Why Would She Post That?! Examining The Role of Social Media Evidence in the "Real Rape" Paradigm

Madison Rose Lord

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WHY WOULD SHE POST THAT?! EXAMINING THE ROLE OF SOCIAL MEDIA EVIDENCE IN THE “REAL RAPE” PARADIGM

by

Madison R. Lord

A Dissertation
Submitted in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy

Major: Counseling Psychology

The University of Memphis
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Abstract

The successful prosecution of perpetrators of sexual violence is notoriously difficult. As societal reliance on technology and online communications increases, digital evidence is becoming a common component in sexual assault investigations and prosecutions. To date, empirical research on digital evidence used in sexual assault trials is limited, but social media evidence may meet the seemingly insurmountable burden of proof necessary to prove a “real” sexual assault took place. However, the interpretation of such evidence is ultimately filtered through one’s cultural biases and stereotypes. Thus, it is important to investigate how rape supportive and sexist ideologies may impact the perceptions of social media evidence presented in court. Using a sample of 277 participants, the present study used a between-subjects, experimental design to investigate whether blame attributed to the complainant (i.e., the sexual assault survivor) and defendant (i.e., the alleged perpetrator) varied depending on the source of evidence (i.e., who posted the digital evidence). The potential moderating effects of rape myth acceptance (RMA), benevolent sexism (BS), and hostile sexism (HS) were also examined. Contrary to hypotheses, findings suggest that participants did not ascribe more blame to the complainant or defendant based on the source of evidence, and that RMA, BS, and HS were not significant moderators although they were predictors of blame. Significant main effects, implications, and limitations of the present study are discussed.

Keywords: ambivalent sexism, digital evidence, rape myth acceptance, sexual assault
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Introduction

Almost half of all women (43.6%) in the United States have experienced some form of sexual violence (e.g., rape, sexual coercion, unwanted sexual contact) in their lifetime, with approximately 1 in 5 women experiencing a completed or attempted rape (Smith et al., 2018). Yet only 25% of rapes and sexual assaults are reported to police (Morgan & Oudekerk, 2018). Even more disturbing, the successful prosecution of perpetrators of sexual violence is rare. For every 1,000 sexual assaults, 975 perpetrators will walk free (Department of Justice, 2020). In a country predicated on a “tough on crime” approach to criminal justice (Ramirez, 2013), how can so many alleged perpetrators escape justice?

Prosecution of sexual violence is notoriously difficult, as survivors are often tasked with putting forth a convincing amount of tangible evidence to prove that a “real” assault took place (Boux & Daum, 2015; Dodge et al., 2019; Dodge, 2018; Morabito et al., 2019). Sexual assault cases rarely provide eyewitness accounts or physical evidence linking an individual to the crime (Tasca et al., 2012), and cases of sexual violence often lead to a “he said, she said” scenario. However, as our society becomes increasingly reliant on technology and social networking sites, digital evidence, such as photographs, videos, social media posts, emails, text messages, or other digital communications, provides a promising opportunity to aid how cases of sexual violence are identified and prosecuted (Boux & Daum, 2015; Dodge, 2016, 2018; Dodge et al., 2019; Fairbairn & Spencer, 2018). In fact, digital evidence is now frequently used in almost all sexual assault investigations (Dodge, 2018; Dodge et al., 2019; Pennington & Birthisel, 2016; Powell, 2010).

It is posited that digital evidence could provide the high burden of proof necessary to facilitate the proper arrest and prosecution of sexually violent offenders (Boux & Daum, 2015;
However, we must explore how cultural biases and stereotypes may impact the lens through which digital evidence is viewed in court. There is a dearth of empirical investigations into digital evidence introduced in cases of sexual assault (Dodge et al., 2019). Although this topic has been studied qualitatively (see Dodge et al., 2019), there are no known experimental investigations examining the use of digital evidence in cases of sexual violence. As such, research is needed as to examine how the introduction of digital evidence may impact attributions of blame placed on the survivor in a sexual assault scenario. Further, although there is an extensive literature base examining the attitudinal and demographic characteristics of survivors, perpetrators, and outside observers that contribute to victim blame, online communications of survivors and perpetrators have not been examined empirically. Therefore, it is important to investigate whether knowing who posts digital evidence to social media (the alleged victim versus the perpetrator) impacts subsequent perceptions of blame.

**The “Real Rape” Paradigm and Victim Blame**

Feminist theorist Susan Brownmiller (1975) was one of the first to propose that American society is dominated by a culture of rape. Rape culture implies that the prevalence of sexual violence by men against women is inextricably tied to the cultural attitudes towards gender and sexuality such that sexual violence is not only inevitable but viewed as a natural and acceptable part of society. The patriarchal nature of American society legitimizes men’s power over women through the development of deeply engrained gender roles that perpetuate the uneven power distribution between men and women (Brownmiller, 1975). When women act in ways that violate these roles, men may develop more adversarial views of women and heterosexual relationships in general (Anderson et al., 1997). These adversarial beliefs may then translate to
the acceptance of sexual violence. A culture of rape is maintained as traditional gender ideologies continue to dictate the negative societal views of survivors of sexually violent crimes (Abrams et al., 2003; Burt, 1980; Chapleau et al., 2007; Glicke & Fiske, 1996; Payne, 1999; Prina & Schatz-Stevens, 2020; Sheldon & Parent, 2002; Sleath & Bull, 2012). Ultimately, these gender ideologies paired with the pervasiveness and normalization of rape in our country not only allow for the absolution of perpetrators but also pave the way for widespread blame of survivors for acts committed against them.

Society’s tendency to blame survivors of sexual violence is highlighted by the “real rape” paradigm (Boux & Daum, 2015). When asked to describe a common rape scenario, people often imagine a sexual assault perpetrated by a violent stranger who uses force to overcome the unsuspecting victim. Contrary to this assumption, 51.1% of rapes are perpetrated by an intimate partner and 40.8% are perpetrated by acquaintances known to the victim (Black et al., 2011), suggesting rape rarely matches the prototypical “real rape” scenario (Murdoch & Gonsalkorale, 2017). However, when the details of a rape do not reflect the expected paradigm, women are less likely to be believed, more likely to be blamed, and less likely to report their abuse (Belknap, 2010; DuMont et al., 2003; Lonsway & Archambault, 2012).

Beyond the circumstances of the assault itself, people also often maintain preconceived notions about how women should react before and after a “real” sexual assault. For example, survivors’ actions taken before the assault, such as her chosen manner of dress (Whatley, 2005), substance use (Grubb & Turner, 2012), or online interactions and communication with her abuser (Dodge et al., 2019) have led to beliefs she was at fault for her assault. Similarly, the survivors’ actions during the assault, such as the extent to which she physically or verbally resists, have also informed tendencies to blame the survivor (Black & McCloskey, 2013; van der
Bruggen & Grubb, 2014). Further, emotional presentation after the assault (Nitschke et al., 2019), the time it takes the survivor to report the incident to the police (Tasca et al., 2012), or her digital communications and posts on social media (Dodge et al., 2019) are also associated with victim blaming. Overall, there is an extensive literature base showing that survivors’ behaviors are intensely scrutinized and often interpreted in ways that lead to increased perceptions of their responsibility for the assault. When the circumstances of the assault are inconsistent with the “real rape” and “real victim” prototypes, people will have less favorable perceptions of the survivor, while being more likely to absolve the perpetrator (McKimmie et al., 2014).

