Juror Background Characteristics and Attitudes Toward Rape

Correlates of Jurors' Decisions in Rape Trials

Hubert S. Feild*

Although numerous writers have discussed the importance of and link between juror characteristics and juror decisions in rape trials, an empirical investigation of the relationships between these characteristics and juror verdicts has not been made. Using data obtained from a sample of 896 citizens serving as mock jurors, the principal focus of the present research was on the correlations of jurors' background characteristics and their attitudes toward rape with their decisions in a simulated rape case. Results of the study showed that the jurors' background and attitudinal variables were associated with their decisions. In addition, the pattern of the correlations was quite stable as the characteristics of the case evaluated (in terms of defendant and victim race, victim physical attractiveness, victim sexual experience, strength of evidence presented, and type of rape committed) were found to have only negligible effects on these relationships. Other tests showed that only the attitudinal variables accounted for differences in the jurors' decisions after characteristics of the case had been considered. Further, as compared to background data, the jurors' views of rape were the most important predictor of their decisions. Implications of the role of jurors' views of rape in jurors' decisions in rape trials and the use of rape attitudes for selecting jury members in rape cases are discussed.

INTRODUCTION

The study of the effects of variables extraneous to a trial on juror deliberations and juror verdicts has had a long history among researchers investigating the law and human behavior. Results of many investigations leave little doubt that a variety of extralegal factors influence the outcome of jury trials (for reviews of these studies, see Bray, 1976; Davis, Bray, & Holt, 1977; Erlanger, 1970; Gerbasi, Zuckerman, & Reis, 1977; Stephan, 1975). In fact, the effects of these factors have, at times, been so pervasive that one writer has labeled them "the thirteenth juror" (Frank, 1950).

*Department of Psychology, Auburn University.
Recently, numerous writers (for example, Babcock, Freedman, Norton, & Ross, 1975; Brownmiller, 1975) have noted that trials involving rape appear particularly sensitive to the effects of extraevidenal factors. They have pointed out that it is these variables which have made it difficult to obtain convictions in rape cases. An examination of conviction rates of defendants accused of rape relative to defendants convicted of murder, aggravated assault, and armed robbery lends some support to their supposition that variables other than the evidence affect rape trials. Based upon police reporting, for example, a smaller proportion of individuals arrested for rape are found guilty as charged than persons arrested for murder, aggravated assault, or armed robbery (Uniform Crime Reports, 1976). Correspondingly, a greater proportion of rape trials are found to end in acquittal or dismissal than trials involving other violent crimes (Uniform Crime Reports, 1976). Due to the low clearance and conviction rates for rape, Washburn (1975, p. 280) has questioned "... whether the rules of law which courts apply in rape trials are well-suited to performing the task for which they are intended."

Assuming that extraevidenal factors have an impact on rape trials, it would seem that disparities in disposition can be attributed to at least one of three factors: (a) the current writing of state rape laws and statutes, (b) the nature and procedural aspects of rape trials, and (c) the characteristics of a specific rape case brought to trial, including characteristics of the defendant, victim, jury members, and the particular offense. Much has been written concerning the first two of these factors (for example, Bohmer & Blumberg, 1975; LeGrand, 1973; Mathiasen, 1974; Washburn, 1975), but only in the last few years has systematic research been conducted on the latter factor, that is, the effects of case characteristics on rape trials.

In studying the influence of rape case characteristics, most investigations have focused on either descriptors of the defendant or those of the victim. When rape defendant characteristics have been studied, traits such as age (Barber, 1974), character or social attractiveness (Barnett & Feild, 1978; Frederick & Luginbuhl, 1976; Jones & Aronson, 1973), previous criminal convictions (Barber, 1974), and race (Barnett & Feild, 1978; Wolfgang & Riedel, 1975) have been found to influence jurors' or judges' verdicts.

Similarly, victim characteristics have also been reported to affect decisions in rape trials. For example, the following victim traits have been identified as impacting on jurors' or judges' sentences of the defendant: age (Barber, 1974), character or social attractiveness (Barber, 1974; Brooks, Doob, & Kirshenbaum, 1975), dress or clothing (Scroggs, 1976), marital status (Jones & Aronson, 1973), physical appearance (Scroggs, 1976), physical attractiveness (Luginbuhl, 1975; Luginbuhl & Mullin, 1976), previous sexual history (Barber, 1974), relation to the offender (Barber, 1974), resistance by the victim (Scroggs, 1976), and severity of the rape, that is, the degree of force used against the victim (Barber, 1974; Hoiberg & Stires, 1973).

Although defendant and victim variables are important, research on the effects of rape case characteristics has, for the most part, ignored the possible influence or relationships of juror characteristics with juror decision-making. With the exception of only a few studies, juror characteristics as they relate to rape trials have been virtually ignored. Yet, it would seem such research would be important, since who listens to and judges a case may be just as critical of a determinant of the outcome of a rape trial as victim or defendant variables. Data on juror characteristics and verdicts would