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PSYCHOLOGICAL ANDROGYNY AND ITS RELATIONSHIP
TO JURORS' DECISIONS IN SEXUAL ASSAULT CASES.

THE UNIVERSITY OF NEBRASKA - LINCOLN, PH.D.,
1978

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PREVIEW

PSYCHOLOGICAL ANDROGYNY AND ITS RELATIONSHIP TO
JURORS' DECISIONS IN SEXUAL ASSAULT CASES

by

Carol A. Carver

A DISSERTATION

Presented to the Faculty of
The Graduate College in the University of Nebraska
In Partial Fulfillment of Requirements
For the Degree of Doctor of Philosophy

Department of Psychology

Under the Supervision of Associate Professor John J. Berman

Lincoln, Nebraska

December, 1978

TITLE

PSYCHOLOGICAL ANDROGYNY AND ITS RELATIONSHIP TO

JURORS' DECISIONS IN SEXUAL ASSAULT CASES

BY

Carol A. Carver, Ph.D.

APPROVED

DATE

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ACKNOWLEDGEMENTS

Over the course of events which finally led to the completion of this study, I have been assisted by many more people than can be mentioned here. Of course, throughout my career as a graduate student, friends and family have always provided support, encouragement, and faith in my ability to achieve. Their support remained constant during the time in which the present study was being conducted, and I deeply appreciate the support from everyone whom I have known well.

A very special word of thanks goes to Dr. Brian P.V. Sarata. His patient guidance and faith in my ideas during the time he served as my chairman made the proposal for this study turn into a reality. His criticisms were always useful, yet never painful to accept. I know that his support and encouragement were vital in helping me to believe this project could be done. Had he remained in Lincoln, it would have been my good fortune to have retained him as my chairman.

Most of all, my chairman, Dr. John Berman, deserves my thanks. He was willing to step into the role of chairman when work on the study was well underway, and he shared my faith in my own ability to finish the work. Despite the

fact that I was completing the work while in another state, he communicated to me a sense of continued confidence that I would finish as planned. I cannot express the full depth of my gratitude for the confidence he maintained in me. And, through the process of writing the initial drafts, his suggestions and revision requests were most helpful in making this a work of which I can be proud.

My remaining committee members, Drs. Herbert Howe, Richard Dienstbier, and Bruce Sales were all helpful in the process of transforming this work from an idea into a reality. Drs. Howe and Dienstbier, who served as readers, gave me their thoughtful criticisms and warm support, both of which added to the quality of the finished work. However, it is clear that any shortcomings in this study are solely my responsibility as the author. I am fortunate to have had a cooperative and supportive committee, and any praise for this work should be shared by them.

Ms. Ellie Shore has contributed to this work throughout. As my friend, she offered herself as a thoughtful feminist sounding board, and assisted me in innumerable ways, ranging from introducing me to the BSRI as a relevant measuring instrument to making the arrangements to send parcels of data to me. As always, she has been the best friend anyone could ask for. Also, Ms. Ellanor Ward, who collected the remainder of the data when I moved to Michigan, has earned my thanks. Without her efforts, this

study would not have been completed. Finally, in addition to Ellie Shore, Greg Friedman and Dr. Karen Kelly were helpful through their willingness to convey information to me concerning graduate College filing procedures, and their efforts in the actual "leg-work" processes of filing for the degree, etc., which I was unable to do in person.

The last words of thanks go to Carol Barnett, who typed the final copy of this work. She deserves a hearty round of applause. Her experience and professionalism eased the hectic atmosphere of the final days before this work was completed. It was comforting to know that a competent and reliable typist awaited my final draft.

