Steffen Bieneck | Barbara Krahé

Blaming the victim and exonerating the perpetrator in cases of rape and robbery

Is There a Double Standard?

Suggested citation referring to the original publication:
Journal of interpersonal violence 26(9) (2011), pp. 1785–1797
DOI http://dx.doi.org/10.1177/0886260510372945
ISSN 0886-2605

Article

Journal of Interpersonal Violence
26(9) 1785–1797

DOI: 10.1177/0886260510372945
http://jiv.sagepub.com
SAGE

Blaming the Victim and Exonerating the Perpetrator in Cases of Rape and Robbery: Is There a Double Standard?

Steffen Bieneck[1] and Barbara Krahé[1]

Abstract

Research in legal decision making has demonstrated the tendency to blame the victim and exonerate the perpetrator of sexual assault. This study examined the hypothesis of a special leniency bias in rape cases by comparing them to cases of robbery. $N = 288$ participants received descriptions of rape and robbery of a female victim by a male perpetrator and made ratings of victim and perpetrator blame. Case scenarios varied with respect to the prior relationship (strangers, acquaintances, ex-partners) and coercive strategy (force vs. exploiting victim intoxication). More blame was attributed to the victim and less blame was attributed to the perpetrator for rape than for robbery. Information about a prior relationship between victim and perpetrator increased ratings of victim blame and decreased perceptions of perpetrator blame in the rape cases, but not in the robbery cases. The findings support the notion of a special leniency bias in sexual assault cases.

Keywords

criminology, leniency bias, rape, robbery, victim blame

[1]University of Potsdam, Potsdam, Germany

Corresponding Author:
Steffen Bieneck, Department Psychology, University of Potsdam, Karl-Liebknecht-Str. 24-25, D-14476 Potsdam, Germany
Email: sbieneck@uni-potsdam.de

The tendency to shift blame from the perpetrator to the victim has been widely demonstrated to affect judgments about sexual assault cases, both in the field and in controlled laboratory research. Analyses of police files, trial observations, and interviews with legal professionals have shown that holding women responsible for precipitating sexual assaults is a common aspect of legal decision making that has been linked to the problem of high attrition rates in sexual assault cases (e.g., Brown, Hamilton, & O'Neill, 2007; see Temkin & Krahé, 2008, for a review). Experimental studies using case scenarios have also shown that observers are quick to attribute blame to a victim of sexual assault and to correspondingly reduce the blameworthiness of the alleged perpetrator, especially in those cases that deviate from the "real rape" stereotype of a violent attack of a stranger on an unsuspecting victim (Stewart, Dobbin, & Gatowski, 1996). For example, observers tend to attribute more blame to the victim, and less blame to the perpetrator, the closer the prior relationship between the two (e.g., Krahé, Temkin, & Bieneck, 2007; Viki, Abrams, & Masser, 2004). Research has further shown that if the perpetrator exploits the fact that the victim is too drunk to resist rather than using force, an incident is less likely to be considered a genuine rape complaint and the perpetrator is seen as less likely to be culpable (Schuller & Wall, 1998).

A theoretical framework for analyzing the influence of stereotypic views about rape on perceptions of victims and perpetrators is the distinction in social cognition research between schematic and data-driven modes of information processing (Kunda, 1999). When people judge social information on the basis of their generalized beliefs and knowledge stored in memory, they engage in schematic processing. In contrast, in data-driven processing, individuals arrive at judgments on the basis of a close examination of the information at hand. Perceivers are thought to engage in a careful (data-driven) processing of the available evidence only if they are sufficiently motivated and/or able to invest cognitive energy into the judgment task. If this is not the case, they refer to generalized cognitive schemata, such as stereotypes, to interpret the information given.

