

Rape Stereotypes and Myths and their Psycho-legal Consequences

Sexual Assault and the Justice Gap: A Question of Attitude. By Jennifer Temkin and Barbara Krahe, Oxford, Hart Publishing, 2008. 258 pp. £30.00 (paperback). ISBN: 978-1-84113-670-7.

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Introduction

With their book *Sexual Assault and the Justice Gap: A Question of Attitude*, Jennifer Temkin and Barbara Krahe make a significant contribution to our understanding of sexual violence, the myths and stereotypes surrounding it, and their harmful effects on judgments of assault victims. Taking an interdisciplinary approach, the authors integrate the social psychological and the legal perspective in an attempt to explain the “justice gap” in contemporary jurisdiction. The “justice gap” is characterized as the imbalance between reporting and conviction rates in rape cases. To explain this phenomenon, Temkin and Krahe address multiple factors, with particular emphasis on rape-supportive attitudes and beliefs.

Broadly, the book is organized into three parts with 11 chapters in total. The first part of the book reviews empirical evidence on the scope of the justice gap and underscores that judgments of guilt and blame in cases of sexual assault are often far from being purely evidence-based. Instead, the reader learns about the detrimental impact of rape-supporting attitudes and cognitive fallacies that result in biased judgments of assault victims. The authors illustrate this by providing empirical support from studies that have been conducted not only in Germany and the UK, but also in other countries (e.g., the US). In Part two of the book, the authors present and discuss recent empirical evidence from their own research that has been conducted in England. Finally, Part three provides an

overview of strategies to narrow the justice gap, e.g., by means of introducing law reforms or guidelines for and screening of legal personnel, by implementing school-based interventions or running mass media campaigns. A concluding chapter summarizes the key messages of the book.

Though difficult fare, Temkin and Krahe present a well-written and clearly structured book that will not only spark the interest of scholars and professionals. Each chapter of *Sexual Assault and the Justice Gap: A Question of Attitude* begins with a short introductory paragraph and concludes with a brief summary of the chapter’s key message. The book represents an excellent resource for an audience with a background in psychology or law and is also suitable for graduate students of these areas. Temkin and Krahe’s book would nicely complement a graduate course’s core textbook, particularly because of the dual perspective it provides. Because of the topic’s social and political relevance, the book might also prove a valuable compendium for criminal justice practitioners. In their description of legal materials and statistical results, the authors clearly consider the needs of readers from diverging academic backgrounds. For instance, when reporting their own empirical research, Temkin and Krahe present qualitative and quantitative data in a comprehensible way. The authors do not overload the reader with statistics; rather, those who wish to obtain more information regarding statistical results may consult the footnotes. As a social psychologist, I sometimes had trouble relating to all details concerning the legal perspective. On the other hand, the volume is unique in its interdisciplinary endeavor to shed light on legal and psychological factors involved in the decision process in rape cases. The book is vital even for an audience beyond the domains of psychology and law, not only because it educates readers about stereotypical attitudes and myths

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regarding sexual violence, but also because the authors unmask these beliefs as myths and raise our awareness of their impact on social judgments.

What are these Stereotypical Attitudes and Myths About?

As documented in the literature, many people, including rape victims, endorse stereotypical assumptions about the circumstances of “real rape”. According to the “real rape” stereotype, a woman typically falls victim to a stranger who attacks her with violent force in an outdoor setting. In light of the facts, however, this remains a faulty, but generally shared misconception—a misconception that has many harmful effects. In Chapter two, Temkin and Krahe describe these detrimental consequences insistently: The more a case of sexual violence is at odds with the notion of a “typical” rape, the less is it interpreted in terms of a rape (e.g., when the victim is intoxicated or raped by an acquaintance; Burt and Albin 1981). On the one hand, this affects judgments of blame, guilt and perceptions of a victim’s credibility (e.g., Best et al. 1992). On the other hand, an awareness of descriptive and prescriptive aspects inherent in the “real rape” stereotype contributes to victims’ reluctance to report sexual assaults. For example, low rates of reported rapes may be due to the fact that victims of sexual violence fail to self-identify as such because their experience deviates from their rape script (Du Mont et al. 2003; Kahn et al. 1994).

Rape myths, too, are stereotypic notions about rape that serve to blame victims and exonerate perpetrators (Burt 1980). A more recent definition was proposed by Bohner (1998, p. 14), who defined rape myths as “descriptive or prescriptive beliefs about sexual aggression (i.e. about its scope, causes, context and consequences) that serve to deny, downplay or justify sexually aggressive behavior that men commit against women” (see also, Eyssel and Bohner 2008; Gerger et al. 2007).

