# A COMPARISON OF MALE AND FEMALE DOMINATED JURIES IN A CASE OF COERCED SEX WITH A MALE PLAINTIFF

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*Research strongly demonstrates gender differences in attributions of responsibility in rape and sexual harassment cases. The current study involves a case of coerced sex initiated by a woman toward a man. College students (n = 103) and jury eligible participants (n = 94) participated as mock jurors. Mock jurors in male dominated and female dominated juries were compared. There were no significant differences in attributions of responsibility or confidence level prior to group deliberations. As hypothesized, however, after group deliberations, jurors in female dominated juries attributed more responsibility to the individual defendant than jurors in male dominated juries. Contrary to the hypothesis, jurors in male and female dominated juries were not significantly different in their attributions for the plaintiff. The hypothesis that gender minority jurors would attribute responsibility in a way similar to gender majority jurors was supported. Finally, the hypothesis that jurors in female dominated juries would be more confident in their decisions than jurors in male dominated juries was also supported. It appears that gender majority jurors exerted a powerful influence on gender minority jurors. After deliberations, jurors in male dominated juries reflected attitudes of men and jurors in female dominated juries reflected attitudes of women.*

Rape and sexual harassment share many common characteristics, with the most obvious similarity being that, in both situations, one individual pressures another unwilling individual with sexual attention (1). One distinction Jensen and Gutek (1) make is that rape typically involves bodily harm or the threat of such harm, and sexual harassment usually involves the loss of employment or employment opportunities, or the threat of such loss. Although Groth (2) agreed that sexual harassment involves pressure,

while force is involved in rape, he believed the incidents were enough alike to advocate discussing the two terms under the rubric of rape. Jensen and Gutek (1) concluded that theories regarding sexual harassment and rape could be used to understand both types of behavior. Research on sexual harassment has especially benefited from the more abundant research available on rape. Therefore, prior research on rape and sexual harassment will be applied to the current study, involving coerced sex in a business setting, an incident that falls on the continuum between rape and sexual harassment.

Whenever rape and sexual harassment are examined, the issue of responsibility arises. Victims are frequently perceived as partially responsible for the incident (1, 3, 4). There are two theoretical explanations for attributing blame to the victim in a sex crime: the Defensive Attribution Hypothesis (5) and the Just World Theory (6). Both theories assume that observers blame victims so that they can protect themselves from believing that they could experience such a negative event. Shaver's Defensive Attribution Hypothesis (5) maintains that when observers believe they could someday find themselves in an aversive situation similar to the one encountered by the victim, then self-protective attributions are often made. According to Fulero and Delara (7), a high level of involvement on the part of the perceiver is necessary for self-protective attributions of responsibility to occur. Observers who perceive victims as dissimilar to themselves tend to blame them more, while observers who perceive victims as similar to themselves tend to blame them less for their negative fate (3). This hypothesis is supported by findings showing that men typically blame rape victims more than women (8). Women are more likely to be victims of rape; therefore, women observers, who are more similar to the typical victim, are less likely to blame her. Further support of the theory is found in research by Fulero and Delara (7). They found that female college students viewed themselves as most similar to a victim of rape who was a college student, as opposed to a victim who was described as a housewife or a victim who was only identified by her name. These college students

then attributed less responsibility for the crime to the college student than to the other two victims, who were held equally responsible.

The Just World Theory (6) is based on the assumption that the world is a just, or fair, place. People with a high belief in a just world believe that good things happen to good people, while bad people have the negative experiences they deserve. One way of maintaining this belief is by blaming victims of rape or sexual assault, and assuming that they "get what they deserve" (3). A finding by Jones and Aronson (9), although vulnerable to criticism and not easily replicated, is frequently used to support the Just World hypothesis. These researchers found that highly respectable women may be blamed more in rape situations than less respectable women, because observers need to find fault with the respectable women's actions in order to retain their belief in a just world (9).

Research strongly demonstrates the existence of gender differences in attributions of responsibility in rape and sexual harassment cases (4). Selby and associates (8) noted several differences between attributions of causality for rape made by men and women. For instance, men were more likely to believe that something in the victim's personality was to blame for her misfortune than were women. Furthermore, men attributed more causality to the victim's behavior immediately prior to the rape and in the weeks leading up to the rape than did women. Overall, men blamed the victim more than women, and women thought that the rapist was at fault more than men. Gerdes, Danimann, and Heilig (10) also found that male participants blamed the victim of rape more than female participants. Jensen and Gutek (1) uncovered similar gender differences in attributions for sexual harassment; men were more likely than women to blame sexual harassment on the woman victim.