Rape Supportive and Sexist Ideologies

The notions of “real rape” or a “real victim” are inextricably tied to widely held societal attitudes towards gender, sexuality, and sexual violence. In her seminal work, Burt (1980) defined rape myths as “prejudicial, stereotyped, or false beliefs about rape, rape victims, and rapists” (p. 217). Lonsway and Fitzgerald (1995) asserted that, although these myths are objectively false, they are widely regarded as truth and serve to deny and justify sexual violence by men against women. Common rape myths such as “it wasn’t really rape,” “she lied,” or “she was asking for it” delegitimize the rape of women and absolve the perpetrator of responsibility (Burt, 1990; Payne, 1999). These beliefs facilitate rape culture by serving as protection for individuals and society from acknowledging the reality and extent of sexual violence (Lonsway & Fitzgerald, 1994). Although there is no correct way in which a survivor of sexual assault should behave (Dodge, 2018), rape myths about sexual violence and survivor behaviors help maintain our rape culture and our tendency to blame the survivor for her assault (Hayes et al., 2013; Kosloski et al., 2018; Suarez & Gadalla, 2010).
Alongside rape myths, stereotypical beliefs about women and how they should behave in society are believed to further perpetuate victim blaming tendencies. The extant literature shows a consistent link between traditional sexist ideologies and the tendency to blame survivors of sexual violence (Chapleau et al., 2007; Glick & Fiske, 1996; Prina & Schatz-Stevens, 2020). Although sexism is widely conceptualized as a general disdain for or hostility towards women, Glick and Fiske (1996) argued that sexist beliefs are multidimensional and consist of both positive and negative attitudes toward women. Their construct of ambivalent sexism is comprised of two interrelated types of attitudes: hostile and benevolent sexism. Hostile sexism involves the disdain for women who fail to endorse traditional gender stereotypes. These types of attitudes are believed to influence the rationalization of sexual violence, supporting the myth that women who are assaulted enjoyed their assault or “wanted it” (Abrams et al., 2003). Benevolent sexism on the other hand, involves more positive attitudes about the roles women “should” assume in society and tends to place women on a pedestal as virtuous and needing of protection. However, when elevated to an unreasonable standard, there is farther to fall when women fail to uphold their virtue. These attitudes support that only certain types of women should be blamed for their assault, implying that real rape only occurs when women adhere to their stereotypical gender role (Abrams et al., 2003).

**Digital Evidence in Sexual Assault**

Electronic platforms such as social media sites provide users with an elevated sense of freedom and comfort with communicating and relating sexually with others (Cooper et al., 2000). Online communication provides a sense of control over what personal information we share and how we present ourselves to others. With this, we can choose to take certain risks in sharing personal information we might not otherwise consider acceptable during in-person
interactions (Cooper et al., 2000). As people become increasingly comfortable sharing intimate details of their lives via X (formerly known as Twitter), Instagram, Facebook, etc., it is likely that perpetrators of sexual violence are willing to document their actions publicly without regard for the possible consequences (Dodge 2016; Pennington & Birthisel, 2016). This can be highlighted by the highly publicized Steubenville Rape Case where two teenage boys repeatedly raped an unconscious 16-year-old girl (Jane Doe) at a local house party (see Fairbairn & Spencer, 2018 for review). The boys, along with various bystanders at the party, posted photos of the sexual assault to various social media sites. These perpetrators did not view their posts as evidence of their crime, but as proof the survivor was a “whore” who deserved the abuse. These posts soon went viral and received numerous comments from outside observers seemingly supporting the degradation of Jane Doe.

There are also circumstances in which a survivor of sexual violence may turn to online platforms to discuss her victimization (Bluett-Boyd et al., 2013). For example, the now infamous movie producer Harvey Weinstein was accused of numerous acts of sexual assault and harassment in 2017 (Armstrong & Mahone, 2023). In response, actor Alyssa Milano tweeted “If you’ve been sexually harassed or assaulted write ‘me too’ as a reply to this tweet” (Pflum, 2018). As a result, the #MeToo movement, originally coined by Black feminist activist Tarana Burke in 2006 (Gómez & Gobin 2020; Kosar et al., 2023), soon went viral after thousands of survivors took to social media to share their own experiences of sexual violence. Just one year later, the hashtag had been used more than 19 million times (Anderson & Toor, 2018). Despite risking the chance of further traumatization after the assault (Powell, 2010), survivors may turn to media outlets to bring attention to the lack of police intervention, clear their names, or generate community support. Overall, comfort with online communication provides an easily accessible
platform that individuals may turn to following an assault. Consequently, there are growing commentary in the legal literature suggesting digital evidence may be pivotal to challenging the ways in which society and the justice system react to sexual violence against women (Boux & Daum, 2015; Dodge, 2016, 2018; Dodge et al., 2019; Fairbairn & Spencer, 2018). Digital evidence is often believed to provide an unbiased account of events (Dodge, 2018). Dodge (2018) referred to such evidence as a “digital witness” that “is arguably seen by the court as a more reliable and unbiased witness whose memory is compromised by neither the passage of time nor by ulterior motives” (p. 307). Although digital evidence can provide a static account of events, this evidence is ultimately subject to human interpretation that is shaped by cultural attitudes towards sexual violence (Dodge, 2018). A qualitative investigation of digital evidence in sexual assault cases suggested it can work both for and against the survivor (Dodge et al., 2019). For example, one police officer discussed how a survivor’s social media posts can be easily used as evidence to suggest she was not acting “as a victim should,” thus potentially leading to the acquittal of defendants (Dodge et al., 2019, p. 510).

Despite the potential legal advantages of introducing social media evidence in court (Boux & Daum, 2015; Dodge, 2016, 2018), the interpretation of evidence is framed by the culture and context of how the evidence is introduced (Dodge 2016, 2018). American rape culture could allow the sexual violence to be excused and delegitimized, even when faced with digital evidence documenting that the assault took place. The #Metoo movement is now considered an effective digital communication tactic used by feminists to make sexual violence more visible (Armstrong & Mahone, 2023); however, given the societal tendency to harshly scrutinize survivors, it is possible a survivor’s posts to social media could be interpreted by outside observers (e.g., other social media users, police, judges, attorneys, jurors, etc.) in a way
that increases undue blame of the survivor and raises doubts about whether she was ‘really’ raped (Dodge et al., 2019).