By definition, legal decision making is normatively required to be data-driven as each case is to be decided on the basis of the facts and the evidence. However, decisions made in the legal context are potentially susceptible to the same biases and limitations that characterize social information processing in general, such as the tendency to attend to information selectively by concentrating on what is consistent with the perceiver's pre-existing attitudes (McEwan, 2003). From this normative perspective, relying on generalized knowledge structures such as the real rape stereotype in assessing victim and perpetrator blame is problematic because legal definitions of sexual assault

typically do not contain references to victim–perpetrator relationship or victim sobriety. Therefore, evidence that these aspects affect judgments about victim and perpetrator blame points to a potential problem in the handling of sexual assault cases, and several countries have introduced rape shield legislation to bar information from rape trials that could be used to discredit victims (Schuller & Hastings, 2002).

Whereas the tendency to blame the victim and exonerate the perpetrator has been studied extensively with respect to sexual assault, little evidence is available on whether this tendency is specific to rape cases or affects judgments about other criminal offenses of comparable severity in a similar fashion. Criminal statistics reveal that conviction rates are lower for rape of a female than for other violent offenses. Statistics for England and Wales for 2007 indicate that the conviction rate for rape of a female was 46% compared to 79% for murder, 83% for manslaughter, and 77% for robbery (Ministry of Justice, 2007). For Germany, data show that from 2000 to 2003, the number of reported rapes went up by 23%, whereas the conviction rate went down by 42%. For assault, an increase of 16% in reported cases was matched by an increase in convictions of 17% (European Sourcebook of Crime and Criminal Justice Statistics, 2006). On the other hand, Felson and Pare (2007) used data from the National Violence against Women Survey in the United States to examine whether men who commit sexual offenses against women are treated more leniently than offenders who commit other types of assault. Their findings indicate that the police are more likely to make an arrest in rape and sexual assault than in physical assault. However, their data included both male and female offenders as well as male and female victims.

Only two experimental studies have compared rape to other offenses of a male perpetrator against a female victim. Kanekar, Pinto, and Mazumdar (1985) found that victims of robbery were blamed more than victims of rape. Similarly, Brems and Wagner (1994; Study 2) showed that when reading about a violent assault in which a woman was either raped or had her jewelry stolen, the victim was seen as being more at fault in the theft case than in the rape case. However, their scenario highlighted the conspicuous display of jewelry by the victim, thus implying higher victim fault in the theft case.

The present study tested the proposition that the tendency to blame the victim and exonerate the perpetrator would be more pronounced in sexual assault than in robbery, which represents an offense against the person with similar legal sanctions. It examined the hypothesis of a special leniency bias in rape cases, as reflected in lower perpetrator blame and increased victim blame, and sought to demonstrate that information about a prior relationship between the parties and victim intoxication would have a unique effect in

rape cases not evident in the robbery cases. Specifically, the following hypotheses were proposed:

Hypothesis 1: More blame will be attributed to victims of rape than to victims of robbery. Conversely, less blame will be attributed to perpetrators of rape than to perpetrators of robbery.

Hypothesis 2: Information that the victim was drunk at the time of the assault will reduce perpetrator blame and increase victim blame in the rape cases, but not in the robbery cases.

Hypothesis 3: The closer the prior relationship between perpetrator and victim, the less blame will be attributed to the perpetrator and the more blame will be attributed to the victim, but only for rape cases.

Method

Sample

A total of 288 students of educational science (207 women) from the University of Potsdam (Germany) with a mean age of 24.3 years ($SD = 3.4$) participated in return for course credit. About half (154) reported that either they themselves or someone close to them had been victims of robbery in the past; about a third (97) reported having experienced nonconsensual sexual contacts.

