The Role of Homophobia and Gender Role Beliefs in Mock Juror Decisions About Same-Sex Statutory Rape Cases

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Abstract

This study examines college students’ perceptions of statutory rape cases in which the gender of the defendant and “victim” is manipulated. Overall, there were differences in perceptions of same-sex and opposite-sex scenarios. However, participants’ gender role beliefs and attitudes toward lesbians and gays did not fully account for these differences.

Background

Statutory rape laws are based on the premise that until a person reaches a certain age, that individual is legally incapable of consenting to sexual intercourse. Complicating this definition is the fact that the legal age of consent varies from state to state depending on the age difference between the two partners. For the most part, many states have an age level below which sexual intercourse is prohibited and considered rape regardless of consent. This specified age is one that the state has concluded that the child is not competent to make decisions regarding sexual behavior with anyone, regardless of the partner’s age. New York State Law states that anyone age 21 or older who has sexual intercourse with someone under age 17 can be charged with third-degree rape—which carries a prison sentence of up to 4 years and registration as a sex offender.

Although there is general support for the concept of statutory rape as illegal, there is substantial debate on how vigorously such cases should be pursued and under what circumstances. The current study examines how the sexual orientation of the parties involved affect how people perceive cases of statutory rape.

Hypotheses

Few studies have examined people’s perceptions of statutory rape—let alone statutory rape involving same-sex couples. However, previous research has shown a bias against gays and lesbians when it comes to legal decision making. We expected to find this bias in the results of our study. We also expected gender-role beliefs to help explain why gay and lesbian victims are treated differently than straight victims (e.g., Wakelin & Long, 2003). However, we also expected negative attitudes towards gays and lesbians may also play a role (Lyons & et al., 2005).

Participants: One hundred and twenty-seven undergraduate students (79% female and 21% male) served as participants in this study. The mean age of participants was 20.45 (SD = 2.67) and ranged from 18 to 45 years. The sample was racially diverse: 83% White, 3% Black, 7% Asian, 7% Hispanic, 2% “other.”

Design & Materials: This study used a 2(gender of defendant: male vs. female) x 2(gender of victim: male vs. female) design, thus creating four experimental conditions. Participants were randomly assigned to read a vignette of a scenario in which a 22-year old male/female was in a consensual sexual relationship with a 15-year old male/female. The parents of the victim are pressing charges against the older male/female for statutory rape.

Measures: After reading the vignette, participants were asked to render a verdict, and complete a questionnaire of their perception of the case and the parties involved. More specifically, participants were asked to rate how serious is the situation, whether the defendant should be punished, whether the defendant took advantage of the “victim,” whether the “victim” really consented to sexual relations, whether the defendant is a sexual predator, whether the defendant should have to register as a sexual offender, and how much prison time the defendant should serve. Participants were also asked to complete Herek’s (1986) Attitudes Towards Lesbians and Gays Scale, and Kerr and Holden’s (1996) Gender Role Beliefs Scale.

Data Analysis

We used regression models to analyze our data. In our models, we coded the gender of the defendant, victim, and participant as -1 for female and 1 for male. Total scores were used for the GRBS and ATLGS. Interaction terms were created by multiplying the appropriate variables. We used mean-centered scores for interactions that included the GRBS and ATLGS.

Results

1. Participants were less likely to view same-sex scenarios as serious.
2. Defendant less likely to have manipulated victim, and more likely to have feelings for victims in same-sex scenarios.
3. Gender role beliefs and attitudes toward lesbians and gays did not fully account for these differences.

Limitations and Future Directions

1. The use of college students is an obvious limitation of the generalizability of our results. It is possible that our participants have more experience than older adults with online interactions and relationships, and the Internet in general, thus affecting their perceptions of the incidents.
2. The nature of our experimental materials and research setting did not authentically replicate an actual juror experience. More realistic materials and procedures should be used in future studies on the topic.
3. Gender role beliefs and attitudes towards lesbians and gays did not fully account for differences between same-sex and opposite-sex scenarios. Future research should examine how participants’ prototypes of statutory rape cases might influence decision making.