**The Current Study**

Currently, there are no known empirical investigations examining the impacts of social media evidence on attributions of blame towards survivors of sexual assault. The belief that digital evidence could challenge the “real rape” paradigm (Boux & Daum, 2015) appears logical; however, our deeply ingrained rape culture may affect the ways in which participants view such evidence (Dodge, 2016). Indeed, qualitative data suggest that posts to social media can either bolster survivors’ accounts or be used to diminish their credibility (Dodge et al., 2019). Further, although extensive research has examined various survivor characteristics that contribute to victim blaming, one area of inquiry that has not received empirical investigation is that of the online communications of those involved in the sexual assault. As such, it is important to investigate whether who posts digital evidence (i.e., the victim or the perpetrator) to social media impacts subsequent perceptions of blame.

Using an experimental, between-subjects design, this study examined whether levels of blame attributed to the complainant varied depending on the person who posted the video of a sexual assault. While this study is primarily interested in differences in complainant blame, variance in defendant blame is also explored.

**Hypotheses**

H1a: It is hypothesized that blame attributions toward the complainant (i.e., the survivor) will vary depending on who posted the content to social media such that evidence posted by the complainant will result in more blame placed on the complainant.
H1b: In contrast to H1a, H1b is a null hypothesis that blame attributions toward the defendant (i.e., the alleged perpetrator) would not vary based on who posted the video (i.e., evidence source).

Further, this study examined whether the relationship between evidence source and blame placed on the complainant is moderated by participants’ levels of rape myth acceptance (RMA) and benevolent and hostile sexism (BS and HS). The source of the evidence (i.e., the person who posted it) and stereotypes that support a culture of sexual violence toward women (e.g., RMA, BS and HS) were expected to shape how participants make sense of the evidence presented in the sexual assault scenario and subsequently assign blame. Informed by the tendency to blame the survivor, rather than the alleged perpetrator, this same effect was not expected across defendant blame.

H2a: RMA will moderate the relationship between evidence source and complainant blame, such that the means for complainant blame will be higher when the complainant posts than when the defendant posts when RMA is high.

H2b: The means for defendant blame across the three evidence source conditions will not differ based on levels of RMA.

H3a: BS and HS will moderate the relationship between evidence source and complainant blame, such that the means for complainant blame will be higher when the complainant posts than when the defendant posts when BS and HS are higher.

H3b: The means for defendant blame across the three evidence source conditions will not differ based on the levels of BS or HS.
Method

Participants

Based on prior research estimating “small to medium” effect sizes of .03 (Dawtry et al., 2019; Frazier et al., 2004), a sample of 264 participants was required to achieve a power of .8 with an alpha of .05. To account for potential missing data, 300 participants were recruited through Amazon Mechanical Turk (MTurk). The final sample consisted of 277 participants (see results section for further description of data screening and preparation). On average, participants identified as heterosexual (62.5%), White (85.2%) women (51.3 %) in their early thirties ($M = 31.17, SD = 7.6$), with 15.3 years of education. Additional demographics for the final sample are reported in Table 1.
### Table 1

**Participant Demographics**

<table>
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<tr>
<th>Categorical Variable</th>
<th>n</th>
<th>%</th>
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<tbody>
<tr>
<td>Total</td>
<td>277</td>
<td></td>
</tr>
<tr>
<td>Gender</td>
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<tr>
<td>Man</td>
<td>133</td>
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<tr>
<td>Woman</td>
<td>142</td>
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<td>Other/Prefer not to say</td>
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<tr>
<td>Lesbian</td>
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<td>.4</td>
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<tr>
<td>Bisexual</td>
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<td>36.5</td>
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<tr>
<td>Other/Prefer not to say</td>
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<td>.4</td>
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<td>White/Caucasian</td>
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<tr>
<td>Hispanic/Latino/Latina</td>
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<td>Native American/Alaska Native</td>
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<td>Professional Legal Experience</td>
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<td>No</td>
<td>148</td>
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</table>
Measures

**Attribution Questionnaire**

The Attribution Questionnaire is a 31-item measure intended to examine attributions assigned to a victim (i.e., the complainant) and alleged perpetrator (i.e., the defendant) in a sexual assault scenario (Angelone et al., 2015). This scale was developed using a modified version of questions previously created by George and Martinez (2002). All questions use a 10-point Likert-type response scale. This scale includes items such as “how capable was Jessica of changing what happened in the report you read?” To better fit the present study’s design, questions ending in the anchor “in the report you read” were changed to “during the incident.”

Attributions placed on the victim are measured with four constructs: victim culpability, victim credibility, victim pleasure, and victim trauma (Angelone et al., 2015). Attributions placed on the perpetrator are measured with three constructs: perpetrator culpability, perpetrator guilt, and sentencing recommendations. While the full Attribution Questionnaire was presented to participants, the present study specifically addressed attributions of blame, or culpability, therefore analyses addressing complainant and defendant blame were conducted using only the victim culpability and perpetrator culpability subscales.

The victim culpability scale is composed of nine questions such as “how much choice did Jessica have about what happened during the incident?” (1 = “no choice,” 10 = “a great deal of choice”). Scores were averaged and higher scores reflected more responsibility for the assault placed on the victim. Using a sample of male college students, Angelone and colleagues (2015) reported satisfactory reliability estimates with a coefficient alpha of .81. Internal consistency for the present sample was excellent (α = .95). Perpetrator culpability was assessed with nine items such as “how much did Mike intend to cause Jessica to continue sexual activity with him?” (1 =
“not at all,” 10 = “very much”). Higher average scores indicated greater responsibility for the assault placed on the perpetrator. Angelone and colleagues (2015) reported an alpha of .72 for this scale among their sample of male college students. Internal consistency for the present sample was good (α = .84).

**Illinois Rape Myth Acceptance Scale- Short Form (IRMAS-SF)**

The IRMAS-SF is a widely used 20-item survey designed to measure general rape myth endorsement (Payne et al., 1999). Items such as “women tend to exaggerate how much rape affects them” are presented on a 5-point Likert scale (1 = strongly disagree, 5 = strongly agree). A mean total score was calculated, with higher scores indicating stronger rape myth endorsement. The IRMA-SF is a proxy to the longer 45-item IRMA that assesses the general component of rape myth acceptance along with more nuanced subcomponents of the construct (Payne et al., 1999); confirmatory factor analyses support that the IRMA-SF is sufficient to assess the general component of rape myth acceptance. The IRMA-SF has strong psychometric properties including internal reliability and construct validity with undergraduate students. The coefficient alpha as identified by Payne and colleagues (1999) was .87 among a college sample. Further, across two studies examining rape myth acceptance, memory construction, and victim blame, Dawtry et al. (2019) reported excellent alpha levels across two samples of adult men and women recruited from MTurk and Prolific Academic (α = .94 and .92 respectively). Excellent internal consistency was found for the present sample (α = .93).