Instruments

Six robbery and six rape vignettes of 150 to 200 words were used, representing three types of relationship (strangers, acquaintances, and ex-partners) and two coercive strategies (use of force and exploitation of the victim's intoxicated state). The robbery scenarios were found to be plausible and realistic in a pilot study. The rape scenarios were taken from previous research (Krahé, Temkin, & Bieneck, 2007). An example of a rape and a robbery scenario is presented in the appendix; the full set of scenarios can be obtained from the first author. Participants in the main study received three robbery scenarios and three rape scenarios that involved either the use of force or the exploitation of the woman's intoxicated state. To eliminate order effects, scenarios were presented in random order across participants. Thus the design of the study was a 2 (coercive strategy: force vs. alcohol) × 2 (crime: robbery vs. rape) × 3 (victim–perpetrator relationship) factorial design with repeated measures on the last two factors. For each scenario, participants indicated to what extent they blamed the perpetrator (four

Table 1. Descriptive Statistics

		Perpetrator Blame			Victim Blame			
	N	*M*[a]	*SD*	Cronbach's α	*M*[a]	*SD*	Cronbach's α	*r* Victim-Perpetrator Blame
Force								
Robbery stranger	143	6.72	0.48	.56	1.68	0.79	.62	–.35***
Robbery acquaintance	143	6.61	0.61	.62	1.79	1.11	.78	–.58***
Robbery ex-partner	143	6.63	0.53	.62	2.15	1.22	.77	–.39***
Rape stranger	143	6.59	0.83	.78	1.52	0.59	.38	–.32***
Rape acquaintance	143	6.19	0.75	.88	2.27	0.88	.62	–.28***
Rape ex-partner	143	5.01	1.65	.71	3.66	1.42	.84	–.81***
Alcohol								
Robbery stranger	145	6.49	.82	.73	2.00	1.14	.49	–.43***
Robbery acquaintance	145	6.27	1.07	.77	2.20	1.26	.77	–.44***
Robbery ex-partner	145	6.38	1.00	.81	2.11	1.30	.78	–.23**
Rape stranger	145	5.73	0.97	.92	2.92	0.98	.64	–.26***
Rape acquaintance	145	5.37	1.25	.91	3.56	1.24	.82	–.43***
Rape ex-partner	145	4.27	2.40	.97	3.47	1.56	.83	–.88***

a. Seven-point scale from 1 (*not at all)* to 7 (*very much*).
**$p < .01$. ***$p < .001$.

items, "How much do you think XX [the perpetrator] is responsible for the incident?" "How strongly do you think XX ought to be held criminally liable for rape/robbery?" "How certain are you that the incident meets the legal definition of rape/robbery?" "If you were a member of the jury, how certain are you that you would decide to convict XX of rape/robbery?"). Four items assessed perceptions of victim blame (e.g., "How much do you think YY [the victim] is to blame for the incident?" "How likely do you think it is that YY could have avoided the incident?" "How much do you think YY had control over the situation?" "How sorry do you feel for YY?", reverse coding on the last item). Responses were made on a 7-point scale ranging from 1 (*not at all*) to 7 (*very much*).

Results

Descriptive Statistics and Manipulation Checks

The four items measuring perpetrator and victim blame, respectively, were averaged to form overall scores for each scenario. Table 1 presents the descriptive statistics. The Cronbach's alpha values indicate the reliability of the scales; the last column of the table contains the correlation between perpetrator and victim blame ratings for each scenario. Multivariate analyses revealed no effects of gender and victimization experience, so these variables were not included in the analyses.

The hypotheses were examined in a mixed-factorial MANOVA using victim–perpetrator relationship (stranger, acquaintance, ex-partner) and type of crime (rape vs. robbery) as within-subjects factors and coercive strategy (force, exploiting the victim's intoxicated state) as between-subjects factor. Perceived perpetrator and victim blame were entered simultaneously as dependent variables.

As predicted in Hypothesis 1, the analysis yielded a multivariate effect of type of crime, $F(2, 285) = 75.17$, $p < .001$, $\eta^2 = .35$, and both univariate effects for perpetrator and victim blame were significant. Perpetrator blame was higher for robbery ($M = 6.52$, $SE = .04$) than for rape cases ($M = 5.53$, $SE = .06$), $F(1, 286) = 131.95$, $p < .001$, $\eta^2 = .32$. Conversely, more blame was attributed to the victim for rape ($M = 2.90$, $SE = .05$) than for robbery ($M = 1.99$, $SE = .05$), $F(1, 286) = 142.65$, $p < .001$, $\eta^2 = .33$.