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CHAPTER I

INTRODUCTION

In a society seemingly obsessed with sexuality, sexual violence, and sexually-stereotyped personality characteristics, it is important to examine the influence certain variables may have on jurors' decisions in particular crimes such as that of sexual assault. Ostensibly, jurors' decisions reflect only a strict application of the law to the facts. However, in many cases, and especially those concerning sexual assault, the possibility exists that jurors may be swayed in their decisions by other factors more personal and psychological in nature. Decisions about criminal responsibility may be influenced by personality characteristics of the juror which affect that juror's outlook regarding victim behavior. One personality characteristic, psychological androgyny, may influence the decisions made by jurors in rape trials, since it reflects attitudes, values, and actions specifically relevant to stereotyped sex-role behavior.

In this chapter, research outlining potential juror's decisions in rape cases will be discussed, and the failure of theoretical assertions to consistently predict outcomes will be examined. The personality variable of psychological

androgyny--a relevant factor, considering the openly sexist values and attitudes reflected in both the crime of rape and laws regarding it (Brownmiller, 1975)--will be suggested as a factor which may account for differences among jurors in their decisions in sexual assault cases. The hypothesized relationship between a juror's androgyny and that juror's decisions regarding an accused rapist and rape victim will be outlined in detail. The relationship points toward distinct differential predictions, which will be examined in depth in the following chapters.

Sexual Assault

The existing literature provides few consistent cues concerning the factors which may influence judgements of victim or defendant responsibility, guilt, and severity of punishment, in sexual assault cases. Conflicting theories have been set forth to explain conflicting results. Almost no researcher has attended to the presence of personality factors which could account for differences between jurors' decisions, and very little effort has been made to construct research designs or paradigms which might realistically portray the criminal, the crime, or the judicial process itself.

Numerous hypotheses have been presented by previous authors in hopes of explaining how and why the variables in rape research behave as they do, but so far no single

hypothesis remains tenable. In fact, results have been contradictory and confusing. Jones and Aronson (1973) attempted to apply Lerner's (1965) "just world" theory to the area of rape. This theory's basic premise is that people get what they deserve, and deserve what they get. Following this reasoning, albeit through some intricate turns, these authors hypothesized that more fault (or responsibility) for a rape will be attributed to a highly respectable victim than to a victim who is less respectable. The line of argument they use is this: if something bad happens to you, then you are either a bad person (because bad people deserve to have bad things happen to them), or you must have behaved in such a manner as to have caused the bad thing to happen. Thus, if a highly respectable victim is raped, it is likely that she will be perceived as having more responsibility for causing it than would a less respectable victim. This line of reasoning contradicts that of defense lawyers in rape cases, who have traditionally attempted to attack the moral character of the rape victim (i.e., to make the victim appear less respectable) in an effort to save their clients from conviction. However, Jones and Aronson's data seems to support the "just world" theory. They reported a positive statistical relationship between perceived victim responsibility for the rape and victim respectability, indicating

that if the victim was married or a single virgin (and therefore, respectable), she was found to be more responsible for the rape than a divorced (less respectable) victim. They also reported a positive statistical relationship between recommended punishment of the defendant and perceived victim responsibility, indicating that, even though a more respectable victim is perceived to be more responsible for the rape than her less respectable counterpart, recommendations for punishment of her assailant are higher. These findings leave much to be desired, mostly due to the rather contradictory paths of logic one must follow to arrive at the same hypotheses and conclusions made by the authors.

Feldman-Summers and Lindner (1976) tried to avoid taking a theoretical position (perhaps because none seems to sufficiently explain all their results), but suggested Heider's "balance theory" as a way to account for the reported relationship between victim responsibility and respectability. Following the line of reasoning that respectable people only engage freely in respectable behaviors, the assumption is made that a respectable victim was forcibly raped against her will, while assuming that a less respectable victim may have "chosen" to be raped or contributed to the rape in some way, thereby assuming some responsibility for it. (This is the argument that defense

attorneys have been relying upon for years.) Using the same paradigm as Jones and Aronson, these authors reported entirely different results. Their data revealed an inverse statistical relationship between victim respectability and perceived victim responsibility, indicating that the more respectable a victim was, the less likely it was that she would be perceived as responsible for the rape. Likewise, they found an inverse relationship between punishment and victim responsibility, indicating that higher punishments were recommended for the rapist when the victim was more respectable (and therefore, less responsible for the rape).

