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"She Is his Girlfriend—I Believe this Is a Different Situation": Gender Differences in Perceptions of the Legality of Intimate Partner Rape

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Abstract
Despite the alarming problem of intimate partner rape (IPR), there is a dearth of empirical data investigating how jury-eligible individuals perceive IPR in a courtroom setting. In particular, very little research has addressed IPR beyond the scope of marital rape. Thus, we investigated how community members perceived intimate partner rape involving both a married and non-married couple in a mock trial context. In Experiment 1, 129 participants (78 women) read a trial summary describing an intimate partner rape that differed as to whether the victim and defendant were married or in a cohabiting, non-marital relationship. In Experiment 2, which involved the same methods as Experiment 1, we gave 153 participants (79 women) four verdict options: not guilty, guilty of Rape in the First-Degree, Intimate Partner Rape, or Sexual Misconduct. In both experiments, women were more likely to render guilty verdicts than men and yielded more pro-victim/anti-defendant judgments. Participants did not perceive the case differently between the marital status conditions. In Experiment 2, the presence of other guilty verdict choices influenced both men and women's guilt decisions. The proportion of women who found the defendant not guilty of any crime decreased by over 50% in Experiment 2, while the proportion of men who found the defendant not guilty remained stable across experiments. The results suggest that few men and women are willing to convict the defendant of Rape in the First-Degree—especially when presented with other, lesser sexual crime options—and that the victim and defendant's intimate relationship is a mitigating factor causing mock jurors to view IPR as a lesser, sexual crime different to felony rape.

Keywords Intimate partner rape · Juror decision-making · Gender differences

Although Basile ([1999](#)) found that 80% of the general U.S. population believe that forcible rape occurs between husbands and wives, the public often does not consider

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intimate partner rape (IPR) to be an equivalent crime to stranger or acquaintance rape (Auster and Leone [2001](#); Kirkwood and Cecil [2001](#)). Despite the alarming problem of IPR, the literature lacks empirical data on how jury-eligible individuals perceive IPR in a courtroom setting. This area needs investigation for several reasons. First, despite the difficulty of winning convictions in IPR cases, such cases do go to trial (Tjaden and Thoennes [2006](#)). Second, according to vignette research, men blame a woman more when she is raped by a spouse versus by a stranger or acquaintance (e.g., Ferro et al. [2008](#); Monson et al. [2000](#)). However, researchers do not yet know how these blame attributions translate into decisions to convict the perpetrator in IPR cases. Third, a recent analysis of U.S. rape statutes (Levine [2017](#)) found that 20 states still have marital rape law exemptions, which include caveats to existing rape laws that allow marital rape to occur under certain conditions. In Maryland, for example, spouses may only be convicted of rape if the act involved forcible penetration or if the spouses are not living together (§ 3–318). Such exemptions suggest that IPR is legally a less severe crime than

acquaintance or stranger rape in some states. However, to our knowledge, researchers have not investigated if people view IPR as a sexual crime distinct from "Rape in the First-Degree." That is, if people do not think IPR is "real rape," what crime is it? Fourth, because researchers in this area have primarily used vignettes depicting rape between married couples only, we do not know how people will make legal judgments of a non-married couple who are in a committed relationship. Given the growing popularity of living together before marriage or not marrying at all (CDC 2011), determining the unique contribution of the actual status of being married is critical to furthering our understanding of perceptions of IPR.

Previous researchers have used the terms "marital rape" and "spousal rape;" however, we use the term "intimate partner rape" (i.e., IPR) consistently throughout this paper as a term to refer to rape between two individuals in a committed, sexual relationship. The dominant focus of IPR as rape only between married individuals in the research literature further emphasizes the need for work that investigates the issue of IPR from a broader, more modern perspective. We would also like to point out that the literature we reference and our current study focuses on rape perpetrated by a man towards a woman.[1] Therefore, the term "intimate partner rape" in this manuscript is referring to such. The purpose of the two experiments in the present study is to utilize community samples to investigate the following lines of inquiry in a fictional trial context: (a) if there are gender differences in men's and women's perceptions of rape when a victim and offender are married versus in a non-married committed relationship; and (b) if alternative legal designations of IPR (e.g., Rape in the First-Degree, Intimate Partner Rape, or Sexual Misconduct) will highlight differences in how participants perceive IPR as a crime. It is important to note that with the exception of one recent study (i.e., Adams-Clark and Chrisler 2018), previous research investigating perceptions of intimate partner rape have primarily utilized undergraduate student samples (e.g., Auster and Leone 2001; Duran et al. 2011; Ferro et al. 2008; Kirkwood and Cecil 2001; Monson et al. 2000; Munge et al. 2007; Rossi et al. 1974; Simonson and Subich 1999). However, the current study builds upon the current literature by employing two separate national community samples to address the abovementioned study goals.

Problems with Prosecuting Intimate Partner Rape

Rape is a difficult crime to prosecute. The National Violence Against Women Survey (NVAWS) estimated that prosecution occurred in only 37% of all reported rapes of adult women and that 46.2% of these prosecuted cases resulted in a conviction (Tjaden and Thoennes 2006). Because most victims do not report rape to the police, the same researchers estimated that only 3.4% of all rapes (including those that are unreported and not prosecuted) led to a conviction of the rapist. Prosecution and conviction rates are even lower when it comes to IPR. The NVAWS found that only 32.1% of reported IPRs were prosecuted (versus 44.4% of reported rapes committed by a non-intimate partner), and conviction rates were substantially lower for prosecuted IPR cases (36.4%) than prosecuted non-IPR cases (61.9%; Tjaden and Thoennes 2006).[2] Legal issues related to prosecuting IPR start with the justice system's relatively recent acknowledgment of spousal rape as a criminal act. Spousal rape was not formally prosecuted until 1978 and raping a spouse was not illegal in all 50 states in the U.S. until the 1990's (Muehlenhard and Kimes 1999). By 1993, all 50 states had laws that classified marital rape as a criminal act (Muehlenhard and Kimes 1999). However, 20 states currently have exemptions in their laws that can potentially excuse a spouse from rape charges (Levine 2017). That is, although IPR is illegal in every U.S. state, there are certain conditions in some states where a person cannot be charged with raping their spouse when sexual intercourse occurs (e.g., the victim was in a vulnerable state such as sleeping; Bennice and Resick 2003). Attorneys have difficulty prosecuting IPR because it often occurs without any witnesses and the offender is someone with whom the victim has likely had previous consensual sexual interactions (Woolley 2007). This offers the Defense the opportunity to argue that the intercourse was consensual, which results in a "he-said-she-said" conflict and renders DNA evidence proving that the couple had sex irrelevant (Seidman and Vickers 2005). Prosecutors, in fact, argue that victim credibility is a crucial factor in legal decision-making of sexual assault cases (Spohn and Tellis 2014), which can lead to heavy scrutiny of the victim's character and behavior.

IPR is also difficult to prosecute because states can have limited legal definitions of rape. For example, some states do not include the use of non-physical force tactics (e.g., coercion) in their description of rape. In addition, as mentioned above, many statutes still have nuances that can exempt a spouse from a rape conviction, such that the spouses must

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[1] Sexual aggression is perpetrated by women towards men. However, it is less frequent than sexual aggression perpetrated by men towards women and receives significantly less attention in the research literature.

[2] The NVAWS defines an intimate partner as current and former dates, spouses, and cohabiting partners, with cohabiting meaning living together at least some of the time as a couple. This definition also includes both same-sex and opposite sex couples.

have been separated or living apart during the assault (Maryland Code Anm., Crim Law §3–318) or that the victim had to physically resist her husband during the assault (Idaho Code Ann. §18–6107). Schulhofer (1998) argued that rape laws contribute to our understanding of rape in society and individuals likely use this information in their schemas of "real rape." Therefore, many individuals hold the myth that "real rape" is physically forced and "real" victims fight back (Raphael and Logan 2009). Other myths pertinent to IPR stem from societal conceptions of intimacy and gender roles, including that sex between partners is a private matter (Hammond and Calhoun 2007; Lazar 2010), and sex is a "wifely duty" (Basile 1999; Bennice and Resick 2003; Lazar 2010; Logan et al. 2015). Furthermore, victims of IPR may not report being raped because their experience does not fit the schema of "real rape" or the legal definition of rape in many states (Raphael and Logan 2009; Schulhofer 1998). In fact, victims are less likely to self-label an experience as rape when the perpetrator is an intimate partner (Hammond and Calhoun 2007; Kahn et al. 2003; Littleton et al. 2008).