The multivariate analysis also yielded a main effect for coercive strategy, multivariate $F(2, 285) = 44.35$, $p < .001$, $\eta^2 = .24$. More blame was attributed to the perpetrator when he used force ($M = 6.29$, $SE = .05$) rather than exploiting the incapacitated state of the victim ($M = 5.75$, $SE = .05$). By contrast, the victim was blamed more when she was incapacitated by alcohol ($M = 2.71$, $SE = .05$) compared to the use of force ($M = 2.18$, $SE = .05$). Furthermore, a main effect for type of relationship emerged, multivariate $F(4, 283) = 70.95$, $p < .001$, $\eta^2 = .50$. Across rape and robbery, perpetrator blame decreased from the stranger cases ($M = 6.38$, $SE = .03$) to the acquaintance cases ($M = 6.11$, $SE = .03$) to the ex-partner cases ($M = 5.57$, $SE = .06$), $F(2, 572) = 148.41$, $p < .001$, $\eta^2 = .34$, with all means differing at $p < .001$. The reverse pattern emerged for victim blame, with lowest ratings for stranger cases ($M = 2.03$, $SE = .04$) followed by the acquaintance cases ($M = 2.46$, $SE = .05$) and the ex-partner cases ($M = 2.85$, $SE = .05$), $F(2, 572) = 141.62$, $p < .001$, $\eta^2 = .33$, again all means differed significantly from each other.

However, the theoretical focus of the analyses was on the interaction of type of crime with information about coercive strategy and victim–perpetrator

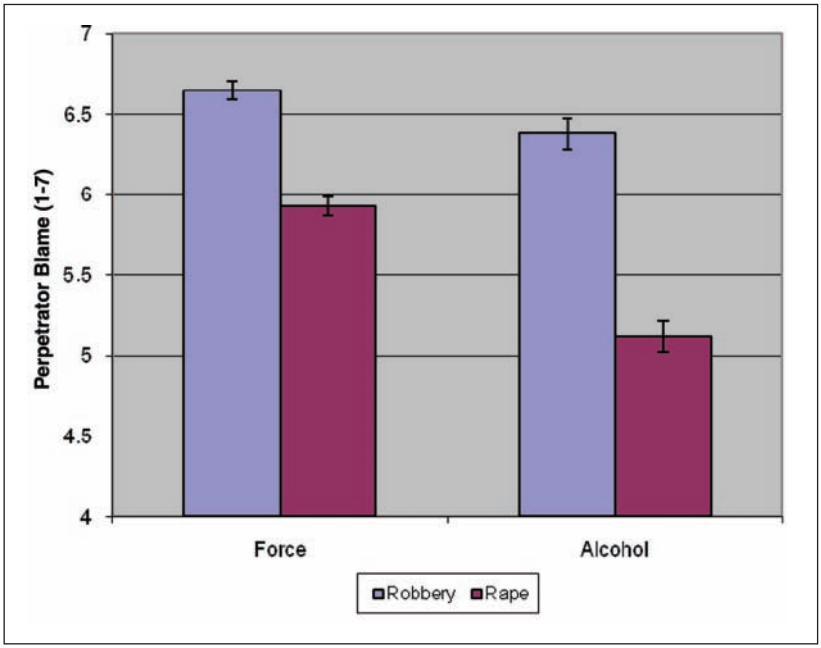

Figure 1. Interaction of type of crime and coercive strategy on ratings of perpetrator blame

relationship. As predicted in Hypothesis 2, a significant interaction was found between type of crime and coercive strategy, multivariate $F(2, 285) = 7.79$, $p < .001$, $\eta^2 = .05$. When the perpetrator exploited the fact that the victim was drunk at the time of the assault rather than using physical force, perceived perpetrator blame decreased in the rape cases but not in the robbery cases, $F(1, 286) = 9.71$, $p < .01$, $\eta^2 = .03$ (Figure 1, bars indicate standard errors). Similarly, if the victim was too drunk to resist rather than being overcome by force, she was blamed more in the rape cases, but not in the robbery cases, $F(1, 286) = 15.85$, $p < .001$, $\eta^2 = .05$ (Figure 2).