In Part one of their book, Temkin and Krahe illustrate that rape myth acceptance (RMA) is a universal phenomenon which is not restricted to industrialized, western countries. The authors provide a comprehensive overview of relevant factors (e.g., gender, attitudes, socio-economic status, age, and race) that influence the extent to which individuals endorse rape myths. Subsequently, Temkin and Krahe examine a variety of key variables that affect blame attributions to victims and perpetrators of rape, and then describe the social-cognitive processes underlying these judgments. In their analysis of these processes, Temkin and Krahe focus on cognitive heuristics such as attentional focus, counterfactual thinking, and the hindsight bias. The authors report evidence that individuals tend to rely on mental shortcuts when making judgments related to cases of sexual violence. Heuristics serve to facilitate information

processing, particularly when information at hand is sparse or ambiguous and cognitive resources are limited. In Chapter three, the authors present empirical findings on jury decision-making that typically makes use of the “mock jury paradigm” where students take on the role of lay jurors. Though lacking external validity, mock jury studies allow for a systematic, highly controlled investigation of critical variables. The authors analyze sources of juror biases, for instance, the effect of inadmissible evidence and the impact of jurors’ mood or attitudes on their decisions. Part two of the book focuses on three studies from the authors’ own research program which are described in depth. Importantly, participants in two of the three studies reported by Temkin and Krahe were either undergraduate law students or vocational law students. By studying the role of stereotypical beliefs about rape and blame ascriptions in prospective lawyers, the authors combine basic social psychological research and real-world relevance. This is also nicely illustrated in Study 3, which was conducted with a large sample of members of the general public who were eligible as jurors. The goal of this study was to critically evaluate a mass media campaign designed to raise rape awareness in the UK. Two posters that had been central to the media campaign were tested. Both posters emphasized the importance of mutual consent for sexual intercourse (see: <http://www.homeoffice.gov.uk/documents/consent-campaign/>). Discouragingly, however, the results show that the poster campaign proved rather ineffective in changing stereotypical attitudes about rape: People exposed to the two central anti-rape posters were not more inclined to hold an alleged perpetrator in a rape case more liable and recommend harsher sentences. On the contrary, an opposite pattern of results was even found for one of the posters compared to a control group. Apparently, the posters did not raise awareness of the role of consent for sex as intended by the initiators of the campaign. Taken together, these results highlight the importance of careful testing of materials to assure that an intervention results in the intended attitude change.

The attitudes of members of the criminal justice system were examined as part of a qualitative interview study with judges and barristers reported in Chapter seven. The goal of the interview study was to investigate the experts’ concerns with the current dealing of rape cases in the criminal justice system. Judges and barristers were, for example, concerned about slackness of the police during investigation, the incompetence of prosecuting counsel and harmful strategies applied by the defence counsel. The observed problems are described and illustrated by many quotes from the original interviews with the judges and barristers. The quotes are interspersed in the text and also reveal the problematic stance of the legal professionals with regard to the justice gap. To illustrate, many of the interviewees clearly doubted

the justice gap in cases of sexual assault and thus vividly confirmed the effect of stereotypical attitudes about rape on the attrition process. This is in keeping with the qualitative data reported in Chapter seven. The findings document the divergence between legislature and the application of laws. The excerpts from the interviews show that apparently, judges vary in their application and interpretation of evidential law (e.g., the abolition of the corroboration warning, control of the use of sexual history evidence). It becomes clear that the judges' "unwillingness fully to disengage from stereotypes of rape as illustrated by the failure to apply the law robustly" (p. 143) further contributes to the justice gap in cases of sexual assault. The data emphasize the crucial role of judges' attitudes in determining the outcome—despite legislation reforms in rape cases. The qualitative data presented in Chapters six and seven converge with the findings of quantitatively oriented research. The focus on both qualitative and quantitative methodology makes the book attractive for a multidisciplinary audience.

Part three of the book is devoted to possible solutions to narrow the justice gap. Broadly, the focus is on legislation reforms, on reforms of proceedings before and during rape trials, including judicial education and training of criminal justice professionals, and finally, on ways to change public rape-related attitudes. The attempts to bring about law reforms in sexual offence cases are outlined in Chapter eight. This is complemented by suggestions on how to improve proceedings in rape trials. This summary provides a useful source of background information for those readers who are unfamiliar with the legal perspective.

The question of how to change attitudes endorsed by members of the general public is raised in Chapter ten. The chapter offers multiple strategies for interventions to reduce rape-supporting attitudes and beliefs in society. Among the strategies proposed by Temkin and Krahé are: rape prevention programs, school-based interventions, mass media campaigns, or initiatives to change norms about sexual violence. According to the authors, empirical findings regarding the effectiveness of these strategies provide rather mixed, ambiguous results. For instance,

college-based prevention programs have failed to reduce rape myths in the long run. Attempts to reduce rape myths via mass media campaigns also revealed minimal effects in the intended direction. Temkin and Krahé make it clear that a successful campaign to reduce rape myths should be based on current knowledge from psychological research on attitude change. The authors show that—if carefully designed and evaluated—interventions, programs, and campaigns clearly bear the potential for attitude change.

In sum, *Sexual Assault and the Justice Gap: A Question of Attitude* documents that attitude change is needed—at the individual and at the societal level. With their book, Temkin and Krahé do their share toward such a change, as they critically raise our awareness of rape-supporting myths and their crucial effects on our judgments. A must-read for scholars and interested lay-persons!

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