in the defendant's home. It is the Crown's case that the individual who raped Claire Parker was the defendant. A man whom she went to college with, who she should have been able to trust.

It is the Crown's case that on this particular day, Luke Jones took the occurrence of a mutual friend's birthday party as an opportunity to advance on Miss Parker. During the party, Luke Jones made Claire Parker his target. He spent the evening conversing with Claire, ultimately with one goal in his mind. He ensured she was intoxicated and then insisted on taking her back to another party at his own house. Being unable to say no to his offer, Claire accepted, a decision she would come to later regret. Arriving at his home, Luke took advantage of Miss Parker's kind nature and lured her to his bedroom. Inside his room, Luke Jones began to make advances on her. She rejected him, telling him this was going too fast for her. Luke Jones did not listen to Miss Parker and furthered his advances.

Miss Parker told Luke Jones "no" twice that night. Once at his first advance, and again when he ignored this. Luke Jones did not stop, he did not accept her no, and Claire Parker was raped by someone she thought she could trust. It is the Crown's case that Luke Jones raped Claire Parker that night, hearing her instructions to stop and ignoring them.

Prosecution Witness Questioning

Prosecution Lawyer: The Prosecution now calls their witness, Claire Parker.

Court Usher: Please repeat after me. "I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth".

Witness: I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth.

Prosecution Lawyer: Thank you for coming to court today Miss Parker. Can you confirm that both you and the defendant, Luke Jones, attended the party being held that night on June 12th, 2019?

Witness: Yes, that is correct.

Prosecution Lawyer: Could you please tell the Court in your own words what happened that night on June 12th, 2019?

Witness: Well, it was a fellow classmate's birthday party, which me and my friends were looking forward to attending. When we got there, we had some drinks and started dancing. Luke came over and started chatting with me and brought me to the bar and bought me a drink. We talked for a while and he invited me back to his place, where his

roommate was having a house party. I assumed he was just being nice, so I accepted. After we arrived at his house, we chatted for a while then he asked me to come with him upstairs. I went up to his room and he closed the door behind me, at this point I started to feel nervous. I didn't know what to do, and before I knew it, he kissing and grabbing me, I tried to pull away to tell him to stop and that I didn't think it was a good idea. I didn't want to offend him, when he didn't stop, I panicked and told him to stop again, but he didn't listen.

Witness becomes visibly upset

Prosecution Lawyer: Please take your time Miss Parker. Did Mr Jones say anything after?

Witness: No, he left immediately after.

Prosecution Lawyer: And what did you do then Miss Parker?

Witness: I was in shock, I just remember grabbing my things and getting out of there as fast as I could.

Prosecution Lawyer: Thank you Miss Parker, I have no further questions.

Defence Cross-Examination

Judge: I now welcome the defence to question the Prosecution's witness.

Defence Lawyer: Thank you your Honour. Claire Parker can you tell me exactly how much of the evening of June 12th, 2019 did you spend talking to Luke Jones before going home with him?

Witness: We'd been talking about half of the night.

Defence Lawyer: So, it's fair to say that you did not feel in any danger in Mr Jones' presence during the party?

Witness: I didn't know what he was capable of at that time.

Defence Lawyer: But you didn't feel in any danger?

Witness: No.

Defence Lawyer: And is it true you accepted a drink paid for by Mr Jones?

Witness: Yes, he teased that I needed to catch up as he had drunk more than me and I didn't want to be rude.

Defence Lawyer: And throughout the evening you found Mr Jones' company pleasant enough to go home with him, following him inside and up to his room?

Witness: I didn't know what he intended until it happened.

Defence Lawyer: What did you expect to happen when you entered Mr Jones' bedroom with him?

Witness: I don't know, I thought we would just make-out.

Defence Lawyer: So you consented to making out with him?

Witness: Yes, but I said asked him to stop when he tried to go further.

Defence Lawyer: Did Mr Jones use force or violence when he tried to go further?

Witness: No, but he wouldn't stop.

Defence Lawyer: But if going further wasn't consensual, then why didn't you fight Mr Jones off of you?

Witness: I didn't know what to do, I was in shock. I just froze.

Witness is visibly upset, and wipes her eyes

Defence Lawyer: Is that why it took you 3 days to report the incident to the police?

Witness: I was afraid I wouldn't be believed, and I didn't want everyone to find out what happened.

Defence Lawyer: Thank you Claire Parker, I have no further questions.

Defence Opening Statement

Defence Lawyer: Members of the jury, the Prosecution have attempted to convince you of Luke Jones guilt by providing you with no corroborating evidence that any crime was even committed. The reality of the situation is that Luke Jones found himself talking to a classmate at a party they both attended. Claire Parker happily walked home with Luke Jones. Claire Parker accepted Luke Jones invitation into his home and into his bedroom that night. This case is just another example of an individual deciding to fabricate this story of rape.

What the prosecution have failed to mention is that Claire Parker had been very friendly with Luke Jones outside of college, frequently exchanging text messages. These were not two strangers. In the heat of the moment and with that amount of alcohol in his system, Luke Jones had no reason to believe that Claire's alleged request to "slow down" was anything more than teasing. These were two adults who both participated in a consensual act. Claire Parker may have felt embarrassed or regret afterwards, but this is not just cause to call my client a rapist. We argue that Claire Parker's word alone is just not enough evidence to create a reasonable doubt to Luke Jones' innocence.

Defence Witness Questioning

Defence Lawyer: The Defence now calls the defendant, Luke Jones, to the stand.

Court Usher: Please repeat after me. "I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth".

Defendant: I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth.

Defence Lawyer: Mr. Jones, can you tell the members of the jury what happened on the evening of June 12th, 2019?

Defendant: Yes, me and Claire Parker were both attending a party in which we ended up spending the majority of the night talking by ourselves. I invited Claire and her friends to come back to my place where my roommate was having a party. She accepted. We walked to my house and she willingly came in. I asked her to come up to my room and she accepted. I did make an advance towards her, but everything that happened between us was completely consensual.

Defence Lawyer: Thank you Mr. Jones, I have no further questions.

Prosecution Cross-Examination

Judge: I now welcome the Prosecution to cross-examine the defendant.

Prosecution Lawyer: Luke Jones, in the months leading up to this office party, how often had you and Claire Parker been in contact outside of college?

Defendant: I'm not sure, we text on several occasions in a group-chat.

Prosecution Lawyer: And following the night of June 12th, 2019, how often did you and Claire Parker contact each other?

Defendant: We didn't.

Prosecution Lawyer: According your phone records, you sent a text to your friend that night following the incident didn't you?

Defendant: Yes.

Prosecution Lawyer: What did the text say exactly?

That I'd finally gotten Claire around and convinced her to have sex with me.

Prosecution Lawyer: Does consensual sex for you always involve 'convincing' after already ensuring the woman is suitably intoxicated?

Defendant: No, we'd both been drinking, I was just being a gentleman buying her a drink.

Prosecution Lawyer: If you were being a gentleman then why didn't you stop either of the times she said to stop?

Defendant: I figured she was just playing hard to get, she didn't resist or protest at all during sex.

Prosecution Lawyer: Thank you Luke Jones, I have no further questions.

Closing Statements

Judge: We now move on to the final stage of the trial. You will firstly hear from the Prosecution, and then from the Defence. Members of the jury, when coming to your decision, please consider all the facts of the case.

Prosecution Lawyer: Members of the jury, the time approaches for you to decide this case. And when all of the facts of the case are put together, there is no room for doubt about what happened. If it truly was consensual sex, why would Claire be here today? She has nothing to gain from reporting the defendant and she has clearly been negatively affected by the actions of Mr Jones. Why did he ignore her clearly telling him to stop? Why did he text his friends boasting afterwards? Quite simply, sex without consent is rape and Mr Jones raped Claire Parker. It now falls to you to make the important decision and provide Claire Parker with the justice she deserves.

Defence Lawyer: Members of the jury, the case against the defendant has been built from circumstantial evidence. Yes, Luke Jones went home with Claire Parker. But this is because Claire Parker willingly followed Luke Jones to be there. I ask you to not judge my client on the basis of Claire Parker's word but on the event that took place. All my client is guilty of is being attracted to Claire Parker and then being the subject of her regret afterwards. Please reflect on that before coming to your final decision.

Judge: Members of the jury, you have heard the details of the case from the Prosecution and the Defence. It is now up to you to make your verdict: guilty or not guilty.

Appendix C: Study 3 Survey

Please enter your Prolific ID:

Please read carefully the information sheet below before continuing the study:

Study Information Sheet

Title of Project: Jury decision-making in a sexual assault trial

Ethics Approval Number: 202015835820376219

Researcher: Sarah Kelleher

Researcher Email: smk41@kent.ac.uk

Supervisor: Caoilte Ó Ciardha

Supervisor Email: c.c.ociardha@kent.ac.uk

Aims of the Study: This study aims to examine different elements of juror decision-making for a sexual assault trial.

What you will need to do and time commitment: The study involves completing this online questionnaire which should take less than 15 minutes. The study involves reading a fictitious sexual assault trial transcript and answering a number of questions regarding your opinions of the plaintiff and the defendant. You will also be asked to provide basic demographic information and complete a scale which examines attitudes towards sexual assault.

Risks/Discomforts involved in participating: The survey involves reading a fictitious sexual assault trial transcript which may be distressing. If you become distressed by the transcript or any of the questions asked, you may simply exit the survey or contact the Samaritans at 116 123. These contact details will be included again at the end of the survey. Remember that participation in this research study is completely voluntary. Even after you agree to participate and begin the study, you are still free to withdraw at any time and for any

reason. Please note that once your data has been included in published analysis or data repositories, **it cannot be withdrawn**.

Confidentiality of your data: Any responses you provide will be treated confidentially. Any publication resulting from this work will report only aggregated findings or fully anonymised examples that will not identify you. Any identifying information will be removed and destroyed as soon as possible after necessary data processing has been completed. Once fully anonymised, the responses you provide may be used by the research team, shared with other researchers, or made available in an online data repository.

If you would like a copy of this information sheet and consent form to keep, please ask the researcher. If you have any complaints or concerns about this research, you can direct these, in writing, to the Chair of the Psychology Research Ethics Committee by email at: psychethics@kent.ac.uk.

Please read the following statements and, if you agree, select yes to confirm informed consent:

I confirm that I have read and understood the information sheet for the above study. I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily.

I understand that my participation is voluntary and that I am free to withdraw at any time without giving any reason.

I understand that my data will be treated confidentially and any publication resulting from this work will report only data that does not identify me. My anonymised responses, however, may be shared with other researchers or made available in online data repositories.

I freely agree to participate in this study.

- Yes (1)
- No (2)

Skip To: End of Survey If I confirm that I have read and understood the information... = No

Start of Block: Demographics

Q1 How do you describe your gender?

- Male (1)
 - Female (2)
 - Trans Male/Trans Man (3)
 - Trans Female/Trans Woman (4)
 - Genderqueer/Gender Non Conforming (5)
 - Different Identity (6)
-

Q2 What age are you?

Q3 Please indicate your ethnicity (i.e., peoples' ethnicity describes their feeling of belonging and attachment to a distinct group of a larger population that shares their ancestry, colour, language or religion):

- African (1)
- Black/African American (2)
- Black/British (3)
- Caribbean (4)
- East Asian (5)
- Latino/Hispanic (6)
- Middle Eastern (7)
- Mixed (8)
- Native American or Alaskan Native (9)
- South Asian (10)
- White/Caucasian (11)
- White Mexican (12)
- White / Sephardic Jew (13)
- Other (14)

Q4 What is your sexual orientation?

- Heterosexual (1)
 - Bisexual (2)
 - Homosexual (3)
 - Asexual (4)
 - Other (5)
-

Q5 Do you know anyone who has been a victim of rape?