Hypothesis 3 predicted an interaction between type of crime and victim–perpetrator relationship, which was confirmed by the data, $F(2, 283) = 55.67$, $p < .001$, $\eta^2 = .44$. The univariate effect for perpetrator blame was significant, $F(2, 572) = 121.66$, $p < .001$, $\eta^2 = .30$. As shown in Figure 3, perpetrator blame decreased the closer the relationship with the victim for the rape cases, but no parallel decrease was found for the robbery cases. The univariate effect for victim blame was also significant, $F(2, 572) = 48.16$, $p < .001$,

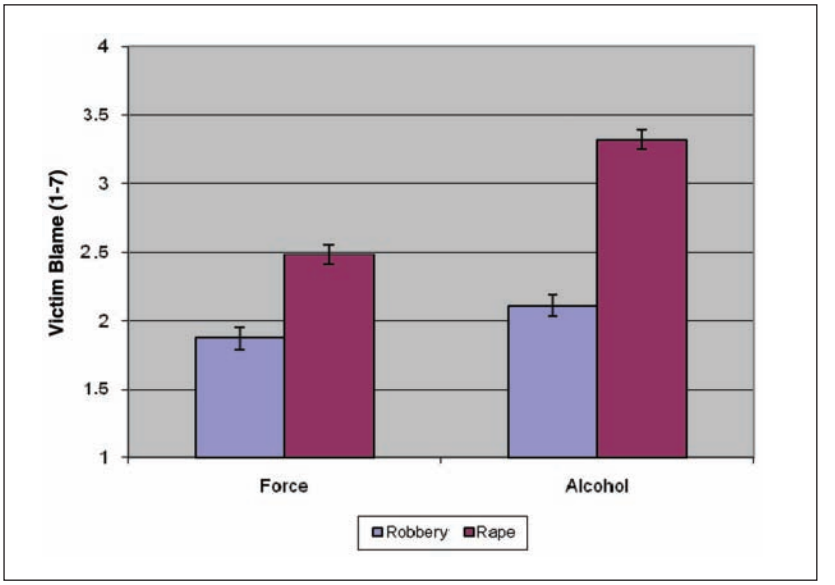

Figure 2. Interaction of type of crime and coercive strategy on ratings of victim blame

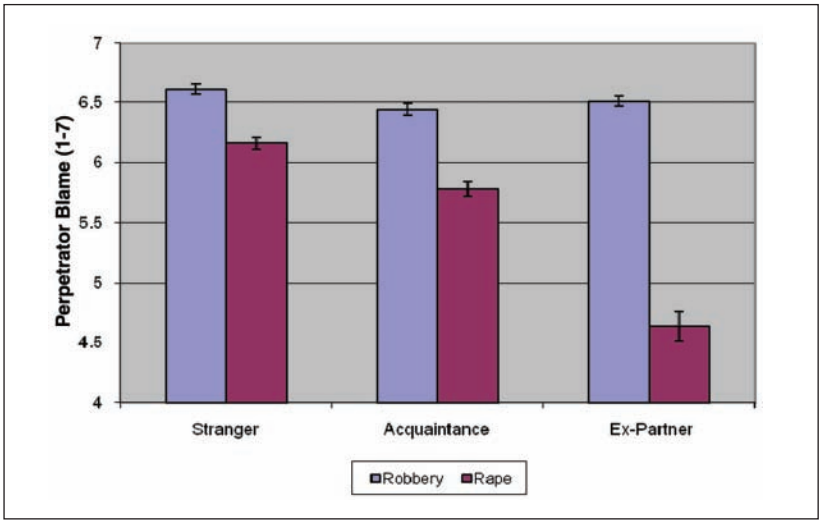

Figure 3. Interaction of type of crime and victim–perpetrator relationship on ratings of perpetrator blame