The success of IPR convictions is also dependent on the discretion of prosecutors to take on a case involving intimate partners (Spohn and Holleran 2001). For example, some research suggests that prosecutors are more likely to reject cases involving acquaintance and intimate partner victims in comparison to cases involving stranger rape (e.g., Spohn et al. 2001). O'Neal et al. (2015) conducted a qualitative analysis of legal and extralegal factors that influenced prosecutorial decision-making in Los Angeles sexual assault cases. The authors found that although prosecutors' likelihood to file charges was similar for IPR and non-IPR cases, prosecutors often included extralegal factors (e.g., victim-offender relationship) in their decision-making process when rejecting IPR cases. For example, even when citing insufficient evidence as a rationale for rejecting an IPR case (i.e., a legal factor), some prosecutors suggested that instances of IPR were trivial conflicts between partners or simply a "miscommunication" versus a serious sexual crime. However and in a more recent quantitative study, O'Neal and Spohn (2017) found no evidence that police officers or prosecutors used extralegal factors when deciding whether to pursue arrests/charges in cases of Los Angeles sexual assault. Specifically, the authors did not find a significant association between victim-defendant marital status and arrest decision, but rather found that factors such as physical evidence, physical injury, and use of weapon impacted justice system professionals' decision-making. Therefore, the influence of extralegal factors and rape myths on criminal justice professionals' decision-making in IPR cases is unclear.

Perceptions of Intimate Partner Rape

There are several key findings in the literature surrounding how laypeople (i.e., non-criminal justice professionals) view IPR. First, researchers investigating the relationship characteristics of the victim and offender established that relationship status and length were associated with participants' judgments of a rape scenario. Recently, Adams-Clark and Chrisler (2018), presented a community sample of participants with vignettes that varied the marital status of the victim/perpetrator couple (i.e., married or not-married but in a relationship) and the type of sexual act (i.e., digital, vaginal, anal, or oral penetration). The authors found that male participants were more likely to blame the victim than women and that participants blamed the victim more and minimized the incident when the rape was oral or digital penetration (versus vaginal). Interestingly, the authors found no differences in perceptions of the incident between the married versus non-married couple.

Simonson and Subich (1999) found that undergraduate participants characterized a marital rape scenario as rape less often and considered martial rape to be less violent, less of a violation of the victim's rights, and less psychologically damaging to the victim in comparison to stranger, acquaintance, and date rape scenarios. In addition, Kirkwood and Cecil (2001) found that undergraduates rated rape by a spouse as the least serious rape vignette compared to rape by a stranger, date, or ex-spouse. Furthermore, 27% of participants believed that the relationship between the victim and the perpetrator should be taken into account when deciding the punishment or sentencing for rape charges. These researchers also found that men endorsed the abovementioned beliefs more than women. Munge et al. (2007) found that undergraduates assigned greater responsibility for a rape to wives who were unfaithful versus faithful, especially for couples who were married for a longer period of time (15 years) versus a shorter period of time (3 years).

Second, researchers have studied how participants' rape-supportive beliefs (e.g., victim-blaming, rape myth acceptance, justification of rape) and traditional beliefs about relationships are associated with perceptions of IPR. For example, Monson et al. (2000) found that male undergraduates endorsed the most rape-supportive beliefs (e.g., did the perpetrator violate the victim) and blamed married victims more than victims who did not know their attacker. Similarly, Ferro et al. (2008) found that male undergraduates' endorsement of rape-supportive beliefs (e.g., "it wasn't really rape") were higher when the victim was raped by her husband versus an acquaintance. Other researchers have also found that participants' traditional beliefs about marriage are associated with victim-blaming in cases of marital rape (for example, see Duran et al. 2011).

Third, researchers have investigated perceptions of marital rape in a legal or punishment context. Rossi et al. (1974), required community participants to rank 140 criminal actions (e.g., theft, drug use, rape) as to their seriousness. Although the list did not include rape by a *current spouse* because it was still not considered illegal at the time, the list did include rape of a *former spouse*. However, participants did not rank the latter as one of the top 25 serious crimes. In fact, they ranked rape of a former spouse #62 (out of 140), rape of a neighbor #21, and rape of a stranger #13 with regard to seriousness. We must note that it is unclear how Rossi et al. (1974)'s results may replicate today given that the study was conducted over 40 years ago. Cultural norms regarding marriage and rape laws have changed over the last four decades, which calls into question how representative Rossi et al. (1974)'s results are in today's society. Finally, Auster and Leone (2001) found that fraternity-involved male undergraduates, relative to non-fraternity-involved men and women were less likely to strongly agree that rape between strangers and rape between spouses should be prosecuted as similar crimes and that rape by a spouse should be a felony.

The Present Study

The previous research investigating IPR has several limitations. First, researchers typically compared perceptions of marital rape to either stranger or acquaintance rape when studying IPR; only one published study included a non-married intimate partner condition for comparison (see Adams-Clark and Chrisler 2018). As such, we cannot attribute participants' increased blame toward married victims in such studies to the fact that the couple were married or that the couple were intimate partners. Next, participants in prior studies did not have alternative choices beyond "rape" (in the First-Degree) when labeling the incident. These participants may have viewed rape between partners as a sexual crime other than Rape in the First-Degree; they may have instead viewed the act as something criminal "in between" Rape in the First-Degree and Not Guilty. Next, researchers have only used short vignettes (e.g., Adams-Clark and Chrisler 2018; Duran et al. 2011; Ferro et al. 2008; Kirkwood and Cecil 2001; Monson et al. 2000; Munge et al. 2007; Simonson and Subich 1999) or hypothetical questions about marital rape (Auster and Leone 2001; Rossi et al. 1974) to study perceptions of IPR. Although vignettes have served as a valuable tool and allowed researchers to contribute to the literature on perceptions of IPR, the present study's methodology is the first, of our knowledge, to build on such work by presenting a fictional criminal trial paradigm in which participants are presented with both direct- and cross-examination. Finally, undergraduates comprised the majority of prior IPR research participant samples, but community participants arguably provide a more representative and diverse sample with more life experiences.

Thus, the goal of the present study was to investigate how a community sample perceived IPR in a fictional trial context. In Experiment 1, we examined men's and women's trial perceptions and judgments based on whether the victim and defendant were married versus not married but in a committed, cohabiting relationship. In Experiment 2, we attempted to replicate our findings from Experiment 1, but also offered participants the option to convict the defendant of Rape in the First-Degree, a lesser crime (i.e., Sexual Misconduct), or a specific statute entitled "Intimate Partner Rape." We had two primary hypotheses:

Hypothesis 1 Compared to men, women will be more likely to render guilty verdicts and yield more pro-victim/anti-defendant judgments (i.e., lower in victim blame, defendant sympathy, defendant credibility; higher in victim sympathy, defendant blame, and victim credibility). This is based on previous mock juror research showing gender differences in trial judgments involving a sexual crime (e.g., Golding et al. 2016; Lynch et al. 2013; Lynch et al. 2017b; Lippert et al. 2018) and gender differences in the way marital rape is viewed in vignettes (e.g., Auster and Leone 2001; Ferro et al. 2008; Kirkwood and Cecil 2001; Monson et al. 2000).

Hypothesis 2 We also investigated the potential moderating effect of participant gender on the relationship of the victim-defendant by testing the interaction between participant gender and the experimental condition (i.e., marital status of the victim and defendant). We predicted that women will have consistently high pro-victim judgments across experimental conditions, given their tendency to be overwhelmingly pro-victim (e.g., Auster and Leone 2001; Ferro et al. 2008; Kirkwood and Cecil 2001; Monson et al. 2000; Golding et al. 2016; Lynch et al. 2013, 2017b; Lippert et al. 2018). However, men should have the lowest pro-victim judgments when the victim and defendant were married. Though we know of no published study in which the researchers directly compared a married condition to a non-married intimate rape condition, we drew upon the victim typicality literature to make this prediction. Specifically, mock jurors in prior research have rendered more guilty verdicts when the rape scenario was more prototypical (i.e., stranger rape) versus less prototypical (i.e., acquaintance rape; McKimmie et al. 2014). Therefore, participants (men especially) may view IPR in marriage as less prototypical and yield relatively fewer guilty verdicts compared to participants (women especially) in the cohabiting non-married couple condition.

Experiment 1

Method

Participants

We recruited participants ($N = 140$) via Mechanical Turk (MTurk), a participant recruitment service hosted by Amazon.com.[3] The description of the study stated that participants would read a summary of a fictional criminal trial and that it may contain violent and/or sexual content. The eligibility requirements were for participants to be at least 18 years old and U.S. citizens. In recent years MTurk has become a common and inexpensive participant recruitment tool for social science research (for a review of MTurk recruitment procedures and methodological issues see Berinsky et al. 2012; Paolacci and Chandler 2014). MTurk samples have been shown to be more representative of the general population demographically and more diverse than other convenience and student samples in the social sciences (Berinsky et al. 2012). However, MTurk is not immune to generalizability issues as their samples are typically younger, more ideologically liberal, and White compared to the general population (Berinsky et al. 2012). We compensated participants in both Experiments $1.00 for completing the survey, which is comparable to other studies utilizing MTurk (Buhrmester et al. 2011).

We removed seven participants for failing to correctly answer a manipulation check question about whether the victim and defendant were married. Additionally, four participants left the study before answering any questions. Thus, our final sample consisted of 129 participants (78 women, 51 men). All participants reported that they were U.S. citizens and at least 18 years old (i.e., jury-eligible). The average age of participants was about 35 years old, with ages ranging from 19 to 72 years. As seen in Table 1, the vast majority of participants identified as White (76.74%) and participants most commonly indicated that they were they were either single-never married (35.66%), married (34.11%), or currently in a cohabiting relationship (17.83%).