- No (1)
 - Yes, a friend or family member (2)
 - Yes, myself (3)
 - Prefer not to answer (0)
-

Q6 Do you know anyone who has been falsely accused of rape?

- No (1)
 - Yes, a friend or family member (2)
 - Yes, myself (3)
 - Prefer not to answer (0)
-

Start of Block: Vignette

The following is an extract of a transcript from a rape trial. Please read the trial carefully and consider all of the evidence presented to you. You will be asked questions on your opinions based on what you have read in the next section of the survey.

The Case of the Crown Court

Court Clerk: The case of The Crown Court concerning Luke Jones vs Claire Parker, this trial is taking place on January 20th, 2020.

Judge: Thank you. Are all parties present?

Prosecution Lawyer: Yes, your Honour.

Defence Lawyer: Yes, your Honour.

Judge: Thank you. Luke Jones please rise to hear the charge.

Court Clerk: Luke Jones, on the evening of June 12th, 2019, you have been accused of the following: rape of the victim, Claire Parker, through forced penetration. You have thereby been charged with one count of rape. How do you plead?

Defendant: Not Guilty.

Judge: Welcome members of the jury. Throughout these proceedings, you will hear from the Prosecution and the Defence about the events that took place on June 12th, 2019. You shall be the judge of the facts and I shall be the judge of the law. The Crown Court has charged Luke Jones with one count of rape against the victim, Claire Parker. Before you can return a verdict, the prosecution must prove that Luke Jones is guilty of this offence beyond a reasonable doubt. I will now call upon the Prosecution to give their opening statement.

Prosecution Opening Statement

Prosecution Lawyer: This defendant is charged with the rape of the victim. On June 12th, 2019, Claire Parker was raped in the defendant's home. It is the Crown's case that the individual who raped Claire Parker was the defendant. A man whom she went to college with, who she should have been able to trust. It is the Crown's case that on this particular day, Luke Jones took the occurrence of a mutual friend's birthday party as an opportunity to advance on Miss Parker. During the party, Luke Jones made Claire Parker his target. He spent the evening conversing with Claire, ultimately with one goal in his mind. He ensured she was intoxicated and then insisted on taking her back to another party at his own house. Being unable to say no to his offer, Claire accepted, a decision she would come to later regret.

Arriving at his home, Luke took advantage of Miss Parker's kind nature and lured her to his bedroom. Inside his room, Luke Jones began to make advances on her. She rejected him, telling him this was going too fast for her. Luke Jones did not listen to Miss Parker and furthered his advances. Miss Parker told Luke Jones "no" twice that night. Once at his first advance, and again when he ignored this. Luke Jones did not stop, he did not accept her refusal, and Claire Parker was raped by someone she thought she could trust. It is the Crown's case that Luke Jones raped Claire Parker that night, hearing her instructions to stop and ignoring them.

Prosecution Witness Questioning

Prosecution Lawyer: The Prosecution now calls their witness, Claire Parker.

Court Usher: Please repeat after me. “I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth”.

Witness: I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth.

Prosecution Lawyer: Thank you for coming to court today Miss Parker. Can you confirm that both you and the defendant, Luke Jones, attended the party being held that night on June 12th, 2019?

Witness: Yes, that is correct.

Prosecution Lawyer: Could you please tell the Court in your own words what happened that night on June 12th, 2019?

Witness: Well, it was a fellow classmate’s birthday party, which me and my friends were looking forward to attending. When we got there, we had some drinks and started dancing. Luke came over and started chatting with me and brought me to the bar and bought me a drink. We talked for a while and he invited me back to his place, where his roommate was having a house party. I assumed he was just being nice, so I accepted. After we arrived at his house, we chatted for a while then he asked me to come with him upstairs. I went up to his room and he closed the door behind me, at this point I started to feel nervous. I didn’t know what to do, and before I knew it, he was kissing me and grabbing me, I tried to pull away to tell him to slow down and that I didn’t think it was a good idea. I didn’t want to offend him, but he didn’t stop, and I panicked and told him to stop again, but he didn’t listen.

Witness becomes visibly upset

Prosecution Lawyer: Please take your time Miss Parker. Did Mr. Jones say anything after?

Witness: No, he left immediately after.

Prosecution Lawyer: And what did you do then Miss Parker?

Witness: I was in shock, I just remember grabbing my things and getting out of there as fast as I could.

Prosecution Lawyer: Thank you Miss Parker, I have no further questions.

Defence Cross-Examination

Judge: I now welcome the defence to question the Prosecution’s witness.

Defence Lawyer: Thank you your Honour. Claire Parker can you tell me exactly how much

of the evening of June 12th, 2019 did you spend talking to Luke Jones before going home with him?

Witness: We'd been talking about half of the night.

Defence Lawyer: So, it's fair to say that you did not feel in any danger in Mr. Jones' presence during the party?

Witness: I didn't know what he was capable of at that time.

Defence Lawyer: But you didn't feel in any danger?

Witness: No.

Defence Lawyer: And is it true you accepted a drink paid for by Mr. Jones?

Witness: Yes, he teased that I needed to catch up as he had drunk more than me and I didn't want to be rude.

Defence Lawyer: And throughout the evening you found Mr. Jones' company pleasant enough to go home with him, following him inside and up to his room?

Witness: I didn't know what he intended until it happened.

Defence Lawyer: What did you expect to happen when you entered Mr. Jones' bedroom with him?

Witness: I don't know, I thought we would just make-out.

Defence Lawyer: So you consented to making out with him?

Witness: Yes, but I said asked him to stop when he tried to go further.

Defence Lawyer: Did Mr. Jones use force or violence when he tried to go further?

Witness: No, but he wouldn't stop.

Defence Lawyer: But if going further wasn't consensual, then why didn't you fight Mr. Jones off of you?

Witness: I didn't know what to do, I was in shock. I just froze.

Witness is visibly upset, and wipes her eyes

Defence Lawyer: Is that why it took you 3 days to report the incident to the police?

Witness: I was afraid I wouldn't be believed, and I didn't want everyone to find out what happened.

Defence Lawyer: Thank you Claire Parker, I have no further questions.

Defence Opening Statement

Defence Lawyer: Members of the jury, the Prosecution has attempted to convince you of Luke Jones' guilt by providing you with no corroborating evidence that any crime was even committed. The reality of the situation is that Luke Jones found himself talking to a classmate

at a party they both attended. Claire Parker willingly accepted Luke's invitation into his home and into his bedroom that night and they proceeded to have consensual intercourse.

To fabricate a story of rape is beyond comprehension. Claire Parker may have felt embarrassment or regret afterwards, but this is not just cause to call my client a rapist. Claire Parker would like to see Luke Jones punished for a crime he has not committed, despite the damage this false allegation has already had on Luke Jones's reputation. Luke is an intelligent young man, studying hard towards a career in business and Miss Parker's allegation not only threatens to take away Luke's freedom but also jeopardizes his entire future, including potential relationships and careers.

What the prosecution has failed to mention is that Claire Parker had been very friendly with Luke Jones before the night in question, frequently exchanging text messages. These were not two strangers. In the heat of the moment and with that amount of alcohol in his system, Luke Jones had no reason to believe that Claire's alleged request to "slow down" was anything more than teasing. These were two adults who both participated in a consensual act. We argue that Claire Parker's word alone is just not enough evidence to cause any doubt of Luke Jones' innocence.

Defence Witness Questioning

Defence Lawyer: The Defence now calls the defendant, Luke Jones, to the stand.

Court Usher: Please repeat after me. "I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth".

Defendant: I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth.

Defence Lawyer: Mr. Jones, can you tell the members of the jury what happened on the evening of June 12th, 2019?

Defendant: Yes, me and Claire Parker were both attending a party in which we ended up spending the majority of the night talking by ourselves. We were having a good time, so I invited Claire to come back to my place where my roommate was having a party. She accepted. We walked to my house and she willingly came in. I asked her to come up to my room and she accepted. We did have sex, but everything that happened between us was completely consensual.

Defence Lawyer: Thank you Mr. Jones, I have no further questions.

Prosecution Cross-Examination

Judge: I now welcome the Prosecution to cross-examine the defendant.

Prosecution Lawyer: Luke Jones, in the months leading up to this office party, how often had you and Claire Parker been in contact outside of college?

Defendant: I'm not sure, we text on several occasions in a group-chat.

Prosecution Lawyer: And following the night of June 12th, 2019, how often did you and Claire Parker contact each other?

Defendant: We didn't.

Prosecution Lawyer: According your phone records, you sent a text to your friend that night following the incident, didn't you?

Defendant: Yes.

Prosecution Lawyer: What did the text say exactly?

Defendant: That I'd finally gotten Claire around and convinced her to have sex with me.

Prosecution Lawyer: Does consensual sex for you always involve 'convincing' after already ensuring the woman is suitably intoxicated?

Defendant: No, we'd both been drinking, I was just being a gentleman buying her a drink.

Prosecution Lawyer: If you were being a gentleman then why didn't you stop either of the times she said to stop?

Defendant: Claire never said "stop". She asked me to slow down when we were making out, so I did for a bit. She didn't resist or give me any indication she wasn't into it after that.

Prosecution Lawyer: Thank you Luke Jones, I have no further questions.

Closing Statements

Judge: We now move on to the final stage of the trial. You will firstly hear from the Prosecution, and then from the Defence. Members of the jury, when coming to your decision, please consider all the facts of the case.

Prosecution Lawyer: Members of the jury, the time approaches for you to decide this case. And when all of the facts of the case are put together, there is no room for doubt about what happened. If it truly was consensual sex, why would Claire be here today? She has nothing to gain from reporting the defendant and she has clearly been negatively affected by the actions of Mr Jones. Not only did he ignore Miss Parker clearly telling him stop, he outright denies it

because he knows that makes him guilty. Why did he text his friends saying he'd "convinced" Claire afterwards? Quite simply, pressuring someone into sex and proceeding to have sex without consent is rape and Mr Jones raped Claire Parker. It now falls to you to make the important decision and provide Claire Parker with the justice she deserves.

Defence Lawyer: Members of the jury, the case against the defendant has been built from circumstantial evidence. Yes, Luke Jones went home with Claire Parker. But this is because Claire Parker willingly followed Luke Jones. I ask you to not judge my client on the basis of Claire Parker's word but on the event that took place. All my client is guilty of is being attracted to Claire Parker and then being the subject of her regret afterwards. Please consider the impact this false allegation will have on his life before coming to your final decision.

Judge: Members of the jury, you have heard the details of the case from the Prosecution and the Defence. Proof beyond a reasonable doubt does not mean beyond all possible doubt but the burden of proof rests with the prosecution, meaning it is up to them to demonstrate there is sufficient evidence for a guilty verdict. It is now up to you to deliver your verdict: guilty or not guilty.

Start of Block: DV

Q8 Based on the evidence presented, do you find the defendant guilty or not guilty?

- Guilty (1)
 - Not Guilty (0)
-

Q9 How likely is it that the defendant committed the rape?

- Completely likely (7)
- Moderately likely (6)
- Slightly likely (5)
- Neither likely nor unlikely (4)
- Slightly unlikely (3)
- Moderately unlikely (2)
- Completely unlikely (1)

Q10 How confident are you in your verdict decision?

0 10 20 30 40 50 60 70 80 90 100



Q11 How long would you recommend the defendant's sentence should be?

0 1 2 3 4 5 6 7 8 9 10



Q12 To what extent do you find the complainant (Claire) to be credible?

- Extremely credible (7)
- Moderately credible (6)
- Slightly credible (5)
- Neither credible nor incredible (4)
- Slightly incredible (3)
- Moderately incredible (2)
- Extremely incredible (1)

Q13 To what extent do you find the complainant (Claire) is responsible for the events that took place?

- Completely responsible (7)
 - Moderately responsible (6)
 - Slightly responsible (5)
 - Neither responsible nor irresponsible (4)
 - Slightly irresponsible (3)
 - Moderately irresponsible (2)
 - Completely irresponsible (1)
-

Q14 How much do you empathise with the complainant (Claire)?