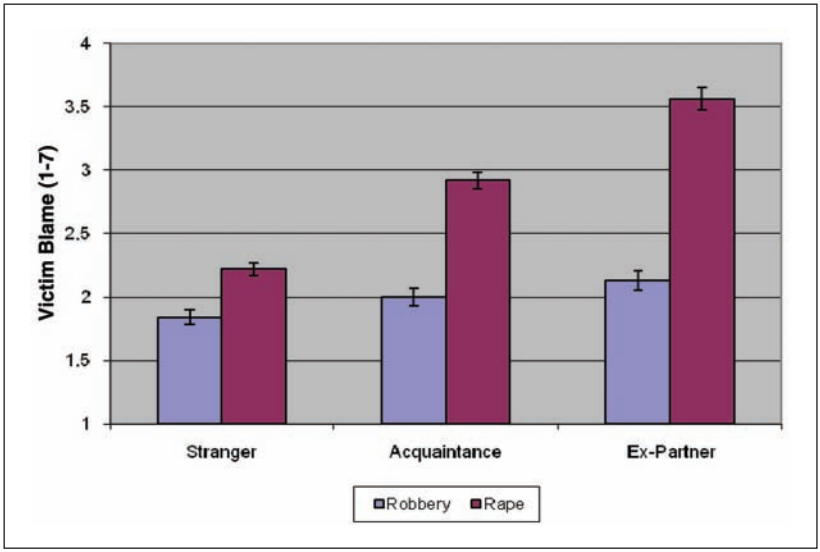

Figure 4. Interaction of type of crime and victim–perpetrator relationship on ratings of victim blame

$\eta^2 = .14$. Victim blame increased in the rape cases the closer the relationship, but remained unaffected by relationship information in the robbery cases. Figure 4 displays the findings.

Discussion

This study examined the differential operation of schematic information processing in decision making about cases of rape compared to robbery. Past research has widely demonstrated that when asked to assess perpetrator and victim blame in cases of rape, perceivers attribute more blame to the victim and less blame to the perpetrator in cases where the victim was too intoxicated to offer resistance than in cases where she was overcome by force (e.g. Krahé, Temkin, & Bieneck, 2007; Schuller & Wall, 1998). It has also been shown that perpetrators are blamed less and victims are blamed more the closer the prior relationship between the two. These patterns can be seen as a reflection of schematic information processing because neither victim intoxication nor victim–perpetrator relationship are critical features of the legal definition of rape. They affect perceptions of blame because they are part and parcel of widely shared stereotypes about sexual assault that deny

cases that involve victim intoxication and a prior relationship with the perpetrator the status of a "real rape".

The present study demonstrated that the reliance on generalized beliefs or schemata that affect perceptions of victim and perpetrator blame was stronger in rape than in robbery cases, supporting the notion of a special leniency bias in rape cases. It was found that perpetrators of robbery were blamed more than perpetrators of rape and that victims of rape were blamed more than victims of robbery. More important, the study showed that within each type of crime, background information about victim intoxication and prior victim–perpetrator relationship operated differently. For the robbery cases, perpetrator blame was the same regardless of whether the victim was drunk or previously known to the perpetrator, and perceptions of victim blame were equally unaffected by these characteristics. By contrast, this information critically affected perceptions of perpetrator and victim blame in the rape cases. If the victim was too drunk to resist, she was blamed more and the perpetrator was blamed less than if the victim was overcome by force. Victim blame also increased the closer the prior relationship with the perpetrator, and perpetrator blame showed a corresponding decrease. The findings support previous research summarized by Krahé and Berger (2009) demonstrating schematic information processing in rape cases that undermines the victim and exonerates the perpetrator.