Materials

Criminal Trial Summary The summary consisted of a fictional rape trial summary in which the defendant (i.e., either her husband or live-in boyfriend) was charged with Rape in the First-degree for allegedly raping his intimate partner.[4] The summary included a general trial description and opening

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[3] A power analysis suggested $N = 140$ as a sufficient sample size to detect medium effect sizes for gender differences in perceptions of the trial ratings
[4] The full trial summary is available to readers upon request to the corresponding author

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arguments, the Prosecution and Defense cases with both direct- and cross-examination of all witnesses, judge's instructions, and closing arguments. The description of Rape in the First-Degree was as such: *The defendant is guilty of rape in the first-degree when he engages in sexual intercourse with another person by forcible compulsion* (KRS 510.040, 2010). The trial summary varied only on what was necessary to manipulate the independent variable (i.e., whether or not the defendant and victim were married). The Prosecution's case included testimony from the victim and the responding detective, and the Defense's case included the defendant's testimony, which indicated that the sex was consensual, and testimony from the couple's neighbor. In both conditions, the summary described the victim and defendant as being in a relationship for a total of six years. The summary reported a case in which the victim and her partner/the defendant (either her spouse or live-in boyfriend) had been arguing quite frequently over the past few months and had an argument during the night of the incident. The defendant admitted to punching previously punching furniture during their arguments. The summary stated that the victim and defendant had not had sex in three months due to their fighting. The victim testified that the defendant became enraged after she said she was too tired to have sex and shouted at her that she was supposed to have sex with him. The victim said that her husband prevented her from leaving the room, grabbed her, and then held her down on the bed while he engaged in sexual intercourse. She testified that she actively resisted by screaming at him to stop. The victim went to the police station the next day and the detective testified that the victim was visibly shaken and upset. The defendant was visibly shocked when officers showed up to question him. The victim moved out of the house after the incident to stay with family and testified that she was in the process of divorcing her husband despite his efforts to reach out to her. The couple's neighbor testified that he thought that the defendant was a good neighbor but he had heard yelling on the night of the incident.

Verdict and Trial Ratings Participants rendered their verdict ($0 = not\ guilty$, $1 = guilty$) and completed several trial rating measures. We based the trial questionnaire and subscales materials from other studies that examined rape in a fictional trial context (e.g., Golding et al. 2016; Golding et al. 2015a, b; Lynch et al. 2013; Lynch et al. 2017a; Lippert et al. 2018). The trial questionnaire assessed all rating measures on a 10-point scale ($1 = not\ at\ all$, $10 = completely$), with only the endpoints labeled. The trial questionnaire asked participants to "Please indicate: How (1) credible (2) believable (3) honest do you rate the victim?; (4) How responsible was the victim for the alleged incident?; (5) How much blame do you feel toward the victim?; and (6) How much sympathy do you feel

Table 1 Participant demographics (top) and descriptive statistics by participant gender in Experiment 1 and Experiment 2 (bottom)

	Experiment 1 (N = 129)		Experiment 2 (N = 153)	
Participant gender				
Male	39.53% (n = 51)		48.37% (n = 74)	
Female	60.47% (n = 78)		51.63% (n = 79)	
Race/ethnicity				
White	76.74% (n = 99)		79.74% (n = 122)	
Black	10.85% (n = 14)		4.58% (n = 7)	
Hispanic	3.88% (n = 5)		4.58% (n = 7)	
Asian/Pacific Islander	3.10% (n = 4)		7.84% (n = 12)	
Multi-racial	3.88% (n = 5)		1.96% (n = 3)	
Other	1.55% (n = 2)		1.30% (n = 2)	
Participant marital status				
Single-never married	35.66% (n = 46)		28.76% (n = 44)	
Currently in a cohabitating relationship	17.83% (n = 23)		18.95% (n = 29)	
Currently in a non-cohabitating relationship	4.65% (n = 6)		12.42% (n = 19)	
Married	34.11% (n = 44)		28.76% (n = 44)	
Divorced or separated	7.75% (n = 10)		9.80% (n = 15)	
Participant average age	35.25 (SD = 12.97)		33.97 (SD = 12.01)	
	Men (n = 51)	Women (n = 78)	Men (n = 74)	Women (n = 79)
Verdict				
Guilty: rape in the First-Degree	33.33% (n = 17)	51.29% (n = 40)	4.05% (n = 3)	12.66% (n = 10)
Guilty: Intimate partner rape	–	–	16.22% (n = 12)	40.50% (n = 32)
Guilty: sexual misconduct	–	–	12.16% (n = 9)	25.32% (n = 20)
Not guilty	66.67% (n = 34)	48.71% (n = 38)	67.57% (n = 50)	21.52% (n = 17)
Trial rating variable				
Victim credibility subscale	6.13 (2.40)	7.25 (2.28)	6.00 (2.05)	7.48 (1.92)
Victim blame subscale	3.47 (2.43)	2.18 (1.64)	2.97 (1.97)	2.14 (1.66)
Victim sympathy	6.33 (2.70)	7.72 (2.57)	6.43 (2.48)	7.84 (2.32)
Defendant credibility subscale	5.59 (2.16)	4.46 (1.99)	5.27 (1.69)	4.13 (2.31)
Defendant blame subscale	4.90 (2.41)	6.79 (2.75)	5.50 (2.20)	7.07 (2.46)
Defendant sympathy	4.96 (2.96)	3.15 (2.46)	4.32 (2.53)	3.01 (2.38)

Values for participant age (top) and trial rating variables (bottom) are presented as means with standard deviations in parentheses. Two participants in Experiment 2 did not indicate their marital status, thus percentages do not add up to 100%

toward the victim?" Next, participants responded to the same six rating questions in the same order for the defendant. Participants completed the rating questions in a single order, similar to previous fictional trial research (e.g., Golding et al. 2016; Lynch et al. 2013; Golding et al. 2015a, b; Lynch et al. 2017a; Lippert et al. 2018; Wasarhaley et al. 2017).

With regard to credibility: the (1) *Victim credibility subscale* averaged the following three items: victim honesty, victim credibility, and victim believability (Cronbach's α = .96); and the (2) *Defendant credibility subscale* averaged defendant honesty, defendant credibility, and defendant believability (Cronbach's α = .87). Next, the (3) *Victim blame subscale* averaged the following three items: victim responsibility, victim blame, and anger toward the victim (Cronbach's α = .84); and the (4) *Defendant blame subscale* averaged defendant responsibility, defendant blame, and anger toward the

defendant (Cronbach's α = .90). Last, we assessed (5) *victim sympathy* and (6) *defendant sympathy* using a single item for each (i.e., how much sympathy they felt toward the victim/defendant).

Procedure

The authors' institutional review board approved all procedures. MTurk routed participants to an online consent form that directed them to the experimental materials, administered online via Surveymonkey.com. Participants were unable to refer to the summary when completing the trial questionnaire to ensure that participants had similar exposure to the trial information. The trial summary also required participants to complete a multiple-choice comprehension question after each

witness testified to make sure they were attending to the summary. If they answered any question incorrectly, the subsequent screen instructed them to pay better attention to the text. Participants also completed a manipulation check question about whether the victim and defendant were married. Finally, participants provided their gender, age, race, and marital status at the end of the study. The study took approximately 20 min to complete and participants were compensated for their time.

Experiment 1 Results

Descriptive statistics of all variables as a function of participant gender for both Experiment 1 and Experiment 2 are shown in Table 1. We employed a hierarchical binary logistic regression (see Table 2) to investigate the relationship between the predictors and verdict (i.e., not guilty versus guilty). Next, we employed a series of hierarchical linear regressions (see Table 3) to investigate the impact of the predictors on our trial rating variables (i.e., victim credibility subscale, victim blame subscale, victim sympathy, defendant credibility subscale, defendant blame subscale, and defendant sympathy). We entered participants' gender, marital status (coded: married versus not married) and age in step 1, the marital status of victim and defendant condition variable in step 2, and the interaction term between participant gender and victim-defendant marital status condition in step 3.[5]

Hypothesis 1.1: Participant Gender

Verdict Participant gender was significantly associated with verdict at step 1 and at step 2, as women (51.29%) were significantly more likely to render guilty verdicts than men (33.33%; $OR = 2.17$, $p = .041$).

Trial Ratings Participant gender was associated with all six trial rating measures at both step 1 and step 2 for each model (Table 3). At step 2 and while taking the demographic variables into account, women compared to men had: higher victim credibility subscale ratings (B = 1.15, $p = .008$), lower victim blame subscale ratings (B = −1.12, $p = .003$), higher victim sympathy ratings (B = 1.47, $p = .002$), lower defendant credibility subscale ratings (B = −1.17, $p = .002$), higher defendant blame subscale ratings (B = 1.97, $p < .001$), and lower defendant sympathy ratings (B = −1.78, $p < .001$).