Fulero and Delara (1976) also dispute the reasoning of Jones and Aronson, and rely on a theory of defensive attribution, i.e., the more similar the victim was to the decision-making subject, the less likely that subject would be to attribute responsibility for the rape to the victim. They reported that female subjects were significantly less likely to attribute responsibility for the rape to a victim who was similar to themselves. However, they reported that male subjects responded quite differently, remaining unaffected with regard to victim-subject similarity. It is not clear whether the males in their study did not perceive themselves as similar to the victim or whether similarity is simply not an important determinant of males' judgements of victim responsibility (perhaps because males have little fear of rape). Since Jones and Aronson reported no sex

differences, and Fulero and Delara clearly found them, something, obviously, is being overlooked in these studies. Finally, Fulero and Delara did not collect data regarding recommended punishment, so no test of a prediction in that area was made.

Theoretical notions aside, other reported differences and contradictions only further confuse matters. Byrd and Doll (1976) report that higher levels of recommended punishment may be related to the sex of the juror, the number of children the juror has, or other extraneous factors. (They were the only authors discussed here who did not use college students as their subjects.) Although Jones and Aronson reported no sex differences in their results, Krulewitz (1976) and Nash and Krulewitz (1976) reported that female subjects attributed greater responsibility for the rape to the victim than did male subjects. This finding is not only in direct contradiction to the Fulero and Delara results, but since victim respectability was not at issue in the studies of Krulewitz or Nash and Krulewitz, their reported results also seem to be at odds with the Jones and Aronson findings. In addition, Krulewitz also reported that females recommended greater punishment than did males, as did Feldman-Summers and Lindner (1976)¹. Finally, Fulero and Delara reported that male college students attributed greater responsibility to the victim than did female subjects when the victim was a college student, but attributed

less responsibility than did females when the victim was a 45 year old woman.

In the final analysis, the findings of some authors indicate that the behavior of the victim and certain characteristics of jurors may combine to play an important role in determining the judgements made. Some such combinations of factors may provide clearer patterns of results. For example, Nash and Krulewitz (1976) reported a positive relationship between degree of victim resistance and perceived defendant responsibility, indicating that this area may merit further exploration. Krulewitz found that women with feminist attitudes were more likely to view the defendant as responsible for the rape than were women with less feminist attitudes (whose decisions appeared to hinge solely on the amount of force used by the defendant). Her findings also indicate that both male and female pro-feminists were more likely than non-feminists to cite societal encouragement of sex-role stereotypes as a cause of rape.

Orzek (1976) began the exploration of psychological androgyny as a relevant variable, and despite some questionable statistical methods, reported an inverse relationship between psychological androgyny of the juror and attributed victim responsibility in the rape situation. These findings may point to a potential explanation of how certain personality characteristics may affect a juror's

decision, and may begin to clear up the confusion of male-female differences, victim-subject similarity, and the respectability-responsibility results which vary from one study to another. The indications are that the answer may lie (more appropriately) in the area of sex-role stereotyped personalities or personality characteristics, rather than in the demographic characteristics that most other researchers have investigated. It may well be that psychological androgyny is the variable which accounts for most of the variance in these decisions.

Some difficulties regarding the previous research still remain, however. The paradigm used by several authors relies on the presentation of a short, ambiguous paragraph describing a sexual assault which takes place in a parking lot with a stranger. In light of Amir's (1971) landmark work on rape, which clearly indicates that this "parking lot" assault perpetrated by a total stranger bears little or no resemblance to reality, a more realistic rape situation seems appropriate. In addition, detailed descriptions of the victim's behavior were generally not included in previous studies, leaving the issue of the victim's reactions and resistance totally to the imagination of the decision-making subjects. But even if these changes were made, other difficulties in previous studies are evident. No study reviewed here asked subjects to make the definitive judgement that each juror is required to make: that