No gender differences in judgments about the scenarios were found in the present data. Typically, men are more inclined than women to blame the victim and exonerate the perpetrator in rape cases (although some recent studies showed similar tendencies in men and women; see Temkin & Krahé, 2008). This should make them less likely to differentiate between rape and robbery in their perceptions of perpetrator and victim blame. That clear differences between judgments about rape and robbery were found despite the fact that women were overrepresented in our sample by about 3:1 attests to the robustness of the double standard.

One caveat to be made about the findings is that comparisons of different criminal offences are fraught with difficulties. Rape and robbery differ in many respects, including the issue of consent that plays a critical role in rape cases. Therefore, the main effect of crime in the present data is open to interpretation. However, the main focus of the study was on the differential impact of information tapping into stereotypes about victims and their credibility within each of the two crimes. The findings are limited in terms of their external validity because participants made their judgments on the basis of short case vignettes that provided little detail about the incidents. However, the vignette methodology has the advantage of enabling researchers to systematically vary certain variables and provides a level of experimental

control and rigor impossible to achieve with genuine cases that are necessarily unique (Bieneck, 2009). Furthermore, the experimental findings we obtained for rape are compatible with data from case-tracking studies showing that stranger rapes are more likely to proceed through the criminal justice system than acquaintance rapes (e.g., Jordan, 2004). In conclusion, the present results suggest that there may be a leniency bias in sexual assault compared to other criminal offences that needs to be further analyzed.

Appendix

Scenario 1a: Rape: Strangers, Use of Force

Alice was on her way home on a cold night in January. She had attended a meeting with colleagues and afterwards they had all gone out for a meal to a small Italian restaurant. Because she had to drive home, she didn't drink any alcohol. The road where she lives was closed because of road works, so she left her car in the parking lot around the corner. One of her colleagues offered to walk her back to her house but she told him this was not necessary. It was a frosty night, and she felt cold. As she started crossing the unlit parking lot to her house, she stopped to admire the beautiful night sky. Suddenly, a man stepped out from behind a portakabin and blocked her way. At first, Alice thought the man was drunk and attempted to walk past him quickly. However, he grabbed her with a firm grip and pushed her against the Portakabin. When she tried to scream, he held his hand over her mouth. He told her to be quiet because otherwise he would have to harm her. She tried to escape from his grip, but he was stronger than her and hit her in the face. Suddenly, he pushed her to the ground, kneeled over her so that she could not resist, and had sexual intercourse with her. After her attacker fled the scene, Alice made an emergency call to the police. The police arrived within minutes and searched the area. Not far from the scene, they arrested a suspect, Rob, who had acted suspiciously by trying to dump his coat in a paper bank. Alice recognized him as her attacker, and he was arrested.

Scenario 1b: Robbery: Strangers, Use of Force

Sue was on her way to the university when she remembered that she had forgotten to do her shopping. She had invited some friends round for a meal in the evening to celebrate her birthday that had been a few days ago. Therefore, she stopped by the bank to get some money from the cash machine to buy the ingredients. Absorbed in her thoughts and in pleasant anticipation of

(continued)

Appendix (continued)

the evening, she took out her money, put it away and left the bank. Suddenly, she was confronted by a man with a big dog. He threatened her with a half-concealed knife, grabbed her by the arm and demanded her money. Sue was taken completely by surprise and immediately handed over the money. The man turned round and disappeared round the corner. After Sue had stood there petrified for a moment, she immediately went to the police to report the case. After a few days, the police identified and arrested the man, who had been caught by the CCTV camera outside the bank.

The full text of all scenarios is available from the first author on request.