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[5] Participant's marital status was tested as a moderator for all logistic and linear regressions in both experiments but no significant interactions were detected.

Hypothesis 1.2: Participant Gender x Victim and Defendant Marital Status

Verdict The interaction between participant gender and victim-defendant marital status was not significantly associated with verdict ($OR = .86$, $p = .844$). Participants also did not differ in their verdict decisions as a function of victim-defendant marital status (guilty verdicts: married condition $n = 46\%$ vs. non-married co-habituating = 42%).

Trial Ratings Similar to the null findings for verdict, participant gender did not moderate the impact of the victim and defendant's marital status on any of the trial rating variables (see Table 3). There were also no main effects of the victim-defendant marital status on the trial ratings.

Experiment 1 Discussion

In Experiment 1 we found gender differences on all trial judgments. However, participants did not differ on the trial judgments as a function of whether or not the victim and defendant were married. This may have been because participants viewed the couple who lived together as in an equally committed relationship as the married couple. In Experiment 1, participants were only given the option to render a verdict of not guilty or guilty of Rape in the First-Degree. However, participants may not have viewed IPR as a dichotomous "all or nothing" action. Therefore, we conducted an additional experiment in order to include two other verdict options to capture decision-making "in between" not guilty and guilty of Rape in the First-Degree. First, we chose one alternative verdict option to represent a sexual crime statute considered to be a lesser crime than felony rape. Sexual Misconduct, for example, is a misdemeanor sexual crime that implies that the sexual intercourse was not consensual but the crime is not charged as felony rape. Therefore, we adopted a hierarchical sexual crime approach and included Sexual Misconduct as a verdict option for participants who believed something wrong happened but did not think the defendant should be charged with a felony.

Second, we created a statute that we worded exactly the same as a felony rape statute (i.e., Rape in the First-Degree) but labeled it "Intimate Partner Rape." We included this verdict option to determine if participants would be more willing to charge a defendant with "Intimate Partner Rape" than "Rape in the First-Degree"—even though they are both described as felonies. Some states have rape statutes for spouses and there have been arguments for (i.e., may increase prosecution) and against (e.g., further separates IPR from "regular" rape) labeling a law specific to IPR (see Schulhofer 1998). Examining participants' decisions and their reasoning behind their verdict choices when given such verdict options could illuminate why participants do not think the defendant should be charged with

Table 2 Hierarchical binary logistic regression results indicating odds of a guilty verdict for Experiment 1 (top, N = 129) and Experiment 2 (Bottom, N = 153)

	B	SE	Wald Test	OR	CI
Experiment 1 Step 1					
Participant Age	.00	.01	.06	1.00	.98—1.03
Participant Marital Status (married)	−.33	.40	.67	.73	.33—1.58
Participant Gender (female)	.78	.38	4.18	2.17*	1.03—4.56
$\chi^2 = 4.76$, $R^2 = .04$					
Experiment 1 Step 2					
Participant Age	.00	.01	.07	1.00	.98—1.03
Participant Marital Status (married)	−.32	.40	.63	.73	.33—1.59
Participant Gender (female)	.77	.38	4.17	2.17*	1.03—4.56
Marital Status Condition (married)	.14	.36	.14	1.15	.56—2.34
$\chi^2 = 4.90$, $R^2 = .04$					
Experiment 1 Step 3					
Participant Age	.00	.02	.08	1.00	.98—1.03
Participant Marital Status (married)	−.32	.40	.63	.73	.33—1.59
Participant Gender (female)	.85	.53	2.52	2.33	.82—6.65
Marital Status Condition (married)	.23	.60	.15	1.26	.39—4.08
Gender X Marital Status Condition	−.15	.75	.04	.86	.20—3.76
$\chi^2 = 4.94$, $R^2 = .04$					
Experiment 2 Step 1					
Participant Age	.00	.02	.10	1.00	.98—1.04
Participant Marital Status (married)	−.10	.41	.06	.90	.40—2.02
Participant Gender (female)	2.03	.37	20.87	7.59***	3.67—15.01
$\chi^2 = 34.34***$, $R^2 = .20$					
Experiment 2 Step 2					
Participant Age	.01	.02	.15	1.01	.98—1.04
Participant Marital Status (married)	−.12	.42	.08	.89	.39—2.01
Participant Gender (female)	2.04	.37	29.67	7.65***	3.68—15.91
Marital Status Condition (married)	.44	.37	1.39	1.55	.75—3.21
$\chi^2 = 35.74***$, $R^2 = .21$					
Experiment 2 Step 3					
Participant Age	.01	.02	.13	1.01	.98—1.04
Participant Marital Status (married)	−.13	.42	.09	.88	.39—2.00
Participant Gender (female)	1.93	.52	13.88	6.88***	2.49—18.96
Marital Status Condition (married)	.34	.50	.46	1.40	.53—3.74
Gender X Marital Status Condition	.22	.75	.09	1.25	.29—5.41
$\chi^2 = 35.83***$, $R^2 = .21$					

*$p < .05$; *SE*, standard error; *OR*, Odds Ratio to render a guilty verdict; CI χ^2 = 95% confidence interval of OR; Marital Status Condition = victim and defendant married vs. cohabitating but not married. R^2 = Cox and Snell; No Hosmer and Lemeshow Goodness-of-fit χ^2 were significant for each model step, indicating no evidence of poor fit

Rape in the First-Degree but rather some other sexual crime. Therefore, we also asked participants to describe why they chose their verdict over the other three verdict options in Experiment 2. Finally, we opted to manipulate the marital status of the victim and defendant as in Experiment 2, despite the null effect in Experiment 1. We wanted to investigate if the marital status of the victim affected the verdict when given the option of four verdicts rather than two.

Experiment 2

We tested the same three hypotheses in Experiment 2 as in Experiment 1. In addition to our primary two hypotheses, we explored if (a) men and women, and (b) participants in the married and non-married, living together conditions would differ in their verdict choices among the four different verdict options. For example, women may be more likely than men to

Table 3 Hierarchical linear regression unstandardized coefficient statistics for Experiment 1 (N = 129)

	Victim Credibility		Victim Blame		Victim Sympathy		Defendant Credibility		Defendant Blame		Defendant Sympathy	
	B(SE)	[CI]	B(SE)	[CI]	B(SE)	[CI]	B(SE)	[CI]	B(SE)	[CI]	B(SE)	[CI]
Step 1												
Age	.01(.02)	[−.02–.05]	.01(.01)	[−.02–.04]	.01(.02)	[−.03–.04]	.01(.02)	[−.02–.04]	−.01(.02)	[−.05–.03]	−.01(.02)	[−.05–.03]
Marital Status	−.63(.45)	[−1.52–.25]	.08(.39)	[−.69–.84]	−.98(.50)	[−1.98–.01]	.18(.40)	[−.61–.97]	−.39(.51)	[−1.39–.62]	.01(.52)	[−1.01–1.03]
Gender	1.15**(.42)	[.31–1.99]	−1.12**(.36)	[−1.84–−.40]	1.46**(.47)	[.52–2.41]	−1.17**(.38)	[−1.91–−.42]	1.97***(.48)	[1.02–2.92]	−1.78***(.49)	[−2.74–.81]
R2	.07		.07		.09		.07		.12		.10	
F	3.11*		3.17*		4.12**		3.24*		5.75***		4.81**	
Step 2												
Age	.01(.02)	[−.02–.05]	.01(.01)	[−.02–.04]	.01(.02)	[−.03–.04]	.01(.02)	[−.02–.04]	−.01(.02)	[−.05–.03]	−.01(.02)	[−.05–.03]
Marital Status	−.62(.45)	[−1.52–.27]	.07(.39)	[−.70–.84]	−1.00(.50)	[−2.00–−.01]	.17(.40)	[−.62–.98]	−.36(.51)	[−1.38–.64]	.01(.52)	[−1.02–1.04]
Gender	1.15**(.43)	[.31–1.99]	−1.12**(.37)	[−1.84–−.39]	1.47**(.48)	[.53–2.41]	−1.17**(.39)	[−1.91–−.42]	1.97***(.48)	[−1.37–.64]	−1.78***(.49)	[−2.75–.81]
Condition	.15(.41)	[−.67–.97]	−.04(.36)	[−.75–.66]	−.35(.46)	[−1.26–.57]	−.12(.37)	[−.85–.61]	.36(.47)	[−.57–1.28]	.04(.48)	[−.05–.03]
R2	.07		.07		.09		.07		.13		.10	
F	2.35		2.36		3.22*		2.44*		4.44**		3.58**	
Step 3												
Age	.01(.02)	[−.02–.05]	.01(.01)	[−.02–.03]	.01(.02)	[−.03–.04]	.00(.02)	[−.03–.03]	−.01(.02)	[−.05–.03]	−.01(.02)	[−.05–.03]
Marital Status	−.62(.45)	[−1.52–.27]	.08(.39)	[−.69–.85]	−.99(.51)	[−1.99–−.01]	.19(.40)	[−.60–.98]	−.36(.51)	[−1.37–.64]	.03(.52)	[−.99–1.05]
Gender	1.07(.59)	[.31–1.99]	−1.38**(.51)	[−2.39–−.37]	1.06(.66)	[−.25–2.36]	−1.80***(.52)	[−2.84–−.77]	1.88**(.67)	[−1.23–1.72]	−2.48***(.68)	[−3.83–−1.14]
Condition	.05(.66)	[−1.26–1.35]	−.37(.57)	[−1.49–.76]	−.86(.74)	[−2.32–.60]	−.91(.58)	[−2.06–.23]	.25(.75)	[−1.23–1.72]	−.84(.76)	[−2.34–.65]
Gender X Condition	.18(.85)	[−.67–.97]	.53(.73)	[−.91–1.97]	.84(.94)	[−1.02–2.71]	1.31(.74)	[−.16–2.78]	.18(.96)	[−1.71–2.07]	1.45(.97)	[−.46–3.37]
R2	.07		.08		.10		.10		.13		.12	
F	1.87		1.99		2.73*		2.60*		3.53**		3.34**	