**Ambivalent Sexism Inventory (ASI)**

The ASI is a 22-item measure designed to assess sexism towards women (Glick & Fiske, 1996). Confirmatory factor analyses support that the ASI is a two-factor scale that assesses the two components comprising the construct of ambivalent sexism: hostile sexism (HS) and
benevolent sexism (BS). The HS subscale contains items such as “women seek to gain power by getting control over men,” whereas the BS subscale includes items such as “women should be cherished and protected by men.” All items are answered on a 6-point Likert scale (0 = disagree strongly, 5 = agree strongly). Higher scores on the total ASI, as well as the two subscales suggest more sexist attitudes towards women. Obtaining distinct mean scores for the Hostile and Benevolent subscales, rather than one overall ASI total score, is a more effective way to uncover the nuanced components of each scale (Chapleau et al., 2007). Strong internal consistency as well as convergent and discriminant validity of ASI scores has been demonstrated (Glick & Fiske, 1996). Across six studies using undergraduate students and non-college students recruited from across Massachusetts, alpha estimates for overall ASI scores fell between .83 to .92, HS ranged from .80 to .92, and BS ranged from .73 to .85. In several studies examining ambivalent sexism and its relationship to victim blame and rape proclivity in college students, Abrams and colleagues (2003) reported satisfactory alphas for HS scores, ranging from .89 to .90, and BS scores, ranging from .80 to .88. Sufficient internal consistency scores were found for the BS and HS subscales across the present sample (α = .70 and .76 respectively).

**Researcher Developed Questions**

Items assessing participant eligibility (e.g., at least 18 years old, US citizen, fluent in English, and without felony charges) were presented to participants directly after obtaining informed consent and before presentation of study conditions. To assess the strength of the experimental manipulation and ensure appropriate participant attention, the following questions were added throughout the study: (1) “On a scale of 1-7, how credible or believable do you find this evidence to be?” (2) “On a scale from 1-100, how important is who posted the video in making your determination of responsibility?” (3) Based on the video evidence you saw, on a
scale of 1-7, how intoxicated (e.g., under the influence of drugs or alcohol) do you believe Jessica was during the alleged sexual assault?” (4) “Who posted the video you saw?” and (5) “What is 7 minus 3?” Participants were required to correctly identify the source of the evidence they were presented (e.g., question 4) as well as attention check item 5, to be included in analyses; all participants in the final sample met these requirements.

Demographics Questionnaire

The demographics questionnaire included items intended to assess participants’ age, racial/ethnic identity, gender identity, sexual orientation, educational attainment, political ideology, prior jury experience (1 = yes, 2 = no), and prior legal experience (1 = yes, 2 = no). These questions were presented last to avoid any potential priming effects of the participants’ gender or own sexual assault history.

Procedure

Permission from the University of Memphis Institutional Review Board was obtained prior to data collection. This cross-sectional, survey-based study used a between-subjects experimental design to manipulate the source of social media evidence presented in court and measure differences in attributions of blame (e.g., victim and perpetrator culpability) placed on the complainant and defendant, levels of rape myth acceptance, and ambivalent sexism. This study included three conditions: complainant posted, defendant posted, and bystander posted (i.e., experimental control). A general description of the study, eligibility criteria, opportunities for compensation, and estimated completion time were posted to the MTurk recruitment page, along with a Qualtrics hyperlink redirecting them to the study. To ensure quality responses, eligible participants were required to be in the United States, have at least 50 previous approved human intelligence tasks (HITs), and have at least a 90% approved HITs from all requesters.
Participants who incorrectly responded to eligibility criteria items at the outset of the study were removed before exposure to study materials and thanked for their time. After reviewing informed consent and agreeing to proceed, participants who correctly responded to eligibility criteria items were randomly assigned to one of the three conditions.

Prior to viewing study stimuli, participants were told they were about to watch a video that had been introduced as evidence in a criminal court proceeding adjudicating a sexual assault case. They were informed that their task was to evaluate the evidence as if they were a juror in the case. Participants in all conditions were first presented a short vignette that provided additional context to the scenario (e.g., the relationship between parties, location, etc.), who posted the video to social media, and that the complainant alleged a sexual assault occurred after the videoed encounter. All information in the vignette was identical except for the identity of the person who posted the video. Participants in all conditions then viewed the same video clip depicting the alleged sexual assault scenario. A timer was set in Qualtrics that prevented participants from progressing to the next page until the video is completed. The video clip did not show any sexually explicit material but depicted a scenario in which a heterosexual sexual assault could convincingly take place (i.e., in the bedroom at a house party). After viewing the stimuli, participants were randomly presented with the Illinois Rape Myth Acceptance Scale-Short Form (IRMAS-SF; Payne et al., 1999), the Ambivalent Sexism Inventory (ASI; Glick & Fiske, 1996), the Attribution Questionnaire (Angelone et al., 2015), and researcher developed questions followed by a demographic questionnaire. After responding to study questions, participants viewed a debriefing page informing them about the fictional nature of the video and that no persons were harmed while filming. The debriefing page also included ways to contact various mental health and crisis resources such as the National Sexual Assault Hotline.
Participants were compensated $1.50, which is based on federal minimum wage standards of $7.25/hour and the estimated time of study completion if completed without distractions. To receive compensation, participants were given a randomized code at the end of the study and instructed to enter this code into MTurk.

Results

Data Screening and Preparation

Raw data revealed 950 total survey attempts. Four hundred and two responses were screened out during the data collection process for not meeting eligibility criteria at the onset of the survey (i.e., 18 years or older, US citizen, English fluency, no felony charges or convictions) and before the presentation of survey items. Eleven duplicate responses were identified during the data collection process (i.e., participants completed the HIT twice) and were subsequently removed. Incomplete responses (i.e., those who omitted more than one or two entire measures) were removed, resulting in the exclusion of 237 additional responses. Three hundred complete responses were retained. An exploration of missing values revealed only six cases, or 0.029% of missing data for the primary variables of interest. The prorated mean for these six cases was used as four out of five cases were only missing one item and two cases were missing two items.

Univariate outliers were identified by standardizing each variable; z-scores greater than |3| were removed from the data set. No outliers were identified on the IRMA-SF, two were identified on the BS subscale of the ASI, and seven were identified on the HS subscale of the ASI. Multivariate outliers were identified using Mahalanobis distance testing; 14 outliers were removed for p values less than .001. An examination of standardized residuals revealed four regression outliers with standard deviations greater than -3 for complainant blame; these outliers were subsequently removed before model interpretation. One regression outlier was identified.
for defendant blame; however, this outlier was retained for analysis as its removal did not improve normality. The final sample size used for analysis of complainant blame consisted of 273 cases and 277 cases for defendant blame. Measures of skewness and kurtosis fell between -3 and 3 and -10 and 10 respectively, indicating that the data were sufficiently normal.