- Completely (5)
- A lot (4)
- Moderately (3)
- A little (2)
- Not at all (1)

Start of Block: RMA

Q15 Please read the statements below and select the circle to indicate how much you agree with each statement

SA1.	If a woman is raped while she is drunk, she is at least somewhat responsible for letting things get out of control.					
Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
SA2.	When women go to parties wearing slutty clothes, they are asking for trouble.					
Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)

				disagree (4)			
SA3.	If a woman goes to a room alone with a man at a party, it is her own fault if she is raped.						
	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
SA4.	If a woman acts like a slut, eventually she is going to get into trouble.						
	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
SA5.	When women are raped, it's often because the way they said "no" was unclear.						
	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
SA6.	If a woman initiates kissing or hooking up, she should not be surprised if a man assumes she wants to have sex						
	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
MT1.	When men rape, it is usually because of their strong desire for sex.						
	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
MT2.	Men don't usually intend to force sex on a woman, but sometimes they get too sexually carried away.						

	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
MT3. Rape happens when a man's sex drive gets out of control.	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
F1. This society should devote more effort to preventing rape.	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
MT4. If a man is drunk, he might rape someone unintentionally.	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
MT5. It shouldn't be considered rape if a man is drunk and didn't realize what he was doing.	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
MT6. If both people are drunk, it can't be rape.	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
NR1. If a woman doesn't physically resist sex—even if protesting verbally—it can't be considered rape.							

	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
NR2. If a woman doesn't physically fight back, you can't really say it was rape.	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
NR3. A rape probably didn't happen if the woman has no bruises or marks.	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
NR4. If the accused "rapist" doesn't have a weapon, you really can't call it a rape.	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
NR5. If a woman doesn't say "no" she can't claim rape.	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
F2. Victims of rape should be allowed to choose whether they speak with a male or female police officer.	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
LII. A lot of times, women who say they were raped agreed to have sex and then regret it.							

	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
LI2.	Rape accusations are often used as a way of getting back at men.						
	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
LI3.	A lot of times, women who say they were raped often led the man on and then had regrets.						
	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
LI4.	A lot of times, women who claim they were raped just have emotional problems.						
	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
LI5.	Women who are caught cheating on their boyfriends sometimes claim that it was a rape.						
	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)
LI6.	Women who wait weeks or months to report rape are probably just making it up.						
	Strongly disagree (1)	Moderately disagree (2)	Slightly disagree (3)	Neither agree nor disagree (4)	Slightly agree (5)	Moderately agree (6)	Strongly agree (7)

Debrief Form

Dear participant,

Thank you for your time and completing the survey. The data collected will be analysed to examine attitudes towards sexual assault including rape myth acceptance, victim credibility, victim responsibility and victim empathy. Rape myths are widely-accepted beliefs and misconceptions about rape. Research has suggested these myths influence jury decision-making (see Gillen Review, 2019), however, the process of how these myths impact decision-making is relatively unknown. This study will form the basis of a series of studies to confirm a theoretical model of rape myth acceptance impact on jury decision-making. If you have any questions regarding the survey, feel free to contact the researcher at smk41@kent.ac.uk.

If you have been affected by any of the issues presented in the study today, please contact the Samaritans on **116 123** or your nearest sexual violence centre:

England & Wales:

Rape Crisis helpline: 0808 802 9999

<https://rapecrisis.org.uk/centres.php>

Scotland:

Rape Crisis Helpline: 08088 01 03 02

<https://www.rapecrisisscotland.org.uk/help-local-rape-crisis-centres/>

Northern Ireland:

Sexual Assault Helpline: 0800 389 4424

<http://therowan.net/about-us/our-services/>

Republic of Ireland:

Rape Crisis Helpline: 1800 778888

<https://www.rapecrisishelp.ie/find-a-service/>

Germany:

Das Hilfetelefon - Beratung und Hilfe Fur Frauen: 080000 116 016

<https://www.hilfetelefon.de/>

Luxembourg:

Femmes en détresse: 0808 802 9999

<https://fed.lu/wp/>

Cyprus:

Συνδεσμος για την Προληψη Και Αντιμετωπιση της Βιασ στην Οικογενεια: 1440

<https://www.domviolence.org.cy/en/>

Iceland:

Stígamót: 101 15 630999

<https://www.stigamot.is/>

Belgium:

Beweging tegen Geweld: 02 229 38 70

<http://www.vzwzijn.be/wie-zijn-we>

Sweden:

Kvinnofridslinjen 020 50 50 50

<https://kvinnofridslinjen.se/en/>

Appendix D: R Packages and Code

All code and data used in Study 3 is openly available from the following link:

<https://github.com/smk41/Study3>

All code and data used in Study 4 is openly available from the following link:

<https://github.com/smk41/Study4>

All code and data used in Study 5 is openly available from the following link:

<https://github.com/smk41/Study5/>

The full list of R packages used in Studies 3 to 5 are as follows:

library(tidyverse)	library(corr)
library(apaTables)	library(extrafont)
library(gt)	library(lavaan)
library(sjPlot)	library(tidySEM)
library(rmdformats)	library(semPlot)
library(psych)	library(RColorBrewer)
library(gtsummary)	library(viridis)
library(lm.beta)	library(reshape2)
library(BaylorEdPsych)	library(sjmisc)
library(ggplot2)	library(broom)
library(ggthemes)	library(plyr)
library(ggcorrplot)	library(knitr)

Appendix E: Study 3 Demographics

Characteristics	n	%
Gender		
Male	121	34.87
Female	219	63.11
Trans Male	4	1.15
Trans Female	1	.29
Gender Non-Conforming	1	.29
Other	1	.29
Ethnicity		
African	2	.58
Black/African American	2	.58
Black/British	4	1.15
Caribbean	1	.29
East Asian	9	2.59
Middle Eastern	2	.58
Mixed	8	2.31
Native American	2	.58
Other	10	2.88
South Asian	17	4.90
White/Caucasian	287	82.71
White/Mexican	3	.86
Sexuality		
Heterosexual	283	81.56
Bisexual	36	10.37
Homosexual	19	5.48
Asexual	5	1.44
Other	4	1.15
Known victim of rape		
No	182	52.45
Yes, a friend or family member	128	36.89
Yes, myself	26	7.49
Prefer not to answer	11	3.17
Known victim of false allegation		
No	321	92.51
Yes, a friend or family member	29	8.36
Yes, myself	2	0.58
Prefer not to answer	5	1.44

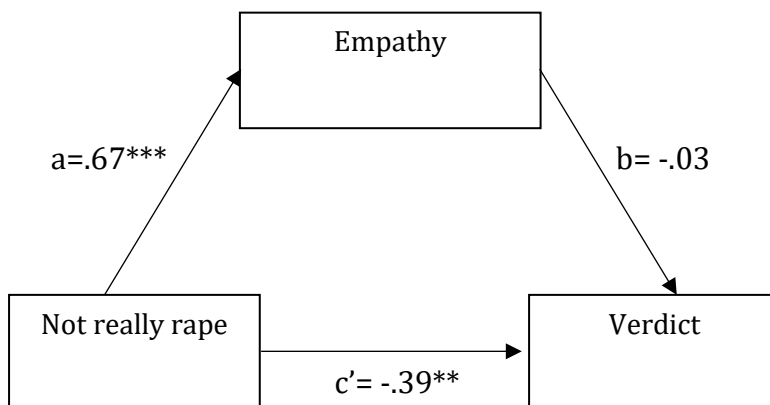
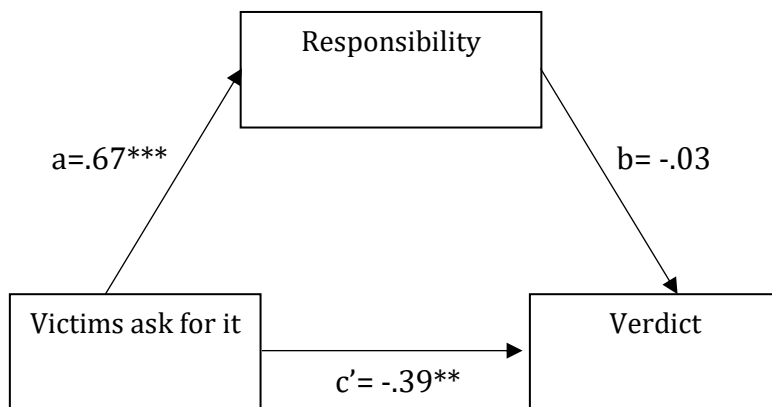
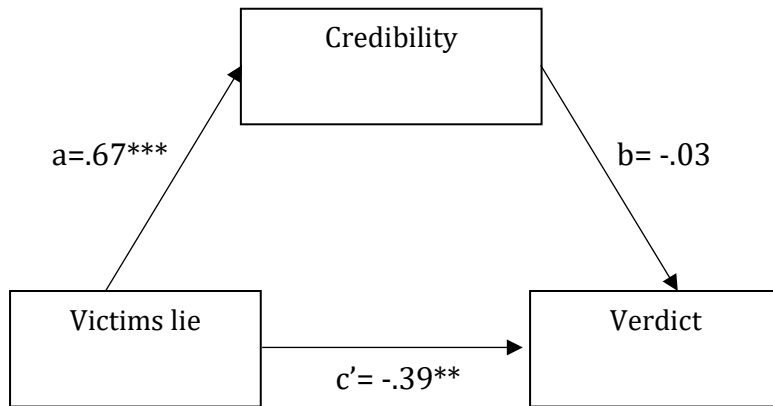
Appendix F Study 3 Correlation Matrix

Variable	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1. Gender																
2. Age	-0.03															
3. Ethnicity	-0.13*	-0.10														
4. Sexuality	0.12*	-0.10	-0.09													
5. Victim	0.16**	-0.05	-0.10	0.04												
6. False acc.	-0.05	-0.09	0.02	-0.10	0.15**											
7. Guilt level	0.25**	-0.14**	-0.09	0.16**	0.23**	-0.07										
8. Confidence	0.13*	0.02	-0.02	0.06	0.11*	-0.01	0.27**									
9. Sentence	0.20**	-0.18	0.04	0.04	0.24**	0.03	0.46**	0.31**								
10. Cred.	0.20**	-0.06	-0.14**	0.09	0.24**	-0.08	0.67**	0.23**	0.35**							
11. Resp.	-0.25**	0.13*	0.19**	-0.19**	-0.25**	0.07	-0.50**	-0.19**	-0.37**	-0.52**						
12. Empathy	0.15**	-0.18**	-0.08	0.15**	0.22**	-0.01	0.60**	0.20**	0.38**	0.60**	-0.58**					
13. VA	-0.25**	0.23**	0.15*	-0.16**	-0.21**	0.05	-0.47**	-0.11*	-0.29**	-0.46**	0.62**	-0.59**				
14. VL	-0.24**	0.15**	0.10	-0.20**	-0.20**	0.13*	-0.53**	-0.14**	-0.28**	-0.54**	0.63**	-0.60**	0.70**			
15. NR	-0.17**	0.14**	0.09	-0.10	-0.15**	0.06	-0.43**	-0.10	-0.27**	-0.40**	0.54**	-0.50**	0.65**	0.67**		
16. PD	-0.25**	0.07	0.08	-0.06	-0.20**	0.05	-0.31**	-0.10	-0.20**	-0.33**	0.45**	-0.39**	0.55**	0.56**	0.50**	

Note: * p<.05 **p<.01

Note: Ethnicity was recoded into the following categories: White (1), Asian (2), Minority Ethnic Group (3) and Black (4).

Appendix G: Study 3 Mediation Models



Note: * $p < .05$. ** $p < .01$. *** $p < .001$.