SE, standard error; Gender = female coded as reference group; Marital Status = married coded as reference group; Condition = victim/defendant marital status condition (married condition coded as reference group); *$p \leq .05$; **$p \leq .01$; ***$p \leq .001$

convict the defendant of both "Rape in the First-Degree" and "Intimate Partner Rape" versus "Sexual Misconduct." We also analyzed participants' open-ended reason for verdict responses in Experiment 2. Using semantic network models, which are graphical structures for modeling associations between knowledge "concepts" (Collins and Quillian 1969), we investigated how participants think about their verdict choices when given the option to convict an intimate partner of a crime other than Rape in the First-Degree. We specifically used a Pathfinder technique, *PFNET*s (Schvaneveldt 1990), which produces a visual representation of the relatedness of each node (i.e., word or phrase) within participants' rationales for their verdict. We expected the network for participants who rendered guilty of Sexual Misconduct verdicts to contain central nodes that minimized the incident and reduced the blame toward the defendant (e.g., "not real rape") when explaining why they chose this verdict versus selecting Rape in the First-Degree or Intimate Partner Rape. Additionally, we expected participants to mention the relationship between the victim and defendant when explaining their rationale for Sexual Misconduct, relating concepts such as "partners" and/or "sexual history."

Method

Similar to Experiment 1, we recruited participants ($N = 170$) via MTurk. No participants from Experiment 1 participated in Experiment 2. We removed 12 participants for failing the manipulation check question that assessed if the victim and defendant were married. Additionally, five participants left the study before answering any questions. Thus, our final sample consisted of 153 participants (79 women, 74 men). As in Experiment 1, all participants reported that they were U.S. citizens. The average age of participants was about 34 years old ($SD = 12.01$), with ages ranging from 18 to 72 years. Most participants identified as White (79.74%) and commonly reported that they were either: single-never married (28.76%), married (28.76%), or in a cohabiting relationship (18.95%). As seen in Table 1, the demographic characteristics of participants in Experiment 2 were very similar to the characteristics of those in Experiment 1.

Materials

The materials and procedure did not change from Experiment 1. The only difference in the trial summary consisted of the verdict options and judge's instructions given to participants. In Experiment 2, the judge's instructions informed participants that they were to pick from four verdict options and provided a description of each of the guilty options. The description of Rape in the First-Degree was the same as that in Experiment 1. Because no specific intimate partner rape law

exists in the state in which we conducted the current study, the research team created a statute labeled "Intimate Partner Rape" that consisted of the exact same language taken from the state's existing Rape in the First-Degree law and replaced the word "person" with "intimate partner." Last, the description of Sexual Misconduct consisted of: *The defendant is guilty of sexual misconduct when he engages in sexual intercourse or deviant sexual intercourse with another person without the latter's consent* (KRS 510.140, 2010). The trial summary presented Rape in the First-Degree and Intimate Partner Rape as felony crimes, while Sexual Misconduct was a misdemeanor crime. The trial summary did not contain information about sentencing or punishment.

Trial Ratings Participants answered the same trial rating questions as in Experiment 1. We created the same subscales as in Experiment 1 and the reliability of these scales remained high: (1) *Victim credibility subscale* ($\alpha = .92$); (2) *Victim blame subscale* ($\alpha = .84$); (3) *Defendant credibility subscale* ($\alpha = .93$); and 4) *Defendant blame subscale* ($\alpha = .87$). We also asked participants to rate (5) *victim sympathy* and (6) *defendant sympathy* as in Experiment 1.

Reason for Verdict Data In addition to completing trial ratings, participants provided the reason(s) for their verdict, and participants who chose one of the three guilty verdicts also answered why they chose that verdict option compared to the other two types of crimes (e.g., why Sexual Misconduct versus Rape in the First-Degree). We used the Pathfinder technique (Schvaneveldt 1990) to generate semantic network representations of participants' reasons for their verdict (i.e., *PFNETs*). Researchers have used *PFNETs* to study how people conceptualize information in a variety of domains, such as Psychology (e.g., Magyarics et al. 2015) and Education (e.g., Casas-García and Luengo-González 2013). *PFNETs* derived from participants' reason for verdict data provide a visual depiction of the way participants differ in their cognitive representations of IPR. Empirical evidence across a number of domains indicates that *PFNETs* elucidate conceptual structure (see Johnson et al. 1994 for a review).

A *PFNET* is made up of a set of nodes, which represent meaningful concepts used by participants in their reason for verdict, and links, which indicate the association between nodes. The further the nodes are from each other, the less they are related. In order to build a network, Pathfinder takes an input matrix of semantic distances between pairs of important terms within the subject matter. To select the most important terms (key terms) for a given set of n reasons, we first extracted all single words from the data, which gave us a comprehensive list of candidate key terms. Each candidate term was represented by a 1 by n vector with entries containing the frequency of the term within each of the n reasons. Next, we eliminated stop words (e.g., the, is, and) and represented

synonyms with a single term. For instance, the terms "intercourse" and "sex" were represented by "sex" with a frequency vector equal to the sum of the frequency vectors of "sex" and "intercourse." We then examined each of these terms in context, to differentiate between negative and positive word use cases. If necessary, we created separate terms by reason frequency vectors for different cases of a given word. For example, for the term "evidence" we made two separate vectors: one to represent instances in which mock jurors spoke of "sufficient evidence" and one to represent instances in which mock jurors spoke of a "lack of evidence." In this way, we ensured that our analysis represented both opposing perceptions of the term "evidence." We also considered the term in context to determine if it was better represented by a more descriptive phrase. For instance, the word "doubt" was overwhelmingly used by participants to describe "reasonable doubt." Thus, we represented the word "doubt" by "reasonable doubt" and removed from its frequency vector any value that misrepresented this use. Finally, we selected the key terms from this list of candidate key terms using a popular key term selection algorithm (see Salton et al. 1975), which bases its selection on the term by reason frequency vectors. We derived the distance matrix by computing the cosine similarity between the frequency vectors for each of the key terms. This process resulted in a cluster of nodes (i.e., words or phrases) representing how participants made their verdict decisions. Thus, nodes that are clustered closer together are more conceptually related than those that are further away from one another.

Experiment 2 Results

We present a comparison of the trial rating measures as a function of verdict choice in Table 4. We ran one binomial (Table 2) and one multinomial hierarchical logistic regression to test the effects of the independent variables on verdict. As in Experiment 1, we ran six hierarchical linear regressions to test the effects of the independent variables on the six trial rating measures (Table 5). For all linear and logistic regressions, we entered the predictor variables in the same hierarchical order as in Experiment 1.

Hypothesis 2.1: Participant Gender

Verdict First, we ran a binary logistic regression comparing two categories of participant verdict: not guilty versus all forms of guilty (see Table 2). Notably, only about 13% of women and 4% of men convicted the defendant of Rape in the First-Degree when presented with multiple verdict options in Experiment 2. Results revealed participant gender was the only significant effect within the model at all three steps, supporting Hypothesis 1. Specifically, women (78.48%) were

significantly more likely than men (32.34%) to render any guilty verdict than to render a verdict of not guilty (step 1 $OR = 7.59$, $p < .001$).