**Preliminary Analyses**

Preliminary analyses were conducted to examine potential differences of demographic factors on study variables. Correlational analyses indicated that age was negatively correlated with complainant blame \( r = -.16, p < .01 \) and that political ideology was positively correlated with complainant blame \( r = .13 \ p < .05 \). Though these correlations were weak, age and political ideology were entered into the first step of each hierarchical linear regression analysis to examine whether they had any impact on the dependent variables. Neither variable was significantly associated with outcomes, thus these variables were excluded from the final analysis. See Table 2 for correlations across study variables.
Table 2

Means, Standard Deviations, and Correlations for Study Variables

<table>
<thead>
<tr>
<th>Variable</th>
<th>M</th>
<th>SD</th>
<th>Range</th>
<th>1.</th>
<th>2.</th>
<th>3.</th>
<th>4.</th>
<th>5.</th>
<th>6.</th>
<th>7.</th>
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<th>9.</th>
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</thead>
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<td>1. Complainant Blame</td>
<td>6.73</td>
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<td>1.00-10</td>
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<td>2. Defendant Blame</td>
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<td>.84</td>
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<td>3. Rape Myth Acceptance</td>
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<td>1.04-5.00</td>
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<td>.28**</td>
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<td>4. Benevolent Sexism</td>
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<td>.61</td>
<td>1.00-5.36</td>
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<td>.38**</td>
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<td>-.05</td>
<td>-.24**</td>
<td>-.04</td>
<td>-.20**</td>
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<td>1-5</td>
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<td>8. Educational Level</td>
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<td>2.89</td>
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<td>.00</td>
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<td>.05</td>
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<td>-.13*</td>
<td>-.28**</td>
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<td>-.23**</td>
<td>.12</td>
<td>.15*</td>
<td>-.02</td>
<td>.64**</td>
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</tr>
</tbody>
</table>

Note. Cronbach’s alpha coefficients are on the diagonal. Political ideology: 1= Very Liberal/Left-leaning, 5= Very Conservative/Right-Leaning.
*p < .05. **p < .01.

A series of one-way ANOVAs were conducted using the demographic factors of gender, prior legal experience (i.e., do you have any formal legal training: yes/no), and prior jury experience (i.e., have you ever served on a jury: yes/no) as independent variables and either complainant or defendant blame as dependent variables. Gender was not significantly associated
with blame attributions. The assumption of equality of variance was violated for legal and jury experience and blame attributions; thus, the Welch’s F-test was conducted to account for Type I error (Delacre et al., 2019). Defendant blame did not differ with prior legal or jury experience; however, significant differences in complainant blame were found across legal experience (Welch’s $F(1, 261.89) = 30.96, p < .001$) and jury experience (Welch’s $F(1, 261.48) = 18.60, p < .001$) and complainant blame. Those with prior legal experience ($M = 7.6, SD = 1.3$) expressed higher complainant blame scores compared to those without such experience ($M = 6.64, SD = 1.64$). Those with prior jury experience ($M = 7.47, SD = 1.16$) also expressed higher complainant blame when compared to those without this experience ($M = 6.73, SD = 1.68$). Thus, legal and jury experience variables were entered into the first step of each hierarchical linear regression analysis to control for these covariates (see below). Results were not significant when examining the moderating effects of RMA, thus these covariates were excluded from further analysis. A significant main effect was found for prior legal and jury experience when examining the moderating effects of BS and HS; thus, the covariates were retained for further model interpretation.

**Primary Analyses**

To examine the relationship between evidence source and attributions of blame, two separate one-way ANOVAs were run to compare the effect of evidence source (i.e., complainant, defendant, or bystander) on attributions of blame towards the complainant or defendant. The Levene’s Test for equality of variances was not statistically significant for either analysis indicating the assumption of equal variances was met. The first ANOVA indicated no statistically significant difference in complainant blame among groups, $F(2, 274) = 2.65, p = .07$, ($\eta_p^2 = .02$), suggesting that Hypothesis 1a was not supported. As expected, the second ANOVA
indicated no significant difference in defendant blame based on evidence source, $F(2, 274) = 2.7$, $p = .07$, ($\eta^2_p = .02$), thus supporting the null hypothesis as stated in Hypothesis 1b.

To examine the potential moderating effects of RMA and BS and HS on complainant and defendant blame, moderation analyses were run in SPSS (version 28) using four separate hierarchical linear regression models. Before interpreting the results, the necessary assumptions for regression were ensured for all models. Examination of the scatterplot of residuals versus predicted values took on random patterns concentrated around zero, indicating homoscedasticity (Flatt & Jacobs, 2019; see Figure 1). The normality of error terms was assessed through visual examination of the PP plots; these plots took on a roughly diagonal line (see Figure 2). Lastly, the assumption of linearity was met after visual inspection of the scatterplots of independent and dependent variables revealed linear relationships. VIF statistics were below 10 indicating that the independent and dependent variables were not overly correlated as to suggest multicollinearity (Kim, 2019).
**Figure 1**
*Scatterplot of Residuals Versus Predicted Values Across Regression Models*
Figure 2
Normality of Error Terms P-P Plots
To test the moderating effects of RMA, two separate hierarchical linear regression analyses (one for complainant blame as the outcome, and the other for defendant blame as the outcome) with two blocks of variables were conducted. In each moderation analysis, the first block of variables included the dummy coded predictor variables of evidence source (i.e., complainant posted, and defendant posted) and the standardized variable of RMA. The second block of variables contained the interaction terms between the moderating variable and the dummy coded complainant and defendant source variables (i.e., complainant x RMA, defendant x RMA). The bystander posted condition was used as the reference category for each analysis.

In the first regression analysis, blame attributed to the complainant (as measured by the Victim Culpability subscale of the Attribution Questionnaire; Angelone et al., 2015) was entered as the dependent variable. Results indicated that the first step was significant. RMA was a significant predictor of complainant blame suggesting that higher levels of RMA were associated with higher blame attributed to the complainant. When compared to the bystander posted condition (i.e., the control condition), neither the complainant posting condition nor the defendant posting condition was significantly associated with complainant blame.

The model was still significant at the second step; however, the change statistics indicated no improvement from the first model. No significant interaction effects were found for RMA and complainant or RMA and defendant. Overall, the full model explained 55% of the variance in complainant blame score. Hypothesis 2a that RMA would moderate the relationship between evidence source and complainant blame was not supported by the model results. See Table 3 for full model results.
In the second regression analysis, blame attributed to the defendant (as measured by the Perpetrator Culpability subscale of the Attribution Questionnaire; Angelone et al., 2015) was entered as the dependent variable. Results indicate that the first step was significant. RMA was a significant predictor of defendant blame suggesting that higher levels of RMA were associated with higher blame attributed to the defendant. When compared to the bystander posted condition, neither the complainant posting condition nor the defendant posting condition was significantly associated with defendant blame.