Appendix H: Study 4 Trial Transcripts (Conditions)

Start of Block: Vignette (low)

The Case of the Crown Court

Court Clerk: The case of The Crown Court concerning Luke Jones vs Claire Parker, this trial is taking place on January 20th, 2020.

Judge: Thank you. Are all parties present?

Prosecution Lawyer: Yes, your Honour.

Defence Lawyer: Yes, your Honour.

Judge: Thank you. Luke Jones, please rise to hear the charge.

Court Clerk: Luke Jones, on the evening of June 12th, 2019, you have been accused of the following: rape of the victim, Claire Parker, through forced penetration. You have thereby been charged with one count of rape. How do you plead?

Defendant: Not Guilty.

Judge: Welcome members of the jury. Throughout these proceedings, you will hear from the Prosecution and the Defence about the events that took place on June 12th, 2019. You shall be the judge of the facts and I shall be the judge of the law. The Crown Court has charged Luke Jones with one count of rape against the victim, Claire Parker. Before you can return a verdict, the prosecution must prove that Luke Jones is guilty of this offence beyond a reasonable doubt. I will now call upon the Prosecution to give their opening statement.

Prosecution Opening Statement

Prosecution Lawyer: This defendant is charged with the rape of the victim. On June 12th, 2019, Claire Parker was raped in the defendant's home. It is the Crown's case that the individual who raped Claire Parker was the defendant. A man whom she went to college with, who she should have been able to trust. It is the Crown's case that on this particular day, Luke Jones took the occurrence of a mutual friend's birthday party as an opportunity to advance on Miss Parker. During the party, Luke Jones made Claire Parker his target. He spent the evening conversing with Claire, ultimately with one goal in his mind. After he was suitably intoxicated, he then insisted on taking her back to another party at his own house. Being unable to say no to his offer, Claire accepted, a decision she would come to later regret.

Arriving at his home, Luke took advantage of Miss Parker's kind nature and lured her to his bedroom. Inside his room, Luke Jones began to make advances on her. She rejected him, telling him this was going too fast for her. Luke Jones did not listen to Miss Parker and furthered his advances. Miss Parker told Luke Jones "no" multiple times that night. Luke Jones did not stop, he did not accept her no, and despite Claire Parker's best attempts to fight off her attacker, she was raped by someone she thought she could trust. It is the Crown's case that Luke Jones raped Claire Parker that night, ignoring her instructions to stop and her physical resistance.

Prosecution Witness Questioning

Prosecution Lawyer: The Prosecution now calls their witness, Claire Parker.

Court Usher: Please repeat after me. "I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth".

Witness: I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth.

Prosecution Lawyer: Thank you for coming to court today Miss Parker. Can you confirm that both you and the defendant, Luke Jones, attended the party being held that night on June 12th, 2019?

Witness: Yes, that is correct.

Prosecution Lawyer: Could you please tell the Court in your own words what happened that night on June 12th, 2019?

Witness: Well, it was a fellow classmate's birthday party, which me and my friends were looking forward to attending. When we got there, the music was playing loudly so we started dancing. Luke came over and started chatting with me. We talked for a while and he invited me back to his place, where his roommate was having a house party. I assumed he was just being nice, so I accepted. After we arrived at his house, we chatted for a while then he asked me to come with him upstairs. I went up to his room and he closed the door behind me, at this point I started to feel nervous. I didn't know what to do, and before I knew it, he was kissing and grabbing me, I tried to pull away to tell him to slow down and that I didn't think it was a good idea. I didn't want to offend him, but he didn't stop and I panicked and told him to stop again, but he didn't listen. He was on

top of me and I was hitting and pushing him telling him to stop but he just kept going.

Witness becomes visibly upset

Prosecution Lawyer: Please take your time Miss Parker. Did Mr. Jones say anything after? **Witness:** No, he left immediately after.

Prosecution Lawyer: And what did you do then Miss Parker?

Witness: I was in shock; I just remember grabbing my things and getting out of there as fast as I could and I went straight to the local police station.

Prosecution Lawyer: Thank you Miss Parker, I have no further questions.

Defence Cross-Examination

Judge: I now welcome the defence to question the Prosecution's witness.

Defence Lawyer: Thank you your Honour. Claire Parker can you tell me exactly how much of the evening of June 12th, 2019 did you spend talking to Luke Jones before going home with him?

Witness: We'd been talking about half of the night.

Defence Lawyer: So, it's fair to say that you did not feel in any danger in Mr. Jones' presence during the party?

Witness: I didn't know what he was capable of at that time.

Defence Lawyer: But you didn't feel in any danger?

Witness: No.

Defence Lawyer: And throughout the evening you found Mr. Jones' company pleasant enough to go home with him, following him inside and up to his room?

Witness: I didn't know what he intended until it happened.

Defence Lawyer: What did you expect to happen when you entered Mr. Jones' bedroom with him?

Witness: I don't know, I thought we would just make-out.

Defence Lawyer: So you consented to making out with him?

Witness: Yes, but I said asked him to stop when he tried to go further.

Defence Lawyer: Did Mr. Jones use force or violence when he tried to go further?

Witness: Yes, he held me down as I tried to push him off and he wouldn't stop.

Witness is visibly upset, and wipes her eyes

Defence Lawyer: Thank you Claire Parker, I have no further questions.

Defence Opening Statement

Defence Lawyer: Members of the jury, the Prosecution have attempted to convince you of Luke Jones guilt by providing you with no corroborating evidence that any crime was even committed. The reality of the situation is that Luke Jones found himself talking to a classmate at a party they both attended. Claire Parker willingly accepted Luke's invitation into his home and into his bedroom that night and they proceeded to have consensual intercourse.

To fabricate a story of rape is beyond comprehension. Claire Parker may have felt embarrassed or regret afterwards, but this is not just cause to call my client a rapist. Claire Parker would like to see Luke Jones punished for a crime he has not committed, despite the damage this false allegation has already has on Luke Jones' reputation. Luke is an intelligent young man, studying hard towards a career in business and Miss Parker's allegation not only threatens to take away Luke's freedom but also jeopardizes his entire future career and future relationships.

What the prosecution have failed to mention is that Claire Parker had been very friendly with Luke Jones before the night in question, frequently exchanging text messages. These were not two strangers. In the heat of the moment and with that amount of alcohol in his system, Luke Jones had no reason to believe that Claire's alleged request to "slow down" was anything more than teasing. These were two adults who both participated in a consensual act. We argue that Claire Parker's word alone is just not enough evidence to create any doubt of Luke Jones' innocence.

Defence Witness Questioning

Defence Lawyer: The Defence now calls the defendant, Luke Jones, to the stand.

Court Usher: Please repeat after me. "I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth".

Defendant: I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth.

Defence Lawyer: Mr. Jones, can you tell the members of the jury what happened on the evening of June 12th, 2019?

Defendant: Yes, me and Claire Parker were both attending a party in which we ended

up spending the majority of the night talking by ourselves. We were having a good time, so I invited Claire to come back to my place where my roommate was having a party. She accepted. We walked to my house and she willingly came in. I asked her to come up to my room and she accepted. We did have sex, but everything that happened between us was completely consensual.

Defence Lawyer: Thank you Mr. Jones, I have no further questions.

Prosecution Cross-Examination

Judge: I now welcome the Prosecution to cross-examine the defendant.

Prosecution Lawyer: Luke Jones, in the months leading up to this office party, how often had you and Claire Parker been in contact outside of college?

Defendant: I'm not sure, we text on several occasions in a group-chat.

Prosecution Lawyer: And following the night of June 12th, 2019, how often did you and Claire Parker contact each other?

Defendant: We didn't.

Prosecution Lawyer: According to your phone records, you sent a text to your friend that night following the incident didn't you?

Defendant: Yes.

Prosecution Lawyer: What did the text say exactly?

Defendant: That I'd finally gotten Claire around and convinced her to have sex with me.

Prosecution Lawyer: Does consensual sex for you always involve 'convincing' your partner using force and simply ignoring her resistance?

Defendant: Claire never said "stop". She asked me to slow down when we were making out, so I did for a bit. She didn't resist or give me any indication she wasn't into it after that.

Prosecution Lawyer: Thank you Luke Jones, I have no further questions.

Closing Statements

Judge: We now move on to the final stage of the trial. You will firstly hear from the Prosecution, and then from the Defence. Members of the jury, when coming to your decision, please consider all the facts of the case.

Prosecution Lawyer: Members of the jury, the time approaches for you to decide this case. And when all of the facts of the case are put together, there is no room for doubt

about what happened. If it truly was consensual sex, why would Claire be here today? Why would she physically fight off Mr. Jones if they were having consensual sex? She has nothing to gain from reporting the defendant and she has clearly been negatively affected by the actions of Mr. Jones. Not only did he ignore Miss Parker clearly telling him stop, he outright denies it because he knows that makes him guilty. Why did he text his friends saying he'd "convinced" Claire afterwards? Quite simply, pressuring someone into sex and proceeding to have sex without consent is rape and Mr Jones raped Claire Parker. It now falls to you to make the important decision and provide Claire Parker with the justice she deserves.

Defence Lawyer: Members of the jury, the case against the defendant has been built from circumstantial evidence. Yes, Luke Jones went home with Claire Parker. But this is because Claire Parker willingly followed Luke Jones to be there. I ask you to not judge my client on the basis of Claire Parker's word but on the event that took place. All my client is guilty of is being attracted to Claire Parker and then being the subject of her regret afterwards. Please consider the impact this false allegation will have on the rest of his life before coming to your final decision.

Judge: Members of the jury, you have heard the details of the case from the Prosecution and the Defence. Proof beyond a reasonable doubt does not mean beyond all possible doubt but the burden of proof rests with the prosecution, meaning it is up to them to demonstrate there is sufficient evidence for a guilty verdict. It is now up to you to deliver your verdict: guilty or not guilty.

Start of Block: Vignette (high)

The Case of the Crown Court

Court Clerk: The case of The Crown Court concerning Luke Jones vs Claire Parker, this trial is taking place on January 20th, 2020.

Judge: Thank you. Are all parties present?

Prosecution Lawyer: Yes, your Honour.

Defence Lawyer: Yes, your Honour.

Judge: Thank you. Luke Jones, please rise to hear the charge.

Court Clerk: Luke Jones, on the evening of June 12th, 2019, you have been accused of the following: rape of the victim, Claire Parker, through forced penetration. You have thereby been charged with one count of rape. How do you plead?

Defendant: Not Guilty.

Judge: Welcome members of the jury. Throughout these proceedings, you will hear from the Prosecution and the Defence about the events that took place on June 12th, 2019. You shall be the judge of the facts and I shall be the judge of the law. The Crown Court has charged Luke Jones with one count of rape against the victim, Claire Parker. Before you can return a verdict, the prosecution must prove that Luke Jones is guilty of this offence beyond a reasonable doubt. I will now call upon the Prosecution to give their opening statement.

Prosecution Opening Statement

Prosecution Lawyer: This defendant is charged with the rape of the victim. On June 12th, 2019, Claire Parker was raped in the defendant's home. It is the Crown's case that the individual who raped Claire Parker was the defendant. A man whom she went to college with, who she should have been able to trust. It is the Crown's case that on this particular day, Luke Jones took the occurrence of a mutual friend's birthday party as an opportunity to advance on Miss Parker. During the party, Luke Jones made Claire Parker his target. He spent the evening conversing with Claire, ultimately with one goal in his mind. He ensured she was intoxicated, he then insisted on taking her back to another party at his own house. Being unable to say no to his offer, Claire accepted, a decision she would come to later regret. Arriving at his home, Luke took advantage of Miss Parker's kind nature and lured her to his bedroom. Inside his room, Luke Jones began to make advances on her. She rejected him, telling him this was going too fast for her. Luke Jones did not listen to Miss Parker and furthered his advances. Miss Parker told Luke Jones "no" that night. Luke Jones did not stop; he did not accept her no and she was raped by someone she thought she could trust. It is the Crown's case that Luke Jones raped Claire Parker that night, ignoring her instructions to stop.