To confirm that this trend existed for each of the three types of guilty verdict, we also ran a multinomial logistic regression testing each unique guilty verdict against the verdict of not guilty.[6] For this test, we included all four possible verdict choices as the dependent variable: guilty of Rape in the First-Degree, guilty of Intimate Partner Rape in the First-Degree, guilty of Sexual Misconduct, and not guilty. We used the verdict "not guilty" as the comparison group. Step 1, which included age, marital status, and gender was significant, $\chi^2 (9) = 37.03$, $p < .001$. As in the binary logistic regression, gender was the only significant effect. Specifically, women in comparison to men were about six and a half times more likely to render a guilty verdict of Sexual Misconduct (OR = 6.47, $p < .001$), almost eight times more likely to render a guilty verdict of Intimate Partner Rape (OR = 7.86, $p < .001$), and almost 10 times more likely to render a guilty verdict of Rape in the First-Degree (OR = 9.86, $p < .001$) than to render a verdict of not guilty. Step 2, which added the predictor of victim-defendant marital status condition, was also significant, $\chi^2 (12) = 38.42$, $p < .001$; gender remained the only significant predictor as women were more likely than men to render a guilty verdict of Sexual Misconduct (OR = 6.52, $p < .001$), Intimate Partner Rape (OR = 7.92, $p < .001$), and Rape in the First-Degree (OR = 9.93, $p < .001$) than to render a verdict of not guilty. Finally, Step 3, which added the interaction between gender and marital status condition, was significant, $\chi^2 (15) = 44.13$, $p < .001$. Similar to the other steps, gender remained the only significant predictor of verdict as women were more likely to render a guilty verdict of Sexual Misconduct (OR = 7.04, $p < .001$), Intimate Partner Rape (OR = 12.49, $p < .001$), and Rape in the First-Degree (OR = 4.38, $p < .05$) than to render a verdict of not guilty.

Exploratory Verdict Analyses We further investigated whether there were differences in the gender patterns of the specific guilty verdicts. To do this, we varied which verdict decision served as the comparison group in the multinomial logistic regression analysis (e.g., likelihood to convict the defendant of Intimate Partner Rape versus Rape in the First-Degree or Sexual Misconduct). However, these analyses revealed no unique gender patterns between specific guilty verdicts.

Trial Ratings Participant gender was associated with all six trial rating measures at both step 1 and step 2 for each model (Table 5). At step 2 and while taking participant demographic variables into account, women, in comparison to men: had higher victim credibility subscale ratings (B = 1.49,

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[6] The table describing the full results of the multinomial regression analyses is available upon request to the corresponding author

Table 4   Mean (standard deviation) trial ratings for each verdict choice in Experiment 2 (N = 153)

	Verdict choice			
	First-degree rape (n = 13)	Intimate partner rape (n = 44)	Sexual misconduct (n = 29)	Not guilty (n = 27)
Victim credibility subscale	8.18 (1.67)	8.33 (1.43)	7.10 (1.34)	5.32 (1.87)
Victim blame subscale	1.87 (1.53)	2.03 (1.42)	2.26 (1.36)	3.12 (2.19)
Victim sympathy	7.77 (2.98)	8.34 (1.98)	7.66 (1.76)	6.04 (2.54)
Defendant credibility subscale	2.90 (1.73)	3.05 (1.66)	5.13 (1.88)	5.91 (1.54)
Defendant blame subscale	8.26 (2.01)	8.09 (1.80)	6.21 (2.12)	4.25 (1.79)
Defendant sympathy	1.85 (1.77)	2.27 (2.02)	4.00 (2.36)	4.75 (2.46)

All trial rating variables were measured on a scale from 1 to 10

$p < .001$), lower victim blame subscale ratings (B = −.82, $p = .007$), higher victim sympathy ratings (B = 1.43, $p < .001$), lower defendant credibility subscale ratings (B = −1.16, $p = .001$), higher defendant blame subscale ratings (B = 2.08, $p < .001$), and lower defendant sympathy ratings (B = −1.36, $p = .001$).

Hypothesis 2.2: Participant Gender x Victim and Defendant Marital Status

Verdict As seen in Table 2, participant gender did not moderate the impact of the victim and defendant's marital status on verdict (OR = 1.25, $p = .769$). These results run counter to Hypothesis 2 but replicate the findings from Experiment 1. Participants also did not differ in their verdict decisions as a function of the victim and defendant's marital status (guilty verdicts: married condition n = 61% vs. non-married co-habituating = 51%).

Trial Ratings Counter to Hypothesis 2, but also consistent with Experiment 1, there were no participant gender x victim-defendant marital status interactions for the trial ratings (see Table 5).

Reason for Verdict Analyses

All participants provided an answer when prompted to describe what factors contributed to how they rendered their verdict choice. We derived PFNETs from reason for verdict data representing two primary analyses: (1) reasons why participants chose a verdict of Intimate Partner Rape versus Rape in the First-Degree, and (2) reasons why participants chose a verdict of Sexual Misconduct versus either of the two rape verdicts.

Reasons for Intimate Partner Rape Versus First-Degree Rape
Based on the first PFNET analysis, participants perceived Intimate Partner Rape to be a specific and appropriate charge for the crime compared to Rape in the First-Degree. Figure 1a

reflects this sentiment with the network cluster consisting of the nodes "met criteria," "best fit," and "more specific" located on the top right of the network, indicating this was perhaps the most appropriate charge for the crime. With regard to specific examples of reasons for verdict, participants made statements such as, "Intimate Parter [sic] rape seemed more specific," "It merely sounds more descriptive of the situation," and "This seemed to be more specific of a title than simply rape." In this network, we also found that the relationship between the defendant and victim was an important factor in rendering an Intimate Partner Rape verdict. This is seen in the network's most central nodes of "intimate partners" and "relationships relevant." For example, one participant stated that "they are intimate partners and that should be considered a factor," while another said, "the fact that the [sic] are [married] really does make a difference." Furthermore, the node "relationship mitigates" indicates the role the relationship had on the verdict. This was reflected in one participant's reason for verdict: "[the fact that she] was his wife does not excuse his behavior, but it is a mitigating circumstance."

Reasons why Sexual Misconduct Versus either Type of Rape
We next examined the PFNET derived from all participants' reasons for choosing to convict the defendant of Sexual Misconduct rather than either type of rape (Fig. 1b). Based on the resulting network, participants believed the defendant was guilty of something, but clearly not of rape. As seen in the network's central clique of nodes ("nonconsensual"-"insufficient evidence"-"reasonable doubt"), participants recognized the sex was not consensual but believed there was not enough evidence of rape. This sentiment was echoed in the linking of nodes "inappropriate conduct", "not rape", and "he-said-she-said" to the "reasonable doubt" node. For example, one participant stated that "there was enough on her side to make me feel he had done something inappropriate, but there wasn't enough on her side to make me jump to using the word 'rape.'" Another participant said that convicting the defendant of Sexual Misconduct

Table 5 Hierarchical linear regression unstandardized coefficient statistics for Experiment 2 (N = 153)

	Victim Credibility		Victim Blame		Victim Sympathy		Defendant Credibility		Defendant Blame		Defendant Sympathy	
	B(SE)	[CI]	B(SE)	[CI]	B(SE)	[CI]	B(SE)	[CI]	B(SE)	[CI]	B(SE)	[CI]
Model 1												
Age	.01(.01)	[-.03--.03]	-.00(.01)	[-.03--.02]	-.01(.02)	[-.04--.03]	.02(.01)	[-.01--.04]	-.03(.02)	[-.06--.00]	.01(.02)	[-.03--.04]
Marital Status	.22(.36)	[-.49--.94]	.07(.33)	[-.58--.73]	31(.44)	[-.55--1.18]	-.58(.37)	[-1.32--15]	.68(.42)	[-.15--1.50]	-.77(.44)	[-1.65--11]
Gender	1.49***(.32)	[.85--2.13]	-.83**(.30)	[-1.41--.24]	1.42***(.39)	[.65--2.19]	-1.17***(.33)	[-1.82--.52]	2.09***(.38)	[1.35--2.83]	-1.36***(.40)	[-2.15--.58]
R^2	.13		.05		.08		.09		.20		.09	
F	7.11***		2.64†		4.53**		5.16**		12.22***		4.66**	
Model 2												
Age	.00(.01)	[-.03--.03]	-.00(.01)	[-.03--.02]	-.01(.02)	[-.04--.03]	02(.01)	[-.01--.04]	-.03(.02)	[-.06--.00]	.01(.02)	[-.03--.04]
Marital Status	.22(.36)	[-.50--.94]	.08(.01)	[-.58--.74]	.32(.44)	[-.54--1.19]	-.57(.37)	[-1.30--16]	.67(.42)	[-.17--1.49]	-.76(.45)	[-1.65--12]
Gender	1.49***(.33)	[.85--2.13]	-.82**(.30)	[-1.41--.23]	1.43**(.39)	[.65--2.20]	-1.16***(.33)	[-1.81--.51]	2.08***(.38)	[1.34--2.82]	-1.36***(.40)	[-2.15--.57]
Condition	.02(.32)	[-.62--.67]	-.14(.30)	[-.73--.45]	-.25(.39)	[-1.02--.53]	-.13(.33)	[-.78--.52]	.29(.37)	[-.45--1.02]	-.11(.40)	[-.90--.68]
R^2	.13		.05		.09		.10		.20		.09	
F	5.30***		2.03		3.48**		3.88**		9.29***		3.49**	
Model 3												
Age	.00(.01)	[-.03--.03]	-.00(.01)	[-.03--.02]	-.01(.02)	[-.04--.03]	.02(.01)	[-.01--.04]	-.03(.02)	[-.06--.00]	.01(.02)	[-.03--.04]
Marital Status	.25(.36)	[-.47--.96]	.08(.34)	[-.58--.74]	.35(.44)	[-.51--1.22]	-.57(.37)	[-1.30--16]	.70(.42)	[-.13--1.52]	-.76(.49)	[-1.65--13]
Gender	1.90***(.46)	[.98--2.81]	-.77(.43)	[-1.61--.07]	1.90***(.56)	[.80--3.00]	-1.12*(.47)	[-2.05--.19]	2.59***(.53)	[1.53--3.64]	-1.29*(.57)	[-2.42--.17]
Condition	44(.47)	[-.49--1.36]	-.09(.43)	[-.94--.76]	.24(.56)	[-.87--1.35]	-.09(.48)	[-1.03--.85]	.80(.54)	[.26--1.87]	-.05(.58)	[-1.18--1.09]
Gender X Condition	-.80(.65)	[-2.08--.49]	-.11(.50)	[-1.29--1.07]	-.93(.78)	[-2.48--.61]	-.08(.66)	[-1.39--1.23]	-1.00(.75)	[-2.48--.49]	-.13(.80)	[-1.71--1.46]
R^2	.13		.05		.10		.10		.21		.09	
F	4.55***		1.62		3.08**		3.09**		7.82***		2.78*	