The model was still significant at the second step, although the change statistics did not indicate improvement from the first model. No significant interaction effects were found for RMA and complainant, or RMA and defendant. Overall, the full model explained 10% of the

### Table 3

**RMA as Moderator of Evidence Source and Complainant Blame (N = 273)**

<table>
<thead>
<tr>
<th>Variable</th>
<th>$\beta$</th>
<th>$t$</th>
<th>CI</th>
<th>$F$</th>
<th>$R^2$</th>
<th>$\Delta F$</th>
<th>$\Delta R^2$</th>
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<td></td>
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<td>108.69**</td>
<td>.55</td>
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<td>RMA</td>
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<td>17.70**</td>
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<td>1.01</td>
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<tr>
<td>Complainant</td>
<td>.08</td>
<td>1.73</td>
<td>-.03, .50</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.23</td>
</tr>
<tr>
<td>Defendant</td>
<td>-.03</td>
<td>-0.73</td>
<td>-.42, .19</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.23</td>
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<tr>
<td>Step 2</td>
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<td></td>
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<td>65.26**</td>
<td>.55</td>
<td>.60</td>
<td>.002</td>
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<td>RMA</td>
<td>.69</td>
<td>10.51**</td>
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<td>2.58</td>
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<tr>
<td>Complainant</td>
<td>.08</td>
<td>1.71</td>
<td>-.04, .51</td>
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<td></td>
<td></td>
<td>1.28</td>
</tr>
<tr>
<td>Defendant</td>
<td>-.04</td>
<td>-.94</td>
<td>-.46, .16</td>
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<td>1.28</td>
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<tr>
<td>Complainant x RMA</td>
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<td>.24</td>
<td>-.30, .39</td>
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<td></td>
<td></td>
<td>1.97</td>
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<tr>
<td>Defendant x RMA</td>
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<td>1.06</td>
<td>-.17, .56</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.80</td>
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</table>

*Note. *$p < .05$ **$p < .001$.*
variance in defendant blame scores. These findings indicate that, as predicted by the null Hypothesis 2b, RMA did not moderate the relationship between evidence source and defendant blame. See Table 4 for full model results.

The same procedure was followed to test the moderating effects of BS and HS on Table 4

**RMA as Moderator of Evidence Source and Defendant Blame (N = 277)**

<table>
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<th>Variable</th>
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<th>$R^2$</th>
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<td>9.41**</td>
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<td>-</td>
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<td>RMA</td>
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<td>Defendant</td>
<td>.07</td>
<td>1.15</td>
<td>-.13, .51</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Step 2</td>
<td></td>
<td></td>
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<td>6.01**</td>
<td>.10</td>
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<td>.01</td>
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<td>-.04, .53</td>
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</table>

*Note. *$p < .05$ **$p < .001$.\n
complainant blame and defendant blame. The standardized variables of BS and HS were entered together in the first step along with the dummy coded predictor variables of evidence source, with the second block containing the interaction terms (i.e., complainant x BS, complainant x HS, defendant x BS, defendant x HS). As described above, the covariates of legal and jury experience were also included in the first step for complainant blame. The bystander posted condition was used as the reference category for each analysis.

In the third regression analysis, blame attributed to the complainant was entered as the dependent variable. The first step was significant. Prior legal experience was a significant
predictor of complainant blame. This finding supports that when participants had legal experience, they were significantly more likely to blame the complainant. HS was also a significant predictor of complainant blame indicating that higher levels of HS were significantly associated with greater complainant blame. When compared to the bystander posted condition, the complainant posting condition was significantly associated with complainant blame. After controlling for previous legal experience, the significant main effect for evidence source suggests that complainant blame was significantly higher when the complainant posted. The standardized regression coefficients from the overall model indicated that HS ($\beta = .53$) had the highest relative importance in the model, followed by prior legal experience ($\beta = -.13$) and complainant posting ($\beta = .11$).

The model was still significant at the second step; however, the change statistics indicated no improvement from the first model. No significant interaction effects were found for BS and complainant BS and defendant, HS and complainant, or HS and defendant. The full model explained 44% of the variance in complainant blame scores. Overall, model results suggest hypotheses 3a that sexism would moderate the relationships between evidence source and complainant blame was not supported. See Table 5 for full model results.
Blame attributed to the defendant was entered as the dependent variable in the final regression analysis. The first step was significant. BS was a significant predictor of defendant blame suggesting that higher endorsements of BS were associated with greater defendant blame. When compared to the bystander posted condition (i.e., the control condition), the complainant posting condition was significantly associated with greater defendant blame. Standardized regression coefficients from the overall model indicated that BS ($\beta = .36$), followed by complainant posting ($\beta = .14$) had the highest relative importance in the model.

Table 5

*BS and HS as Moderators of Evidence Source and Complainant Blame (N = 272)*

<table>
<thead>
<tr>
<th>Variable</th>
<th>$\beta$</th>
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<th>CI</th>
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<td>11.57**</td>
<td>1.09,1.53</td>
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<td>.55</td>
<td>.005</td>
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<td>HS</td>
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<td>6.30**</td>
<td>.85,1.62</td>
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<td>.98</td>
<td>-.18,.55</td>
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Note. Prior legal and jury experience were coded as 1 = yes, 2 = no; lower scores indicate more experience.

*p < .05 **p < .001.

Blame attributed to the defendant was entered as the dependent variable in the final regression analysis. The first step was significant. BS was a significant predictor of defendant blame suggesting that higher endorsements of BS were associated with greater defendant blame. When compared to the bystander posted condition (i.e., the control condition), the complainant posting condition was significantly associated with greater defendant blame. Standardized regression coefficients from the overall model indicated that BS ($\beta = .36$), followed by complainant posting ($\beta = .14$) had the highest relative importance in the model.
The model was still significant at the second step, although the change statistics did not indicate improvement from the first model. No significant interaction effects were found for BS and complainant, BS and defendant, HS and complainant, or HS and defendant. The full model explained 18% of the variance in defendant blame scores. These findings indicate that, as predicted by the null Hypotheses 3b, sexism did not moderate the relationship between evidence source and defendant blame. See Table 6 for full model results.

Table 6

BS and HS as Moderators of Evidence Source and Defendant Blame (N = 277)

<table>
<thead>
<tr>
<th>Variable</th>
<th>( \beta )</th>
<th>( t )</th>
<th>CI</th>
<th>( F )</th>
<th>( R^2 )</th>
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<td>1.35</td>
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*Note.* *p* < .05 **p* < .001.
Discussion

The impact of the “real rape” paradigm within legal contexts is important to explore (Boux & Dame, 2015) since it can influence juror perceptions and conclusions. There is consensus that survivors’ behaviors are often scrutinized by outside observers to determine whether their claims are indeed “real.” To expand upon our current understanding of juror perceptions of culpability in sexual assault, this study was the first-known experimental design to examine perceptions of survivors’ and perpetrators’ use of digital evidence in a sexual assault scenario. Digital evidence continues to proliferate in legal contexts and especially in cases of sexual violence (Dodge, 2019). Therefore, it is crucial we understand how a survivor’s and perpetrator’s online actions (i.e., posts to social media) may impact subsequent attributions of blame and how these perceptions may be influenced by the societal biases that perpetuate our tendency to blame the victim while absolving the perpetrator.