Prosecution Witness Questioning

Prosecution Lawyer: The Prosecution now calls their witness, Claire Parker.

Court Usher: Please repeat after me. "I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth".

Witness: I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth.

Prosecution Lawyer: Thank you for coming to court today Miss Parker. Can you confirm that both you and the defendant, Luke Jones, attended the party being held that night on June 12th, 2019?

Witness: Yes, that is correct.

Prosecution Lawyer: Could you please tell the Court in your own words what happened that night on June 12th, 2019?

Witness: Well, it was a fellow classmate's birthday party, which me and my friends were looking forward to attending. When we got there, we had some drinks and we started dancing. Luke came over and started chatting with me and brought me to the bar and bought me a drink. We talked for a while and he invited me back to his place, where his roommate was having a house party. I assumed he was just being nice, so I accepted. After we arrived at his house, we chatted for a while then he asked me to come with him upstairs. I went up to his room and he closed the door behind me, at this point I started to feel nervous. I didn't know what to do, and before I knew it, he was kissing and grabbing me, I tried to pull away to tell him to slow down and that I didn't think it was a good idea. I didn't want to offend him, but he didn't stop and I panicked and told him to stop again, but he didn't listen.

Prosecution Lawyer: Did Mr. Jones say anything after?

Witness: No, he left immediately after.

Prosecution Lawyer: And what did you do then Miss Parker?

Witness: I was in shock; I just remember grabbing my things and getting out of there as fast as I could.

Prosecution Lawyer: Thank you Miss Parker, I have no further questions.

Defence Cross-Examination

Judge: I now welcome the defence to question the Prosecution's witness.

Defence Lawyer: Thank you your Honour. Claire Parker can you tell me exactly how much of the evening of June 12th, 2019, did you spend talking to Luke Jones before going home with him?

Witness: We'd been talking about half of the night.

Defence Lawyer: So, it's fair to say that you did not feel in any danger in Mr. Jones' presence during the party?

Witness: I didn't know what he was capable of at that time.

Defence Lawyer: But you didn't feel in any danger?

Witness: No.

Defence Lawyer: And is it true you accepted a drink paid for by Mr. Jones?

Witness: Yes, he offered and I didn't want to be rude.

Defence Lawyer: And throughout the evening you found Mr. Jones' company pleasant enough to go home with him, following him inside and up to his room?

Witness: I didn't know what he intended until it happened.

Defence Lawyer: What did you expect to happen when you entered Mr. Jones' bedroom with him?

Witness: I don't know, I thought we would just make-out.

Defence Lawyer: So, you consented to making out with him?

Witness: Yes, but I said asked him to stop when he tried to go further.

Defence Lawyer: Did Mr. Jones use force or violence when he tried to go further?

Witness: No, but he wouldn't stop.

Defence Lawyer: But if going further wasn't consensual, then why didn't you fight Mr Jones off of you?

Witness: I didn't know what to do, I was in shock. I just froze.

Defence Lawyer: Is that why it took you over a month to report the incident to the police?

Witness: I was afraid I wouldn't be believed, and I didn't want everyone to find out what happened.

Defence Lawyer: Thank you Claire Parker, I have no further questions.

Defence Opening Statement

Defence Lawyer: Members of the jury, the Prosecution have attempted to convince you of Luke Jones guilt by providing you with no corroborating evidence that any crime was even committed. The reality of the situation is that Luke Jones found himself talking to a classmate at a party they both attended. Claire Parker willingly accepted Luke's

invitation into his home and into his bedroom that night and they proceeded to have consensual intercourse.

To fabricate a story of rape is beyond comprehension. Claire Parker may have felt embarrassed or regret afterwards, but this is not just cause to call my client a rapist. Claire Parker would like to see Luke Jones punished for a crime he has not committed, despite the damage this false allegation has already has on Luke Jone's reputation. Luke is an intelligent young man, studying hard towards a career in business and Miss Parker's allegation not only threatens to take away Luke's freedom but also jeopardizes his entire future career and future relationships.

What the prosecution have failed to mention is that Claire Parker had been very flirty with Luke Jones before the night in question, frequently exchanging sexual text messages. These were not two strangers. In the heat of the moment and with that amount of alcohol in his system, Luke Jones had no reason to believe that Claire's alleged request to "slow down" was anything more than teasing. These were two adults who both participated in a consensual act. We argue that Claire Parker's word alone is just not enough evidence to create any doubt of Luke Jones' innocence.

Defence Witness Questioning

Defence Lawyer: The Defence now calls the defendant, Luke Jones, to the stand.

Court Usher: Please repeat after me. "I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth".

Defendant: I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth.

Defence Lawyer: Mr. Jones, can you tell the members of the jury what happened on the evening of June 12th, 2019?

Defendant: Yes, me and Claire Parker were both attending a party in which we ended up spending the majority of the night talking by ourselves. She looked beautiful in her little black dress and we were having a good time so I invited Claire to come back to my place where my roommate was having a party. She accepted. We walked to my house and she willingly came in. I asked her to come up to my room and she accepted. We started making out and I saw she was wearing lacey lingerie and so I started undressing

her. She did laugh and say slow down, but she kept kissing me so I presumed she was just teasing. We did have sex, but everything that happened between us was completely consensual.

Defence Lawyer: Thank you Mr. Jones, I have no further questions.

Prosecution Cross-Examination

Judge: I now welcome the Prosecution to cross-examine the defendant.

Prosecution Lawyer: Luke Jones, in the months leading up to this office party, how often had you and Claire Parker been in contact outside of college?

Defendant: I'm not sure, we text on several occasions.

Prosecution Lawyer: And following the night of June 12th, 2019, how often did you and Claire Parker contact each other?

Defendant: We didn't.

Prosecution Lawyer: According to your phone records, you sent a text to your friend that night following the incident didn't you?

Defendant: Yes.

Prosecution Lawyer: What did the text say exactly?

Defendant: That I'd finally gotten Claire around and convinced her to have sex with me.

Prosecution Lawyer: Does consensual sex for you always involve 'convincing' your partner after already ensuring the woman is suitably intoxicated?

Defendant: No, we'd both been drinking, I was just being a gentleman buying her a

drink. **Prosecution Lawyer:** If you were being a gentleman then why didn't you stop either of the times she said to stop?

Defendant: Claire never said "stop". She asked me to slow down when we were making out, so I did for a bit. She didn't resist or give me any indication she wasn't into it after that.

Prosecution Lawyer: Thank you Luke Jones, I have no further questions.

Closing Statements

Judge: We now move on to the final stage of the trial. You will firstly hear from the Prosecution, and then from the Defence. Members of the jury, when coming to your decision, please consider all the facts of the case.

Prosecution Lawyer: Members of the jury, the time approaches for you to decide this case. And when all of the facts of the case are put together, there is no room for doubt about what happened. If it truly was consensual sex, why would Claire be here today? She has nothing to gain from reporting the defendant and she has clearly been negatively affected by the actions of Mr. Jones. Not only did he ignore Miss Parker clearly telling him stop, he outright denies it because he knows that makes him guilty. Why did he text his friends saying he'd "convinced" Claire afterwards? Quite simply, pressuring someone into sex and proceeding to have sex without consent is rape and Mr Jones raped Claire Parker. It now falls to you to make the important decision and provide Claire Parker with the justice she deserves.

Defence Lawyer: Members of the jury, the case against the defendant has been built from circumstantial evidence. Yes, Luke Jones went home with Claire Parker. But this is because Claire Parker willingly followed Luke Jones to be there. The prosecution asked why Claire would be here today other than to tell the truth but I ask you why did it take Claire so long to come forward? Why did she fail to mention she had been flirting with Mr. Jones and what was her intention when she willingly went into Mr. Jones bedroom wearing sexy lingerie? I ask you to not judge my client on the basis of Claire Parker's word but on the event that took place. All my client is guilty of is being attracted to Claire Parker and then being the subject of her regret afterwards. Please consider the impact this false allegation will have on the rest of his life before coming to your final decision.

Judge: Members of the jury, you have heard the details of the case from the Prosecution and the Defence. Proof beyond a reasonable doubt does not mean beyond all possible doubt but the burden of proof rests with the prosecution, meaning it is up to them to demonstrate there is sufficient evidence for a guilty verdict. It is now up to you to deliver your verdict: guilty or not guilty.

Appendix I: Study 4 Demographics

	N	Percent
Gender		
Male	200	42.64
Female	263	56.08
Trans Female	2	.43
Gender Non-Conforming	4	.85
Ethnicity		
African	1	.21
Black/British	4	.85
East Asian	11	2.35
Middle Eastern	3	.64
Mixed	12	2.56
Native American	1	.21
Other	7	1.49
South Asian	20	4.26
White/Caucasian	403	85.93
White/Mexican	5	1.07
White/Sephardic Jew	2	.43
Sexuality		
Heterosexual	396	84.43
Bisexual	39	8.31
Homosexual	21	4.48
Asexual	3	.64
Other	4	.85
Known victim of rape		
No	305	65.03
Yes, a friend or family member	120	25.59
Yes, myself	28	5.97
Prefer not to answer	16	3.41
Known victim of false allegation		
No	423	90.19
Yes, a friend or family member	36	7.68
Yes, myself	5	1.07
Prefer not to answer	5	1.07

Appendix J: Rape Myth Intervention Video Screenshots

Link to video:

https://www.youtube.com/watch?v=XMRcGjiwhvM&ab_channel=SMKPsych



What does a victim look like to you?

Before we begin: Take a moment to consider what comes to mind when you hear the words "rape" and "rape victim".

What are rape myths?

Rape myths are beliefs about rape (i.e., about its causes, context, consequences, perpetrators, victims, and their interaction) that serve to deny, downplay or justify sexual violence.

Adapted from Gerger et al., 2007



Why do rape myths matter?

A lot of research has shown how people's preconceived ideas of rape and rape victims can influence their decision-making as jurors.

- Rape myths are prevalent
- Rape myths are reinforced
- Rape myths have functions
- Rape myths are problematic

Concerning recent research, with almost 4,000 respondents, shows there is some confusion in the UK public about what constitutes rape

33% of people think it isn't usually rape if a woman is pressured into having sex but there's no physical violence

The proportion of people who think that in most cases, non-consensual sex in a long-term relationship is not rape

1/4

Rape myths are reinforced



Media constantly portray information that endorses rape myths and rape culture perpetuates them

Alcohol is the number one **RAPE DRUG.** How much have you taken already? Be SMART

ONE IN THREE REPORTED RAPES HAPPENS WHEN THE VICTIM HAS BEEN DRINKING

News | COURTS
Vulnerable girl (15) raped and exploited by men in hotels for drugs and alcohol

ROBIN THICKE #BLURRED LINES

BBC NEWS
bbc.co.uk
Women told 'don't use headphones' after sex attacks
Police urge women not to use mobiles while walking after a string of assaults near a Tube station.

"You can do anything ... Grab 'em by the pussy."
Trump mocks Dr. Blasey Ford's testimony, tells people to 'think of your son'

The New York Times
Opinion
OP-ED CONTRIBUTOR
Mayim Bialik: Being a Feminist in Harvey Weinstein's World
By Mayim Bialik
The Big Bang Theory star implied women who flirt, dress immodestly, or are conventionally beautiful are more prone to assault. "I have almost no personal experience with men asking me to meetings in their hotel rooms," she wrote. She added, "I dress modestly. I don't act flirtatiously with men as a policy... In a perfect world, women should be free to act however they want. But we can't be naïve about the culture we live in."