SE = standard error; Gender = female coded as reference group; Marital Status = married coded as reference group;

Condition = victim/defendant marital status condition (married condition coded as reference group); *$p \leq .05$; **$p \leq .01$; ***$p \leq .001$ † $p = .051$)

a

b
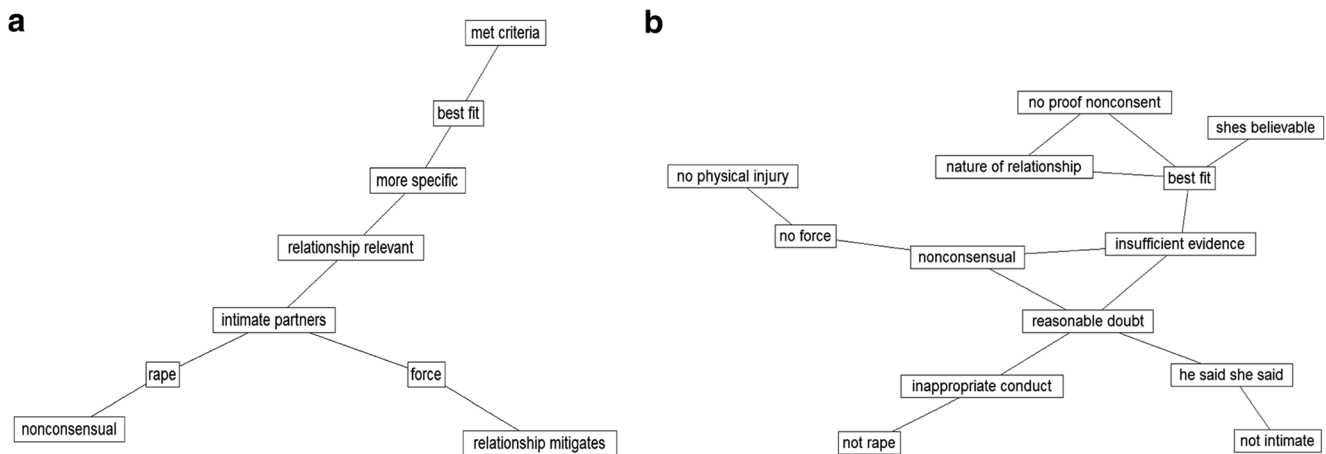
Fig. 1 a (left) *PFNET* for participants who convicted the defendant of Intimate Partner Rape (*n* = 44). Network derived from participants' reasons for convicting of Intimate Partner Rape rather than Rape in the First-Degree. Figure 1 a (right) *PFNET* for participants who convicted the

defendant of Sexual Misconduct (*n* = 29). Network derived from participants' reasons for choosing charge of Sexual Misconduct rather than Rape in the First Degree or Intimate Partner Rape

"charges him with something and doesn't just let him off the hook." We also observed that the relationship between the defendant and victim played a role in participants' perceptions of the case and this differentiated the defendant's behavior from rape. This is seen in the association of the nodes "nature of relationship", "best fit", and "no proof of nonconsent" to the "insufficient evidence" node. This was also evident in individual statements such as, "she is his girlfriend—I believe this is a different situation," and "rape in the first degree is too serious a charge for the crimes and consensual sex had happened in the past." Notably, nodes that speak to what participants may view as hard evidence (i.e., legal factors), such as "no force" and "no physical injury" are located to the far left of the figure, which is quite a distance to the nodes that speak to the relationship between the victim and defendant (i.e., extra-legal factors). Thus, cases of IPR may be held to a higher standard of what jurors consider "evidence" of rape when previous consensual activity has occurred.

General Discussion

In summary, our results suggest that few men and women are willing to convict the defendant of Rape in the First-Degree—especially when presented with other, lesser sexual crime options—and that the victim and defendant's intimate relationship is a mitigating factor causing mock jurors to view IPR as a lesser, sexual crime different to felony rape. Consistent with previous work (e.g., Adams-Clark and Chrisler 2018; Auster and Leone 2001; Ferro et al. 2008; Kirkwood and Cecil 2001; Monson et al. 2000), we found that women were significantly more pro-victim in their trial judgments, which likely increased their likelihood to convict a IPR defendant of some type of crime (Experiments 1 and 2). Additionally, men and women differed in their verdict when presented with multiple

verdict options (Experiment 2). In Experiment 2, more women convicted the defendant of Intimate Partner Rape than Sexual Misconduct, while men were generally split in their other verdict choices of Intimate Partner Rape and Sexual Misconduct. The proportion of women who did not convict the defendant decreased by over 50% while the proportion of men who *did not* convict the defendant of any crime remained stable across Experiments 1 and 2 (about 67%). Therefore, it is possible that some female participants in Experiment 1 believed that the defendant committed a crime but that it did not meet their impression of the Rape in the First-Degree statute or "real rape" (Lazar 2010; Raphael and Logan 2009; Schulhofer 1998). However, when presented with multiple verdict options in Experiment 2, only about 13% of women and 4% of men convicted the defendant of Rape in the First-Degree. This urged further investigation of why participants chose other verdict options through an examination of the reason for verdict data. Although this information was valuable in Experiment 2, we are limited in the conclusions we can draw in Experiment 1 with no reason for verdict data.

Interestingly, some participants who rendered guilty of Sexual Misconduct and Intimate Partner Rape specifically highlighted the relationship between the victim and defendant in their reason for verdict. The fact that some participants viewed the relationship between the couple as a "mitigating factor" in their decision-making process highlights the existence of archaic cultural views about rape, marriage, and consent. Participants who convicted the defendant of Sexual Misconduct, versus Rape in the First-Degree or Intimate Partner Rape, implied that the act was a lesser crime than rape—evidenced by nodes such as "not rape" in the Sexual Misconduct network. These findings are also consistent with O'Neal et al. (2015)'s qualitative analysis of prosecutorial decision-making that found prosecutors cited legal factors such as insufficient evidence as their reason for rejecting the

IPR case, but reduced the IPR to a trivial conflict or miscommunication between a couple. Although participants who rendered Intimate Partner Rape verdicts seemed to rate the defendant in a slightly more positive way, they also rated the victim as more credible and were more sympathetic towards her versus those who rendered guilty of Rape in the First-Degree verdicts. However, because we did not provide differing sentence possibilities or ask participants to rank the seriousness of each verdict option, we cannot conclude that they viewed Intimate Partner Rape as a less or equivalently serious crime as Rape in the First-Degree. Researchers studying IPR in future work should ask participants to rank the seriousness/severity of each sexual crime and perhaps provide information about the punishment for each type of crime.

With regard to Sexual Misconduct, the trial rating data from Experiment 2 revealed that participants who rendered a verdict of Sexual Misconduct rated the victim more negatively and the defendant more positively on all measures compared to those who convicted the defendant of either type of rape. The trial rating data were supported by the reason for verdict data presented by the network in Fig. 1b, as participants who chose Sexual Misconduct did not view the situation as "real rape" yet believed something illegal occurred. The network for reasons for a Sexual Misconduct verdict contained phrases such as "no physical injury," "not rape," and "no force," supporting the idea that the rape did not match a prototypical violent rape scenario to these participants (Raphael and Logan 2009). In addition, the phrase "inappropriate conduct" was a central node in this network, thereby supporting the view that these participants acknowledged that something wrong happened but that the act was not rape.

Another potential reason why participants may have chosen a Sexual Misconduct verdict is that they felt there was not enough proof (i.e., "he said she said;" "no proof non-consent") to convict the defendant of rape, but still felt the defendant did something that was wrong. Thus, the option of Sexual Misconduct may have been a choice for participants "on the fence." It is also possible that such skeptical rationales for choosing Sexual Misconduct were related to the cultural tendency to believe that women lie about rape or "cry rape" (see Belknap 2010 for a discussion on discrediting rape victims). However, in the present study we can draw limited conclusions about the extent to which participants believe women lie about rape. Therefore, it would be helpful for future research to include follow-up interviews or more detailed questions about participants' rationale for their verdict choices and beliefs about rape—especially when given multiple verdict options. Additionally, future work should include measures of rape-supportive attitudes and beliefs about traditional gender roles. For example, previous research has shown that even women who were raped who endorse certain rape myths (e.g., real victims fight back) were less likely to label their nonconsensual sex incident as rape (Peterson and Muehlenhard 2004).