Victim Blame Post #Metoo

American rape culture is characterized by the normalization of male perpetrated sexual violence against women and victim blame. Therefore, it was hypothesized that blame attributed to the complainant (H1a), but not the defendant (H1b), would vary based on who posted the digital evidence to social media. Contrary to Hypothesis 1a, results indicated that blame attributed to both the complainant and defendant did not vary based on who posted the evidence. While unexpected considering the extant literature, the finding that complainant blame was not significantly influenced by her online action may be a promising indication of shift in rape culture. Although the etiology of this shift is beyond the scope of the present study, a potential factor may be the success of the feminist digital movement, #Metoo.
Hashtag feminism has taken advantage of digital platforms to raise awareness of various feminist issues, including the historically taboo topic of sexual violence (Mendes et al., 2018). Since the #Metoo movement in 2017, we have seen global increases in the discussion of sexual violence in the media (Starkey et al., 2019). The #Metoo movement has not only brought significant attention to the pervasiveness of sexual violence, but it has also encouraged more and more people to speak out against it, thus serving as a hopeful catalyst for future societal change (Armstrong & Mahone, 2023). As stated by Mendes and colleagues (2018), “Indeed, these shifts in consciousness may go undetected at first, but over time, this ‘mainstreaming’ of feminist activism is laying the foundation for a collective shift towards a more just society” (p. 239).

A primary goal of #Metoo is to further societal understanding of and conversation surrounding sexual assault. Indicative of progression towards this goal, findings from a qualitative study conducted during the height of #Metoo found that participants expressed an elevated awareness of both general and specific knowledge about sexual violence (Acquaviva et al., 2021). Further qualitative research into Millennial and Gen Z men and their experience with hashtag feminism and #Metoo suggested that even those who did not actively seek out engagement with hashtag feminism were still more familiar with and knowledgeable about such discourse, simply by occasionally seeing it while using social media (Kosar et al., 2023).

Whether actively engaged in the movement, or a passive consumer of online messaging, it appears the #Metoo movement has begun to lay the groundwork for a more open and receptive approach to discussions of sexual violence. While the present study did not examine participant understanding of the #Metoo movement, or engagement in this form of feminist digital activism, it is reasonable to believe that the present study’s respondents may have been influenced by this global movement. As there is ongoing movement towards believing women, paired with an
increasing familiarity with women posting about their experiences of sexual violence to social media, respondents may have been more understanding of why a woman would post this content to social media, and subsequently less likely to blame her for doing so. Therefore, future studies should examine how feminist digital movements may have altered the way we view sexual violence, and in turn, how we perceive digital evidence used in cases of sexual assault.

**Blame Attributions and Societal Biases**

It is believed that that jurors make sense of evidence presented before them through the reliance on preexisting knowledge, assumptions, or attitudes about similar events (Dodge, 2016, 2018; Nitschke et al., 2023; Pennington & Hastie, 1992). Thus, it is important we understand how societal biases may influence perceptions of evidence introduced in cases of sexual violence. It was hypothesized that the societal biases associated with victim blame (i.e., RMA, BS, and HS) would influence the relationship between evidence source and blame attributed to the complainant. It was specifically believed that higher endorsements of RMA (H2a), and BS and HS (H3a) would lead to greater complainant blame when she posts, compared to when the defendant posts. Contrary to these hypotheses, the results suggested that RMA, BS, and HS were not significant moderators the evidence source and complainant blame relationship. These findings are partially addressed by the lack of significant differences in complainant and defendant blame based on evidence source as discussed above.

Although common rape supportive and sexist ideologies did not moderate the evidence source – culpability relationships, they were significant predictors of blame. A statistically significant main effect for RMA indicated a positive association between RMA and complainant blame. This finding is in line with the extensive body of research and adds further support for the relationship between rape supportive ideologies and the tendency to blame a survivor for her
assault (Angelone et al., 2018; Hayes et al., 2013; Kosloski et al., 2018; McKimmie et al., 2014; Murdoch & Gonsolkorale, 2017; Sleath & Bull, 2012; Suarez & Gadalla, 2010).

Similarly, sexism was also related to perceived culpability. Results indicated that HS, but not BS, was associated with complainant blame. While the body of research supports that those higher in BS and HS tend to blame victims to a greater extent (Abrams et al., 2003; Angelone et al., 2018; Glick & Fiske, 1996), Duran et al. (2010) found that higher endorsement of HS, but not BS, was associated with more victim blame. These mixed results indicate that BS may be more nuanced than expected. For example, when exploring the effects of the “stereotypical woman” and the “stereotypical victim” in an acquaintance rape scenario, Masser and colleagues (2010) found that BS was only positively associated with victim blame when the victim violated both traditional gender roles and how a “real” victim should behave. This furthers the benevolent sexist assertion that only women who violate stereotypical gender roles are deserving of blame (Abrams et al., 2003). While the present study measured endorsements of BS, which encompasses the roles that women should assume in society more broadly, it did not explore participant perceptions of the complainant specifically. Thus, it is conceivable that the complainant in the present study was not viewed as violating her “role” in society, and as such, was deserving of protection rather than blame. Although not statistically significant, the negative relationship found between benevolent sexism and complainant blame may support that BS was acting as a protective factor in this scenario.

When accounting for the effect of sexism in the model, significant main effects were also found for prior legal experience and the complainant posting condition. Taken together, these results suggest that greater complainant blame occurred when participants had higher endorsements of hostile sexist beliefs, had prior professional experience or training in a legal
field, and were told that the complainant had posted the evidence to social media. The extent of the participant’s professional legal experience is unknown; however, these findings are in line with the role of “real” rape on prosecutorial decision making. For example, prosecutors often consider various extralegal factors (e.g., relationship between the parties, promptness of report to police, substance use prior to alleged assault) when determining which cases are “ideal” for successful prosecution (Frazier & Haney, 1996). Potentially influenced by sexist beliefs, those cases that do not fit the stereotypical narrative of how a survivor should behave may be taken less seriously when deciding which cases to prosecute. Thus, it makes sense that participants with legal experience and higher sexist beliefs may have been more skeptical of the complainant knowing that she posted the content to social media, and as such, more inclined to blame her for the assault. However, it should be noted again that participants in the present sample did not identify their legal experience specifically. Therefore, the generalizability of these findings to legal professionals is ultimately limited.

It was further expected that defendant blame across the three evidence source conditions would not differ based on RMA (H2b) or BS and HS (H3b). Although these attitudes did not moderate the relationship, it is also true that evidence source was, depending on the analysis, either a nonsignificant or weakly significant predictor of blame. Thus, it is unclear what the lack of significant findings indicates. It is possible that these findings lend credence to the assertion that perpetrator behaviors are not as heavily scrutinized as survivor behaviors, and that they may not be blamed for the assault, even when they post such evidence themselves. However, null findings should not be taken as evidence of absence, therefore, future research should explore these relationships further to corroborate these findings.
Surprisingly, there was a positive main effect for RMA and defendant blame such that higher RMA was associated with higher defendant blame. This finding appears counterintuitive as rape myths are inherently supportive of male perpetrated sexual violence. Considering the small effect size of this finding, the practical significance of this relationship is likely low. A positive main effect for benevolent sexism and defendant blame was also found. Although initially unexpected, this finding makes sense considering findings that BS may have served as a protective factor for complainant blame. In other words, the complainant in this case may have been viewed positively and in need of protection from the alleged perpetrator. Thus, those higher in BS were more likely to blame the defendant.