Stanford swimmer's dad argues 6-month sentence is too steep for '20 minutes of action'

The purposes of rape myths

Rape myths can be used as schemas to help us process and organise information about rape cases, especially when the facts are ambiguous



Rape myths protect our belief in a just world so that we can be assured that bad things such as rape won't happen to good people

Rape myths prevent people, particularly women, from worrying about being a potential victim by differentiating ourselves from those who are victims (e.g. "They were careless, but I am not, so I won't be a victim")



Rape myths normalise sexually aggressive tendencies, so people who have been sexually coercive do not need to identify as bad people



Rape myths are problematic

Even people who have relatively low levels of 'rape myth acceptance' can rely on or be persuaded by the same stereotypes and misconceptions, when engaging in verdict deliberations - Chalmers et al., 2021



So let's take a look at the different types of rape myths

<p>Type 1: This wasn't really rape</p>	<p>Type 2: The victim "asked for it"</p>
<p>Type 3: The accuser lies</p>	<p>Type 4: The perpetrator didn't mean to</p>



"Real Rape" Misinformation

MYTH: If someone didn't scream or try to fight their attacker, then it wasn't rape

There are 5 trauma responses: Fight, Flight, Freeze, Flop and Friend. A study by Moller et al. (2017) found that 70% of sexual assault victims froze.

MYTH: If someone doesn't have physical injuries, then it wasn't rape

The absence of physical injuries does not translate to the absence of sexual violence. Zilkens et al. (2017) found genital injuries were detected in just 22% of women examined at a SARC centre.

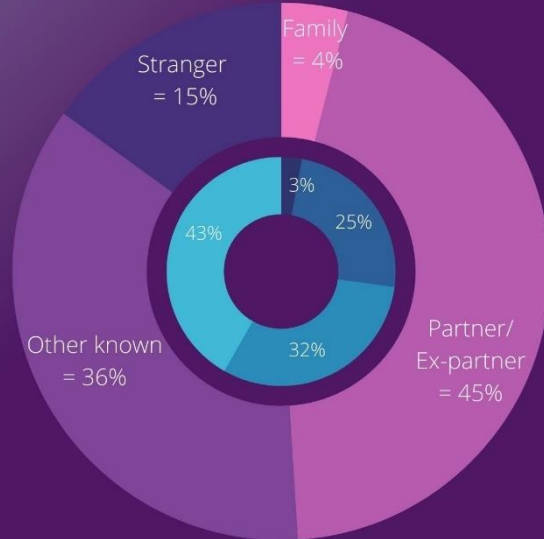
MYTH: Most rapes occur outdoors and are committed by strangers

Most rapes are actually committed by someone known to the victim and generally in a familiar environment. Let's look at the statistics...

Sexual abuse, also behavior by one person against another person, or referred to as SA, is a form of sexual violence. It is a crime that can be committed in many ways...

Women are most likely to be raped by a partner or ex-partner

The graph on the right illustrates the % of suspects by relationship with the victim based on 2020 data from the Office for National Statistics. Male victims are represented in the inner blue circle



MYTH

Rape is a crime of passion



Victim blame and responsibility

Victim-blaming myths



MYTH: If someone is dressed in sexually suggestive clothing, then they want to have sex

Consent cannot be inferred from clothing. Even if a person went out with the intention of having sex, consent can be revoked before and during the event.



MYTH: If someone is drunk or high, they are responsible if they are raped

Consent must be fully and freely given by someone with the capacity to do so. If an intoxicated person is incapacitated they can't give consent. Alcohol and drugs are not the cause; only the perpetrator is responsible.



MYTH: If someone has previously consented to sex with a person, they can't be raped by them

Consent must ALWAYS be obtained regardless of previous consent, length of the relationship or marriage. Similarly, consent for sexual intercourse does not include consent for other sexual activities.

Responsibility for personal safety

There's lots of advice available around personal safety. However, it should be noted that even the most careful people can still be victims of sexual assault.

If a victim doesn't take every possible precaution, that does **not** mean they responsible for the actions of the offender.

How to avoid sexual assault!

A QUICK AND EASY GUIDE*

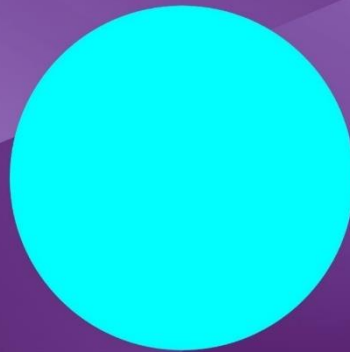


<p>① DON'T PUT DRUGS IN PEOPLE'S DRINKS</p>	<p>② USE THE BUDDY SYSTEM! IF YOU CAN'T STOP YOURSELF FROM SEXUALLY ASSAULTING SOMEONE, ASK A TRUSTED FRIEND TO ACCOMPANY YOU AT ALL TIMES TO STOP YOU.</p>	<p>③ WHEN YOU COME ACROSS SOMEONE WHO IS DRUNK OR ASLEEP, THE BEST THING TO DO IS NOT RAPE THEM.</p>
<p>④ WHEN YOU SEE A WOMAN WALKING BY HERSELF, LEAVE HER ALONE.</p>	<p>⑤ IF YOU ARE IN A LIFT AND SOMEONE STEPS IN, REMEMBER NOT TO SEXUALLY ASSAULT THEM.</p>	<p>⑥ CARRY A WHISTLE. IF YOU THINK YOU MIGHT RAPE SOMEONE, BLOW THE WHISTLE UNTIL SOMEONE COMES TO STOP YOU.</p>

*for perpetrators.

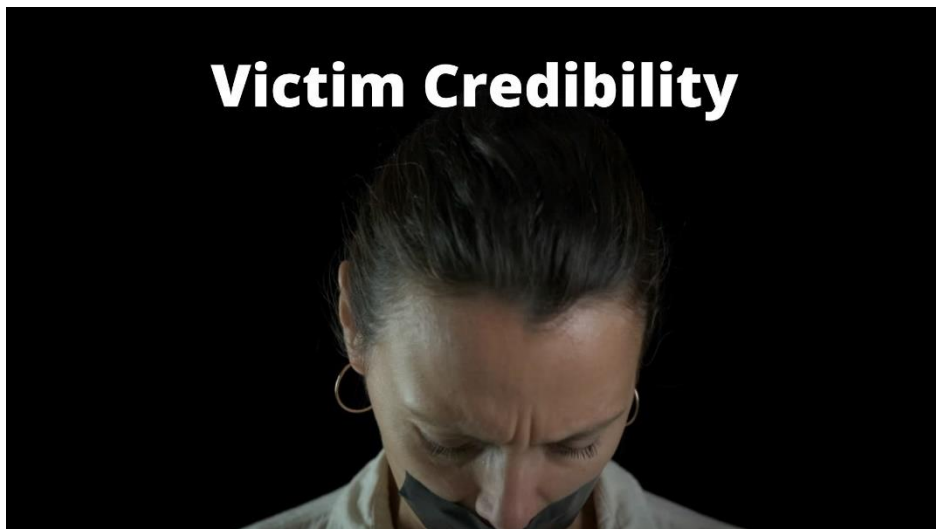


Causes of rape



- Short skirts
- Alcohol
- Flirty behavior
- Walking alone
- Television
- Rapists

Victim Credibility



The truth about lying victims



MYTH: There are a high number of false reports of rape and sexual assault

Statistics suggest that on average 5% of sexual assault cases reported to the police are false, which is a similar level in other crimes (Ferguson and Malouff, 2016)



MYTH: You can tell if someone has 'really' been raped by how they act afterwards

There is no correct or expected response to rape. Some people may be traumatised immediately and may be visibly upset at court, others may carry on with day-to-day activities and be non-emotional at court



MYTH: People who delay reporting are probably making it up

There are a wide variety of factors that may cause a victim to delay reporting including embarrassment, believing the police can't help and fear of not being believed



Reasons victims did not report (data from 2017 CSEW survey)

Victim credibility myths



MYTH: Inconsistencies in a victim's account mean they are lying

Level of detail and consistency in the victim's recollection are often central to our credibility evaluations, however memory research has shown these are poor indicators of memory accuracy (Hohl & Conway, 2017)



MYTH: Women often say "no" when they really mean "yes", as a way of leading men on

A study by Muehlenhard and Rogers (1998) found that although women (and men) occasionally engage in token resistance to sex, most do not. All refusals should be taken seriously.



MYTH: Other complaints of rape which resulted in a not guilty verdict means the victim isn't credible

When a jury returns a not guilty verdict it means that they were not satisfied 'beyond reasonable doubt'; in other words - not guilty is not the same as innocent

Myths about male victims

MYTH: Men cannot be forced to have sex against their will



MYTH: Men are in a constant state of readiness to accept any sexual opportunity

MYTH: If a man is raped by another man, then he must be gay



Jury decision-making

So, how can we evaluate rape cases without relying on our own ideas and biases around rape?



Justice is blind

It can be difficult to separate our preconceived ideas about rape from our verdict decisions.

However, as a juror, your role is to evaluate the case before you. Try not to compare the scenario and the actions of those involved to what you think "should" have happened.

Be mindful that no two cases are the same and weigh up the evidence and arguments presented using what you know now.



Judge the case and not your beliefs

Key points to take away

Continue learning



Unlearn victim blaming



Understand consent



**Thank you
for listening!**

If there are any further questions, please contact smk41@kent.ac.uk

Appendix K: Full transcript for intervention video

Debunking Rape Myths: Understanding biases around sexual assault

This workshop aims to provide information and an understanding of rape myths and how they may appear during a sexual assault trial

What will I learn?

There are 5 key sections of today's workshop: first we will look at understanding what rape myths are and how they work. Then we will look at 3 different types of rape myths, namely: so-called real rape myths, myths around victim responsibility and victim credibility myths. Finally, we will review your role as a juror and how to put your new knowledge into practice.

Before we begin: Take a moment to consider what comes to mind when you hear the words "rape" and "rape victim".

What do you see?

How does the victim look?

Where are they?

What does the perpetrator look like?

What happens after?

Feel free to write some notes down to help you to remember as we'll come back to this later.

What are rape myths?

One definition of rape myths, provided by Gerger and colleagues is that: Rape myths are beliefs about rape (i.e., about its causes, context, consequences, perpetrators, victims, and their interaction) that serve to deny, downplay or justify sexual violence.

Why do rape myths matter?

A lot of research has shown how people's preconceived ideas of rape and rape victims can influence their decision-making as jurors.

This is because rape myths are prevalent and reinforced in society. Rape myths also serve a purpose even though they can be considered harmful and problematic.

A study conducted by YouGov, with almost 4,000 respondents, showed a concerning level of confusion in the UK public about what constitutes rape, with:

- 33% of people thinking it isn't usually rape if a woman is pressured into having sex but there's no physical violence, and
- A quarter of people believing that in most cases, non-consensual sex in a long-term relationship is not rape.

Additionally, the study found, only 89% of people are sure that it is rape if a man has sex with a woman who is very drunk or asleep and that a third of the men in the sample didn't think it's usually considered rape if a woman has flirted on a date and then changed her mind or changed her mind after sex has started. Furthermore, almost 20% believe stealthing (removing condom without partner's consent) is never rape. This, plus each of the scenarios above meet the legal criteria for rape.

Rape myths are reinforced

Media constantly portray information that endorses rape myths, which is then perpetuated. While few people will agree rape is normal simply due to the influence media; being constantly subjected to information that is biased against victims and minimises the actions of sexual offenders, makes it easier for us to be biased against victims also.

On this page are a number of examples of rape myths being promoted through various forms of media:

On the left-hand side are previous campaigns from the NHS and Belfast police, which have since be removed due to the victim-blaming rhetoric. This is followed by an inappropriate headline from the Irish independent about a 15-year-old girl having sex despite the girl being

below the age of consent meaning the only correct term is rape. At the bottom is a headline from the BBC following the MET police's recommendation that women avoid wearing headphones to avoid being sexually assaulted – placing responsibility for rape on the victim rather than the perpetrator.