Acknowledgment

The authors gratefully acknowledge the support of Tajana Grießmann in conducting the study.

Declaration of Conflicting Interests

The authors declared no potential conflicts of interest with respect to the authorship and/or publication of this article.

Funding

The authors received no financial support for the research and/or authorship of this article.

References

Bieneck, S. (2009). How adequate is the vignette technique as a research tool in psycho-legal research? In M. E. Oswald, S. Bieneck, & J. Hupfeld-Heinemann (Eds.), *The social psychology of punishment of crime* (pp. 255-271). Chichester, UK: Wiley.

Brems, C., & Wagner, P. (1994). Blame of victim and perpetrator in rape versus theft. *Journal of Social Psychology, 134*, 363-374.

Brown, J. M., Hamilton, C., & O'Neill, D. (2007). Characteristics associated with rape attrition and the role played by scepticism or legal rationality by investigators and prosecutors. *Psychology, Crime & Law, 13*, 355-370.

European Sourcebook of Crime and Criminal Justice Statistics. (2006). Retrieved September 5, 2009, from http://www.europeansourcebook.org/esb3_Full.pdf

Felson, R. B., & Pare, P. P. (2007). Does the criminal justice system treat domestic violence and sexual assault offenders leniently? *Justice Quarterly, 24*, 435-459.

Jordan, J. (2004). Beyond belief? Police, rape, and women's credibility. *Criminal Justice, 4*, 29-59.

Kanekar, S., Pinto, N. J., & Mazumdar, D. (1985). Causal and moral responsibility of victims of rape and robbery. *Journal of Applied Social Psychology, 15*, 622-637.

Krahé, B., & Berger, A. (2009). A social cognitive perspective on attrition rates in sexual assault cases. In M. Oswald, S. Bieneck, & J. Hupfeld-Heinemann (Eds.), *Social psychology of punishment of crime* (pp. 335-355). Chichester, UK: Wiley.

Krahé, B., Temkin, J., & Bieneck, S. (2007). Schema-driven information processing in judgments about rape. *Applied Cognitive Psychology, 21*, 601-619.

Kunda, Z. (1999). *Social cognition*. Cambridge, MA: MIT Press.

McEwan, J. (2003). *The verdict of the court: Passing judgment in law and psychology*. Oxford, UK: Hart.

Ministry of Justice (2007). *Criminal Statistics Annual Report 2007, Volume 2, Part 1, Table S2.1 (A)*. Retrieved September 5, 2009, from www.justice.gov.uk/publications/criminalannual.htm

Schuller, R. A., & Hastings, P. A. (2002). Victim sexual history evidence: Its impact on mock jurors' decisions. *Psychology of Women Quarterly, 26*, 252-261.

Schuller, R. A., & Wall, A. M. (1998). The effects of perpetrator and victim intoxication on mock jurors' judgments of sexual assault. *Psychology of Women Quarterly, 22*, 555-573.

Stewart, M. W., Dobbin, S. A., & Gatowski, S. I. (1996). "Real rapes" and "real victims": The shared reliance on common cultural definitions of rape. *Feminist Legal Studies, 4*, 159-177.

Temkin, J., & Krahé, B. (2008). *Sexual assault and the justice gap: A question of attitude*. Oxford, UK: Hart.

Viki, G. T., Abrams, D., & Masser, B. (2004). Evaluating stranger and acquaintance rape: The role of benevolent sexism in perpetrator blame and recommended sentence length. *Law and Human Behavior, 28*, 295-303.

Bios

Steffen Bieneck is an assistant professor and is located at the department of psychology at the University of Potsdam. His research interests are in the field of social cognition research applied to legal decision making.

Barbara Krahé is a professor of social psychology at the University of Potsdam, Germany. Her research interests lie in the area of applied social psychology, in particular aggression research (sexual aggression, media violence and aggression) and social cognition research applied to legal decision making (rape myths and biases in judgments about sexual assault).