Implications

From initial interactions with the police to the courtroom, victim blaming tendencies can be seen throughout various stages of the criminal justice system (Morabito et al., 2016; Sleath & Bull, 2012). Although survivors can seek civil damages against their abuser (Des Rosiers et al., 1998), the adjudication process is a pivotal point in which survivors can receive justice. Defense attorneys have already begun using digital evidence to discredit complainants on stand (Dodge et al., 2019). As attorneys and judges will inevitably navigate this type of evidence in court, psychologists serving as trial consultants can help provide a better understanding of the societal biases that shape the interpretation of social media evidence.

The constitutional right to a fair and impartial jury is protected by the voir dire process (Yokum et al., 2018). This essential protection can be difficult to safeguard as judges, attorneys, and potential jury members may maintain biases that are beyond awareness (Diamond & Hans, 2023). The US Supreme Court advises courts to screen for potentially impartial jurors by simply asking them to self-identify their biases or whether they can remain impartial; however, research
suggests that jurors are often unable to self-assess their own biases (Yokum et al., 2018). To help mitigate this situation, trial consultants who offer expertise in psychology or other related social sciences are often retained to better identify juror characteristics and backgrounds that may enhance bias (Coughlan, 2019). Findings from the present study support that rape supportive and sexist ideologies are associated with complainant blame, thus these factors are essential to consider during the voir dire process.

During the voir dire process, potential jurors often fill out questionnaires about their background, experiences, and case-relevant views (Diamond & Hans, 2023). It is recommended that psychologists serving as trial consultants on sexual assault cases suggest the incorporation of items that specifically address rape myths and hostile sexist beliefs, as these ideologies were directly associated with increased complainant blame. While associated with defendant blame, it may also be important to include measures of benevolent sexist beliefs, as these beliefs may indicate a juror’s tendency to act in a protective manner towards the complainant. Another key component to the voir dire process is attorney questioning (Diamond & Hans, 2023). Trial consultants are encouraged to explain the impacts of rape myths and sexist beliefs to attorneys so that attorneys are better equipped to tailor questioning to identify such biases amongst potential jurors.

Once the jury selection process is complete, another important consideration is the provision of proper jury instructions. Although not supported by the present study, other research supports that when a complainant’s behavior is inconsistent with jurors’ understanding of a “real” rape, jurors are more likely to doubt the complainant’s credibility or view the complainant more negatively (Ellison & Munro, 2008; Grubb & Turner, 2012). Thus, it is important to educate jurors about mistaken beliefs and victim stereotypes that may bias their decisions.
(Nitschke et al., 2023). An efficient way to provide education to jurors is through judicial instruction. While judicial instruction may vary from case to case and is not used across all jurisdictions, effective judicial instruction intended to reduce bias is essential to protect rape complainants. In their research on trauma-informed judicial instruction, Nitschke and colleagues (2023) assert that juror instruction should provide direct explanation of factors to consider when assessing rape complainant credibility. Thus, it is recommended that jurors receive education on the potential impacts of rape supportive and sexist ideologies have on victim blame while also providing more direct instruction to examine the facts of the case as objectively as possible.

**Limitations**

In addition to the limitations discussed above, there are other important factors to consider when interpreting the present study’s findings and implications. One important consideration is the strength of the experimental manipulation. Social media evidence may come from a variety of sources. The present study was the first known study to incorporate a video stimulus ostensibly obtained from Instagram. However, there were aspects of the stimulus that limited its ecological validity. Firstly, the video was not presented with any of the platform’s branding; while likely minimal, the video may have not been seen as true social media post. As a major component of the manipulation was identifying who posted the content (i.e., the complainant, defendant, or bystander), future research should try to simulate a true Instagram post with all aspects of the poster’s profile present, rather than simply stating who posted the content in the informational narrative. Another important limitation of the experimental manipulation was the content depicted in the video. Most studies exploring victim blame use vignette-based manipulations in which they can provide explicit information detailing the nature of the assault. The present study’s video manipulation was far more limited in what could be
shown visually, especially in contrast to what would be admissible in court. Although this was done to prevent harm done to human subjects, the limited content required that participants assume what might have happened behind closed doors, thus potentially limiting the extent to which they believed a true sexual assault took place.

Another potential limitation was the presentation of the complainant in the video stimulus. The present study did not directly assess many of the various survivor characteristics that have been previously linked to victim blame tendencies (e.g., emotional presentation, level of resistance, manner of dress). Thus, there is a chance that the complainant was simply not perceived as violating her role as a legitimate sexual assault survivor. However, considering the correlation between perceptions of the complainant’s level of intoxication and complainant blame for the present study, \( r = .47, p < .01 \), it is likely that specific perceptions of the survivor and her behavior did influence subsequent attributions of blame made, but were perhaps not strong enough to create a ‘posting effect’ in the present study.

Further, the present study also did not measure participant’s idea of what constitutes a real rape. Without this knowledge, we cannot reliably speculate what factors contributed to the blame they assigned to the complainant or defendant. Future studies may consider including additional items to assess the previously identified factors associated with victim blame while also including qualitative components that would allow respondents to discuss the specific factors they considered when determining their attributions of blame. This information would allow for a more nuanced understanding of the most salient factors that potential jurors may consider when asked to interpret such evidence in court. Lastly, considering the wide-reaching impacts of the #MeToo movement discussed above, there is a chance that participants were responding to items in a socially desirable manner. Although #MeToo is generally perceived as a
positive and supportive movement, hashtag feminism is not free of criticism. In fact, the #Metoo movement has been referred to as a “witch hunt” that has incited a “battle of the sexes” (Kunst et al., 2019). In light this, respondents may not have felt fully safe to reveal their true perceptions in fear of potential retribution or judgment.

Despite these limitations, this is the first known experimental study exploring the use of digital evidence in the context of sexual assault. As the use of digital evidence in the adjudication sexual violence is likely to continue, this study serves as an important step towards advancing our understanding of victim blame within this context. Continued research is necessary to better inform how social media evidence will be perceived by key players in the courtroom.
References

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https://doi.org/10.1007/s11199-007-9196-2


https://doi.org/10.1089/109493100420142


IRB Approval

Institutional Review Board
Division of Research and Innovation
Office of Research Compliance
University of Memphis
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Memphis, TN 38152-3370

April 20, 2023

PI Name: Madison Lord
Co-Investigators:
Advisor and/or Co-PI: Ashley Batastini
Submission Type: Initial
Title: Social Media Evidence in the "Real Rape" Paradigm
IRB ID: #PRO-FY2023-267

Expedited Approval: April 18, 2023

The University of Memphis Institutional Review Board, FWA00006815, has reviewed your submission in accordance with all applicable statuses and regulations as well as ethical principles.

Approval of this project is given with the following obligations:

1. When the project is finished a completion submission is required
2. Any changes to the approved protocol requires board approval prior to implementation
3. When necessary submit an incident/adverse events for board review
4. Human subjects training is required every 2 years and is to be kept current at citiprogram.org.

For additional questions or concerns please contact us at irb@memphis.edu or 901.6783.2705

Thank you,
James P. Whelan, Ph.D.
Institutional Review Board Chair
The University of Memphis.