In the middle, we move to a different form of media, namely: Robin Thicke's Blurred Lines song. Though there are many examples of sexual assault and coercive sexual behaviour in music, Thicke's song epitomises this with lyrics: "I know you want it, but you're a good girl" with the word "but" suggesting the woman may not in fact want it, leaving Thicke agitated and singing "I hate these blurred lines".

Also in the centre is former US president Donald Trump along with some infamous quotes, endorsing sexual assault and arguing that men are under attack, without mentioning survivors of sexual assault. "Think of your son. Think of your husband," Trump told the rally, noting he has had "many false allegations" against him. He also mocked Dr. Blasey Ford at his rally over her inability to recall all the details during the senate hearing of Brett Kavanaugh's sexual assault allegation.

At the bottom is a quote from Brock Turner's father, who suggested the 6 months sentence his son received after raping an unconscious woman behind a dumpster at a fraternity party, was too harsh. A lot of attention was given to the fact that Turner was a well-respected swimmer at Stanford University to which the Deputy District Attorney replied, "he may not look like a rapist, but he is the face of campus sexual assault".

Finally, in the top right corner is an opinion piece Mayim Bialik wrote for NY Times during the MeToo movement. Bialik, best known for her role on the Big Bang Theory, used a lot of victim-blaming, stating she has "almost no personal experience with men asking me to meetings in their hotel rooms," because "I dress modestly. I don't act flirtatiously with men as a policy". The piece highlights how even women who identify as feminists rely on rape myths and victim blaming to understand experiences of rape.

The purposes of rape myths

Schemas are mental frameworks that people use to help process information. Rape myth schemas guide and organise how we interpret specific information about rape cases and may result in selective information processing (i.e., focusing attention on details consistent with our schema). Schemas are most influential when facts are uninformative or ambiguous - which is why rape myths may be relied on to understand cases of rape.

Evidence has shown that even rape victims can interpret their own experience in terms of rape myths – this may prevent them from labelling the experience as rape, it may cause them to fault their own behaviour and hence fail to report to the police ((Peterson and Muehlenhard, 2004)

Rape myths also help us protect our "just world" beliefs. Most people tend to perceive the world as a fair place, where people generally get what they deserve and where bad things happen only to bad people (similar to the idea of karma). These beliefs offer reassurance that if all necessary precautions are taken, and if people are good, nothing bad will happen to them. If these beliefs are challenged, for example encountering information that an innocent person has suffered violence, one way of restoring cognitive consistency is by blaming the victim.

RMA was shown to serve as an anxiety buffer that allows women to feel less vulnerable to sexual assault and to protect their self-esteem. Women who endorse rape myths believe that rape only happens to a certain type of woman (e.g. someone who behaves carelessly), whom they perceive as dissimilar from themselves. The more they endorse rape myths, the less threatened and vulnerable they feel about their own possibility of victimisation. Conversely, women who reject rape myths agree any woman including themselves can be victimised which can lead to negative emotions and fear of sexual violence (Gerger et al., 2009)

Rape myths also allow us to rationalise or justify when we or someone we care about uses sexually coercive tactic so that it is viewed as a less harmful or even normal behaviour and thus allows us to continue to see ourselves or our loved one as a good person.

Rape myths are problematic

Even people who have relatively low levels of ‘rape myth acceptance’ can rely on or be persuaded by the same stereotypes and misconceptions, when engaging in verdict deliberations - Chalmers et al., 2021

This is important as many of you may not endorse many rape myths, you may even be adamantly opposed to them. However, studies have shown that rape myths provide a useful framework for evaluating rape cases, particularly where the evidence is inconclusive. Thus, knowing the facts as opposed to rape myths alone isn’t enough to stop us relying on these myths, and we must actively consider how these myths may be impacting our decisions.

So, with all that said, let's take a look at the main types of rape myths

Type 1: It wasn’t really rape – these myths are focused on the idea or stereotype of a “real rape” and what a genuine victim looks like

Type 2: The victim asked for it – these myths place responsibility for the rape on the victim, insinuating that their actions or appearance was what caused them to be raped

Type 3: The accuser lies – these myths focus on motivations for lying and the level of false accusations

Type 4: The perpetrator didn’t mean to – finally, these myths look at the defendant in a positive light, and try to downplay or even justify their actions

“Real” rape and “real” victims

First of all, let’s examine the idea of “real” rape and “real” victims

“Real rape” misinformation

Below are some common but misguided stereotypes about rape and rape victims:

If someone didn't scream or try to fight their attacker off, then it wasn't rape – Fight or flight are commonly believed to be the only options when faced with danger, however there are actually 5 survival responses: Fight, Flight, Freeze, Flop and beFriend. When we sense we are unsafe or under threat, the brain will instinctually trigger what it deems to be the most suitable survival response. This initial reaction happens 1/1000th of a second before a message gets sent to our pre-frontal cortex (or thinking brain) where we can consciously make sense of what is happening and whether we are safe.

There are many reasons why a victim might not physically fight their attacker including shock, threats or the size and strength of the attacker which lead to a freeze, flop or friend response. A study of 298 women by Moller and colleagues in 2017 found that 70% reported freezing during the assault and 48% reported severe “tonic immobility” meaning they had no control over their body and may have left unable to speak or even say no. Nonetheless, freezing or submission is not the same as cooperation and consent. Victims in rape situations are often legitimately afraid of being killed or seriously injured and so co-operate with the rapist to save their lives.

Another myth is if someone doesn't have physical injuries, then it wasn't rape - The absence of physical injuries does not translate to the absence of sexual violence and even the presence of injuries does not indicate whether consent was given. A study of over 1000 Australian women who came to a sexual violence referral centre, found genital injuries were detected in just 22% of the women. While a slightly higher percentage presented with other bodily injuries, many women did not present with any physical injuries.

Finally, there is the misconception that most rapes occur outdoors and are committed by strangers – In fact, most rapes are actually committed by someone known to the victim and generally in a familiar environment. Let's look at the statistics...

Women are most likely to be raped by a partner or ex-partner

The chart illustrates the % of suspects by relationship with the victim based on 2020 data from the Office for National Statistics, with data for female victims in the outer ring and data for male victims shown in the inner ring. For women, only 15% of cases involved a stranger, with all other suspects being known to the victim. For men, the rate of stranger rapes was much higher at 43%, however the majority of suspects were still known to male victims.

Many people believe that people who commit sexual assault are mentally ill or deviant and some believe they are more likely to be from a specific background or race. However, as the statistics indicate, most people who commit sexual assault and rape are people the victims know, love and trust. In reality, sexual offenders are more likely to be a boyfriend, ex-partner, colleague, friend, or husband, rather than a perverted, dangerous stranger in an alley with a knife.

Pavan Amara talk (6 min 30 sec)

The following clip shows a TedTalk from Pavan Amara, founder of the My Body Back project which supports women reclaiming their bodies after sexual assault.

Before we start, think back to what came to your mind when asked to visualise a rape victim and a rape scenario. In this clip Pavan will look at some of her research comparing what comes to mind for the average person to someone who has experienced rape.

MYTH: Rape is a crime of passion

A big misunderstanding about rape is that many believe rape is about sexual attraction and sexual gratification. However, equating sex and rape is similar to comparing donating money and being robbed – both involve cash, however one action is consensual, while the other is a violation. Sex is an act of mutual consent and enjoyment, whereas rape is quite the opposite. Rape is concerned with the will of one individual over another; an assault using the most intimate connection two individuals can experience and abusing it as a tool of power and control. People are capable of controlling sexual urges, so raping another person is always a choice.

The idea that rape is about sexual attraction also leads to the idea that only young, attractive people get raped; however, victims come from all walks of life including every age, race and sexual orientation.

Victim blame and responsibility

The next section will focus on how we attribute responsibility and blame to victims over perpetrators in rape cases

Victim blaming myths

MYTH: If someone is dressed in sexually suggestive clothing, then they want to have sex - Consent cannot be inferred from clothing. Even if a person went out with the intention of having sex, they may not give consent for sex at the time. A person's choice of clothing, no matter how provocative, is a personal choice which may have nothing to do with their sexual desire.

According to Section 79 of the Sexual Offences Act 2003 withdrawal of consent at any point before or during the act is perfectly possible and is the right of any individual to exercise that right at their own discretion. Carrying on once someone has changed their mind is rape, even if the other party displays signs of sexual arousal. Bodily responses are automatic and involuntary and cannot be misjudged as consent.

MYTH: If someone is drunk or high, they are responsible if they are raped – Alcohol and drugs are often accused of being the cause of rape, however, while sexual offenders may use alcohol or drugs as a tool, only the perpetrator is the cause. Consent must be fully and freely given by someone with the capacity to do so. If an intoxicated person is incapacitated, they can't give consent – it's also important to note that incapacitation does not have to mean unconscious.

MYTH: If someone has previously consented to sex with a person, they can't be raped by them - Consent must ALWAYS be obtained regardless of previous consent. Even in long-

term or marital relationships, consent cannot be assumed and coercing and pressuring one's partner into sex still counts as rape. Ideally, consent should be enthusiastically given but consent can be given non-verbally and similarly a lack of consent can be given non-verbally.

Furthermore, consent for sexual intercourse does not necessarily include consent for other sexual activities such as oral, anal or rough sex and there may be conditions to consent such as wearing a condom. Removal of condom during sex without a partner's consent (known as stealthing) is rape. Regarding rough sex, it is also important to note that a person is unable to consent to sustaining serious bodily harm for the purposes of sexual gratification.

“What were you wearing?” (2 min 24 seconds)

In this clip we will look at some recreations of outfits that victims were wearing when they were raped in order to dispel the myth that provocative clothing causes sexual assault.

Responsibility for personal safety

There's lots of advice available around personal safety – avoid poorly lit streets, don't walk alone, be aware of your surroundings, etc. However, even the most careful people can still be victims of sexual assault.

Importantly, even if a victim doesn't take every possible precaution, that does not mean they are in any way deserving of or responsible for the actions of the offender.

Rather than focusing on preventing victimisation, we need to focus on preventing sexual assault. The image on the right is a tongue-in-cheek poster from a rape crisis centre in Ireland, however, recently Scotland's police department have launched an exemplary campaign calling on men to consider their potential responsibility for violence against women with the hashtag “Don't be that guy”.

Causes of rape

In terms of what causes and what is responsible for rape, the main take-away is that the perpetrator is fully and solely responsible.

Victim Credibility

In this section we will look at how we evaluate the credibility and trustworthiness of victims of sexual violence.

The truth about lying victims

MYTH: There is a high number of false reports of rape – one of the biggest myths about rape is that there is an incredibly high number of false accusations. While there undoubtedly are incidents where an individual makes a false report, and it can be difficult to get a correct statistic of the problem, a recent meta-analysis by Ferguson and Malouff (2016) which looked at 9 studies on false reports suggests that on average about 5% of cases reported to the police are false. It is important to also make the distinction that simply because 5% of police reports are based on false accusations, does not mean that 5% of court cases are false as each case will be investigated by the police and further examined by the prosecution.

MYTH: You can tell if someone has 'really' been raped by how they act afterwards - There is no correct or expected response to rape. Some people may be traumatised immediately and may be visibly upset at court, others may carry on with day-to-day activities and be non-emotional at court. While there is a correlation between a history of sexual assault and mental illness at some point in one's lifetime such as PTSD, depression and eating disorders, many victims never develop a mental illness. As seen in the TedTalk, many victims carry on with daily activities and may seem unaffected. Trauma affects individuals in a huge range of ways, sometimes causing victims to behave in what may seem counter-intuitive ways. For example, it is easy to assume that if someone has truly been raped, then they would not want to engage in any sexual activities for some time and yet, some victims engage in sexual intercourse shortly/frequently afterwards in order to feel in control of their bodies. There is no definite test of rape and victim behaviour afterwards is incredibly varied.