In both of the present experiments, we found a null effect of the marital status experimental condition. Not only were there no differences in verdict choices, but there were also no differences in trial rating variables. Notably, Adams-Clark and Chrisler (2018) also found a null effect of marital status when presenting IPR vignettes involving a couple married for two years versus a non-married couple in a relationship for two years. Given that the couples in both conditions were in a relationship for the same amount of time and all trial details were kept the same, it is possible that the actual act of marriage did not seem to make a difference in how our participants perceived the trial. A cultural shift in the way Americans currently perceive marriage may explain this null effect. For example, participants may not view the act of marriage itself as necessarily signifying a more committed or intimate relationship, given the high divorce rate in the U.S. and that it is becoming more common to live with a partner before marriage or to not marry at all (CDC 2011). Further, IPR victimization research does not differentiate between women who are married and those who are not married to their offender (e.g., Basile et al. 2007; Black et al. 2011; Kilpatrick et al. 1992; Logan et al. 2015; Tjaden and Thoennes 2006). Nevertheless, the notion of living together does appear to be a worthwhile variable of study given that it is currently a marital rape law exemption in the state of Maryland (Crim Law §3–318).

We should note that we only tested one manipulation of the marital status of the victim and defendant in the present study and it is possible that other manipulations may not result in a consistent null finding. For example, participants likely viewed a couple who had been in a cohabitating relationship for several years as in as committed of a relationship as a married couple. It would be valuable to continue to test variations of this manipulation across sample types to gain a better idea of why participants may not view the actual act of marriage as a mitigating factor in cases of IPR. For example, including an experimental condition where a non-married couple is in a relationship for five years but not living together may provide clarity to these null findings given that intimate partners do not always live together. The larger issue in IPR is perhaps the precedent of consent (Logan et al. 2015) in which initial consensual sex implies all subsequent sex in the relationship is consensual. The reason for verdict data exemplified this view, as one participant explicitly mentioned the fact that the victim and defendant had previously had consensual sex as his or her reason for why he or she rendered a verdict of Sexual Misconduct and not either type of rape. Further, research has found that participants' beliefs about sexual behavior norms in a relationship (e.g., how often a couple should have sex) have an indirect effect on judgments that a man should not be charged with raping his partner (Lynch et al. 2017a). Thus, future research should also focus on how beliefs of continuous consent throughout a relationship have an

impact on victim blame and justifications of IPR. This is a necessary next step given that IPR is unique to other forms of rape as consensual sex precedes and sometimes follows a rape event in intimate relationships (Logan et al. 2015).

Limitations

Although the present study revealed significant findings for an investigation of IPR in court, we must address some methodological concerns. First, we conducted the study using an online methodology that included recruiting subjects using MTurk. Because of the nature of MTurk, it is impossible to calculate a response rate for participant recruitment, biasing the generalizability of MTurk samples. However, research evaluating online studies with participants recruited from MTurk (Buhrmester et al. 2011) and from other online sources (Gosling et al. 2004) concluded that data from online studies are consistent with data collected using traditional (e.g., paper-pencil) methodology. Nevertheless, it would be valuable to replicate and build upon the present study using larger sample sizes and other sampling methods. Next, we conducted the study without juror deliberation, which reduces the ecological validity of this work and limits our ability to generalize the findings to jury or group decision-making situations. Relatedly, our participants were not able to ask questions or ask for clarifications, as real jurors could. Although Diamond (1997) has argued that the decisions that individual jurors reach without group deliberation generally predict jury outcomes, we acknowledge that many other factors in an actual trial influence jurors' perceptions.

A third limitation is that we did not collect information related to participants' prior experience with sexual assault or rape. For example, attorneys may screen out potential jurors with sexual and/or domestic violence during the voir dire process. Previous victimization may have also accounted for a significant portion of variance in our statistical model and it would be valuable to study if and how previous victimization affects courtroom perceptions of IPR rather than simply including victimization as a control variable. We did not ask participants to report their own victimization experiences as we did not want to deter individuals from participating in the study who were not comfortable with such questions given the focus of our study was not the impact of previous sexual victimization on perceptions of rape. Related to this point, we had only basic demographic information about our participants. Factors such as education, religiosity, and sexual orientation may all have an impact on the effects revealed in the present study but were outside the scope of our focus at the time of the study. Fourth, we investigated the issue of IPR in a prototypical, heterosexual context. Therefore, the implications of our results are limited to heterosexual couples in which the man is the sexual aggressor and the woman is the victim. Sexual victimization occurs well beyond such prototypical

situations in non-heterosexual relationships and in cases where a woman is the sexual aggressor. For example, research suggests that rates of man-to-man sexual assault were at least as high as man-to-woman sexual assault (Felson and Cundiff 2014). Further, the names used for the victim and defendant in our mock trial (i.e., "Krista" and "Adam"), may imply that these individuals are White. Investigating IPR from a more diverse perspective will strengthen our knowledge in this area. Finally, the present study may have been underpowered for conducting the multinomial logistic regression that compared the different guilty verdict options (e.g., Intimate Partner Rape versus Rape in the First Degree). Though the possibility of some verdicts occurring at such a low rate (mainly for men) is an important finding in this study, it is critical for researchers conducting future work in this area to maximize their sample size, or over-sample for men, if they conduct analyses that look at gender differences across different verdict choices given the low likelihood of men who will render a guilty verdict.

Implications and Conclusion

In conclusion, our findings contribute to the current research literature in three ways. First, we replicated previous mock juror and vignette studies (e.g., Auster and Leone 2001; Ferro et al. 2008; Kirkwood and Cecil 2001; Monson et al. 2000; Golding et al. 2016; Lynch et al. 2013; Lynch et al. 2017a; Lippert et al. 2018) showing that women are more pro-victim than men and more likely to convict a defendant in mock rape cases. Second, we observed the effect of adding additional guilty verdict options for participants to choose from in an IPR case. We found that men remained just as likely to render a "not guilty" verdict, but women were much less likely to render a "not guilty" verdict when presented with other verdict options. We were also able to observe a general trend that participants who convicted the defendant of "Rape in the First-Degree" or "Intimate Partner Rape" viewed the victim in a more positive light than those who convicted the defendant of "Sexual Misconduct." Third, through qualitative analyses of the reason for verdict data, we found that participants who convicted the defendant of "Sexual Misconduct" (a misdemeanor) over rape, appeared to have believed that the victim was sexually victimized but did not think that rape between intimates constituted as the same level of sexual crime as "Rape in the First-Degree" or "Intimate Partner Rape." Similar to previous prosecutorial decision-making work by O'Neal et al. (2015), our participants utilized extralegal information like the victim-defendant relationship and previous consensual activity as a way to justify their argument that there was not evidence to convict the defendant of rape.

Bringing IPR to court is a worthwhile pursuit for providing justice and protection to victims, but we acknowledge that this process is complicated and challenging. Our findings illustrate the narrow way that society views a rape incident as a true rape

as many individuals in the present study believed that something wrong or even illegal occurred between an intimate victim and defendant—yet few participants opted to actually convict the defendant of Rape in the First-Degree. We also found that some participants believed the defendant should not be charged with a felony-level rape crime given his sexual history and relationship with the victim. A policy that required judges to tell jurors that previous consensual sexual history should not affect their verdict or allow for expert witnesses to discuss the nature of previous (and subsequent) consensual sex in the context of IPR may address jurors' hesitancy to convict a defendant of rape.

The results may also inform policymakers of potential statute changes that could help increase the successful prosecution of IPR. In fact, legal scholars have argued that removing the word "rape" from statutes may be helpful for prosecution rates of rape (see Futter and Mebane 2001 for a discussion of rape law reform; Schulhofer 1998). It may help in dispelling biases associated with the term "rape" to instead use a description of the behavioral definition of rape (i.e., use of force or threat of force) rather than the actual definition of rape within the statute. However, it is also possible that removing the word "rape" from statutes discredits the incident as "real rape," which may be particularly problematic for survivors. Given the importance of the perspective of survivors, it would be helpful for researchers to conduct interviews or focus groups with victims to gain more information about their thoughts on labeling rape in a legal context. For example, survivors of rape may not agree with a hierarchical approach to prosecuting rape (i.e., convicting the defendant of a lesser sexual crime to secure a conviction) as it may de-value their experience as not "real rape." On the other hand, legal professionals may like the notion of convicting a defendant of a lesser sexual crime—particularly in more difficult cases like IPR—in order to maximize the chances of a conviction. The question as to whether it is more "important" to secure any conviction versus a felony conviction should be posed to both survivors and prosecutors when making policy recommendations.

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