MYTH: People who delay reporting are probably making it up - There are a wide variety of factors that may cause a victim to delay reporting over not report at all including embarrassment, believing the police can't help and fear of not being believed. Let's take a look at some recent data from the crime survey of England and Wales....

Rape and sexual assault are two of the most underreported crimes in our society. Based on the CSEW it is believed that only 1 in 6 victims will report their experiences to the police. Victims face very difficult decisions when deciding to report rape. Some may never report, and some may withdraw support for an investigation or prosecution for a number of reasons including intimidation by the accused.

When a victim does come forward, they must overcome all of the factors listed here including embarrassment, worry of not being believed, fear of further violence and even not wanting to punish the person responsible. Taking into consideration that most victims know their perpetrator and may try to make sense of their own experience using rape myths, deciding to report can be particularly difficult and may take weeks, months or even years.

Victim credibility myths

MYTH: Inconsistencies in a victim's account/ statement mean they are lying - Level of detail and consistency in the victim's recollection are often central to our credibility evaluations, however memory research has shown these are poor indicators of memory accuracy (Hohl & Conway, 2017). A number of factors such as exposure, attention, and emotion can all influence memory. Additionally, it is quite likely victims may try to avoid thinking about their experience of rape, and this can impact their ability to recall details at a later time.

Research conducted by Dr Flowe and others (2016) has also shown intoxication impacts upon the level of detail that can be recalled by the witness rather than on the accuracy of memory. It is therefore important not to assume that a witness or victim who was intoxicated at the time of the sexual assault is less reliable than one who was sober. The criminal justice process places high demands on human memory when given in evidence Yet, memory

research has established that inconsistencies are a normal feature of memories and that remembering only few details is the norm (Hohl & Conway, 2017).

MYTH: Women often say "no" when they really mean "yes", as a way of leading men on – The traditional sexual script dictates that women “are not supposed to directly indicate their sexual interest or engage freely in sexual activities,” while men are supposed to “take the initiative”. While there is still societal pressure on women to be chaste and innocent, and many examples of no meaning yes in pop culture (e.g. most romcom movies), a study by Muehlenhard and Rogers back in the late 90s found that although some women (and men) occasionally engage in token resistance to sex, most do not. All refusals should be taken seriously and if in doubt communication is key, rather than assuming consent.

MYTH: Other complaints of rape which resulted in a not guilty verdict means the victim isn't credible – A big misunderstanding about the criminal justice system in general is that “not guilty” is the same as “innocent”. In actual fact, when a jury returns a not guilty verdict it means that they were not satisfied ‘beyond reasonable doubt’; meaning it’s quite possible the defendant is guilty but it cannot be proven. It’s also possible that the victim has made a previous claim which did not make it to trial but again, a decision to stop a case on evidential grounds does not mean that the allegation is false.

As we’ve seen there are many reasons a victim may not co-operate or drop out of an investigation, as well as many challenges in securing a conviction, however, this does not equate to them being an unbelievable victim.

Myths about male victims

Male victims face additional challenges in overcoming biases and prejudices. Some myths specific to male victims include:

MYTH: Men cannot be forced to have sex against their will – Some people believe that men should be capable of fighting off an attacker and therefore cannot be forcibly sexually assaulted. However, this oversimplification ignores that even if a man is fit and physically

strong, he does not get to choose which response his brain selects in the moment. As we know freeze, flop and befriend are legitimate responses to rape and they are not exclusive to female victims. Not fighting back is not a sign of weakness or diminished masculinity, it is simply a trauma response.

MYTH: Men are in a constant state of readiness to accept any sexual opportunity – The idea that men are always willing to engage in sex is not only sexist but also incorrect. As noted earlier, men absolutely can control their sexual urges, and an unwillingness to engage in sex is not an indication that they are somehow less manly. Every man is unique and has individual aspirations and goals – while sexual intercourse may be of high priority to some men, it does mean all men are willing to engage in sex at every opportunity.

MYTH: If a man is raped by another man, then he must be gay – While male members of the LGBT+ community are more likely to be victimised, heterosexual men can also be victims of rape by male perpetrators and this does not cause a change to their sexual orientation. Although it is rare, women can also sexually assault men.

What were you wearing?

Why now after so many years?

Do you have proof?

Did you scream?

You're exaggerating

Boys will be boys

Did you provoke him?

Were you drunk or high?

He would never do something like that

I don't believe you

These are the statements and questions that so many victims have faced after making an accusation of rape. It's easy to see how many of them are based off rape myths. While these questions may provide a background to sexual assault and rape cases, the only questions that truly matter are: "Was consent given?" and "Was there a reasonable belief that consent was given?"

Debunking Rape Myths

As demonstrated, rape myths are wide-ranging and often relied on in order to make sense of rape cases. However, knowing rape myths exist does not automatically reduce the impact they have.

So, how can we evaluate rape cases without relying on our own ideas and biases around rape?

Justice is blind

While it can be difficult to remove our preconceived ideas and biases from about rape from our decisions, as a juror your role is objectively evaluate the case before you.

Comparing the actions of the complainant and the defendant to what you believe they should have done is unhelpful. It may be easy to dismiss an argument as unlikely or not credible, however, bear in mind that it is much easier to judge the actions of others rather than to act/react a specific way when in that situation. The unfortunate reality is that anyone can be a victim of rape. The person before you may look different to you or have acted differently to how you would have, but they still deserve your respect and empathy.

Be mindful that no two cases are the same. There are no guidebooks on how to respond to rape. Your job is to weigh up the evidence and arguments presented using what you know now and make your decision.

Key points to take away (continue learning)

This presentation included a lot of information and it may not be possible to remember every detail. So, if you only take away 3 points today, remember:

- Judge the case and not your beliefs – there is not one size fits all for rape, rape victims and perpetrators of rape and scenarios that fall outside of our expectations doesn't make them less true or credible.
 - Unlearn victim blaming – regardless of how the victim acted, they are in no way deserving or responsible for rape
 - And most importantly, understand consent – consent must be freely given by someone with the capacity to do so. Did the defendant take any actions to obtain consent or did they have any reason to legitimately believe the complainant was consenting?
-

Thank you for listening

If there are any further questions, please contact smk41@kent.ac.uk

Appendix L: Control Video Screenshots

Link to video:

https://www.youtube.com/watch?v=VK-w0c_qreQ&t=1s&ab_channel=SMKPsych



Is climate change the same as global warming?



Not quite – Global warming refers to how much the Earth's surface temperature is rising, and it is the effect of this warming that is known as climate change.

Climate change alters established weather patterns, causing more extreme weather events such as droughts, hurricanes and floods, climate change can also alter the timing of the seasons, disrupting the lives of plants and animals.



Our Over-Heating Earth

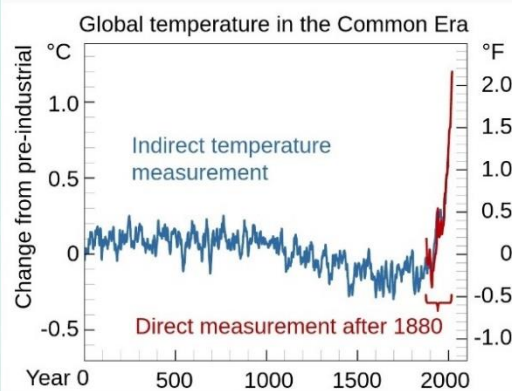


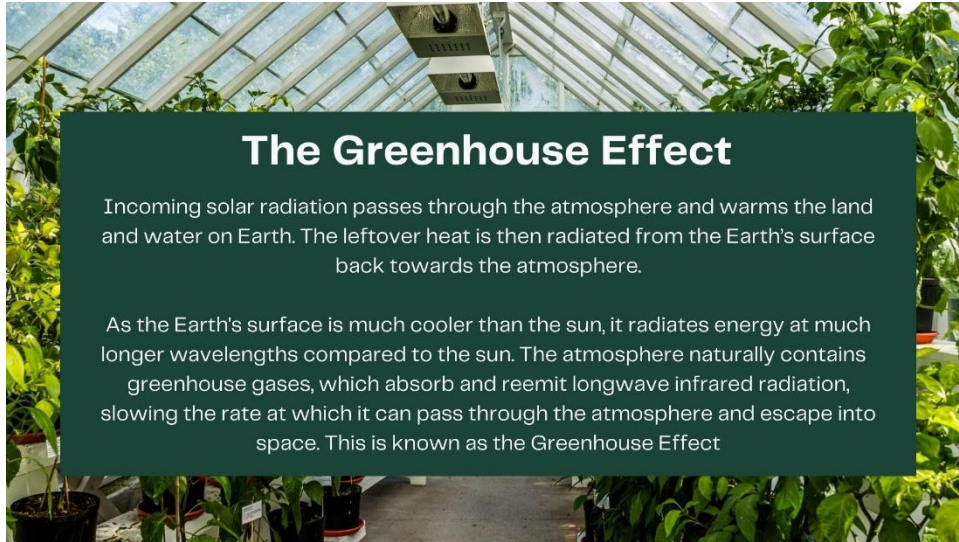
Global warming and climate change have both occurred throughout Earth's history. But it's the speed at which the world is currently warming, and how fast the climate is changing, that is so concerning.

The surface temperature of the planet has increased around 0.08°C per decade since 1880. However, the average rate of increase between 1981–2019 has been more than twice that rate, with the UK Met Office reporting a current trend of +0.175°C per decade.

The Earth's temperature

Graph showing global surface temperature reconstruction over the last 2000 years using proxy data from tree rings, corals, and ice cores in blue. Directly measured data is shown in red.





The Greenhouse Effect

Incoming solar radiation passes through the atmosphere and warms the land and water on Earth. The leftover heat is then radiated from the Earth's surface back towards the atmosphere.

As the Earth's surface is much cooler than the sun, it radiates energy at much longer wavelengths compared to the sun. The atmosphere naturally contains greenhouse gases, which absorb and reemit longwave infrared radiation, slowing the rate at which it can pass through the atmosphere and escape into space. This is known as the Greenhouse Effect

Factors impacting global temperature

The climate system experiences various cycles on its own which can last for years (such as the El Niño–Southern Oscillation), decades or even centuries. However, external factors can also have an impact such as:



Variations in the Earth's orbit



Solar luminosity



Volcanic eruptions



Greenhouse gases

Global warming feedback loops

Lower Albedo

Albedo is the measurement of how reflective a surface is - Sea ice reflects 50% to 70% of incoming solar radiation while the dark ocean surface only reflects 6%, so melting sea ice causes warming to take place even faster, creating a positive feedback loop.

Release of GHGs

Permafrost accounts for half of all organic carbon stored in the planet's soil. Melting permafrost allows this frozen organic matter to decompose, which results in methane and CO₂ being released into the atmosphere.

The impact of climate change

There are also a number of direct impacts for humans, such as:



Food and
Water
insecurity



Disease
transmission



Migration
and poverty



Loss of life



"The Earth is what we all have in common"

-Wendell Berry



Appendix M: Study 5 Demographics

	N	Percent
Gender		
Male	192	49.0
Female	192	49.0
Trans male	2	0.5
Trans female	1	0.3
Gender Non-Conforming	7	1.8
Ethnicity		
African	3	0.8
Black/African American	2	0.5
Black/British	5	1.3
East Asian	2	0.5
Latino/Hispanic	1	0.3
Middle Eastern	3	0.8
Mixed	5	2.6
Other	8	1.3
South Asian	14	3.6
White/Caucasian	348	89.0
Sexuality		
Heterosexual	320	82.0
Bisexual	46	12.0
Homosexual	19	4.8
Asexual	2	0.5
Other	5	1.3
Known victim of rape		
No	225	57.0
Yes, a friend or family member	122	31.0
Yes, myself	28	7.1
Prefer not to answer	19	4.8
Known victim of false allegation		
No	348	88.0
Yes, a friend or family member	39	9.9
Yes, myself	4	1.0
Prefer not to answer	3	0.8