Attributions of responsibility are particularly salient in jury-decision making. Gowan and Zimmermann (11) found women were more likely to take the side of the plaintiff than were men in a sexual harassment case. Females, in general, and previous victims of sexual harassment, presumably the majority of whom were female, also tended to side with the plain-

tiff, particularly when the evidence presented was ambiguous. Other research (12) indicates men are more impartial jurors than women, who are more likely to prejudge criminal defendants guilty. A recent meta-analysis by Schutte and Hosch (13) concluded that women are more likely to convict in sexual assault cases than men. Females are more likely to identify with the victim than are males (10, 14), women are "more blaming and punitive toward the perpetrator than males" (15), and women deliver more severe sentences than men (16). According to Pollard (17), "in most cases where differences occur, females' judgments are more 'pro-victim,' being less likely to blame her, and more likely to convict and more severely punish the rapist."

The majority of studies on rape and sexual harassment have investigated instances in which the victim is female, but research done by Whatley and Riggio (4) investigated the rape of a male victim by a male perpetrator. Their results indicated that, consistent with research involving female victims, males still attributed more responsibility to the victim than females. Research by McCaul and associates (3) supported this finding. They found a relationship between perceived sexual pleasure and victim blaming: victims were blamed more when they were perceived to have found the event sexually pleasurable. Men were more likely than women to believe that the rape victim derived sexual pleasure from the attack, and overall, female victims were expected to experience more pleasure when being raped than male victims. The authors suggested that men's perception of rape as sexually pleasurable was a possible explanation for gender differences in attributions (3).

The present case involves coerced sex initiated by a woman toward a man in a work-related situation. The plaintiff sued both his alleged harasser (individual defendant) and the company which employed them both (corporate defendant). Women could identify with the female defendant, according to Shaver's Defensive Attribution Hypothesis, because they are more similar to her than to the male plaintiff. Likewise, men could identify with the male plaintiff according to the same logic, because they now see

themselves as potential plaintiffs. However, we believed that women would still tend to identify and empathize with the plaintiff, and men with the defendant. We predicted that men would be more likely to perceive the male plaintiff as deriving sexual pleasure, and would, therefore, find him to be more responsible than women. In addition, male observers would not believe that a presumably weaker woman could coerce a man into a sexual act against his will and, therefore, would attribute more responsibility to him.

Most of the previously mentioned studies looked at individual decisions by jurors. However, juries deliberate and jurors present their own diverging points of view. Research by Pettus (18) emphasized the importance of the deliberation process; although some jurors make decisions on the issues before deliberations, they often change their decisions if their fellow jurors can successfully persuade them to do so. The attitudes, values, and beliefs of other jurors influence individual jurors' decisions (19). The main purpose of the present study was to determine what effect jury composition would have on individual jurors' attributions of responsibility following a period of group deliberation. In other words, would the majority members of a jury persuade other members so that the minority members would internalize the majority attitudes? It was believed that gender majority members of a jury would influence and possibly change the attitudes of gender minority members during deliberations. Thus, after deliberations, jurors in male dominated juries would presumably reflect attitudes of men, and jurors in female dominated juries would presumably reflect attitudes of women.

It was hypothesized that male and female jurors in female dominated juries would attribute more responsibility to the individual defendant and less to the plaintiff than male and female jurors in male dominated juries, and that attributions of responsibility would not differ for the corporate defendant. Further, it was hypothesized that gender minority jurors (males in female dominated juries and females in male dominated juries) would be influenced by and would attribute responsibility in a way similar to the

gender majority jurors after deliberations. Finally, it was assumed that women would have spent more time thinking about and discussing the issues of rape and sexual harassment outside the jury situation. Therefore, it was hypothesized that male and female jurors in female-dominated juries would be more confident in their judgments of attribution after deliberations than jurors in male dominated juries.

## METHOD

### Participants

Student participants (n = 103) from a mid-sized university in the southeast volunteered for the study as one option for extra credit in introductory psychology courses. Their mean age was 26.3 years. In addition, jury eligible citizens (n = 94) were paid for their participation. Their mean age was 46.2 years. There were 117 females and 80 males overall.

### Design

The study was a between-subjects design comparing the decisions made by jurors in male dominated juries to jurors in female dominated juries. Dependent measures were percentage of responsibility attributed to: the plaintiff, the individual defendant, and the corporate defendant, and degree of confidence in decisions. These decisions were made as a group and individually.

### Procedure

Participants came to a conference room in groups of five to ten. They completed a demographic questionnaire and questionnaires for another study. They were shown photographs of the plaintiff and defendant, then listened to an audio tape of the case involving a male plaintiff who claimed to have been sexually harassed, through coerced sexual intercourse, by his female supervisor while on a work-related trip. The plaintiff sued both his supervisor (the individual defendant) and the company by which he and the supervisor were employed (the corporate defendant).

Jurors were asked to decide the percentage of responsibility attributable to the plaintiff, individual defendant, and corporate defendant. It was explained that the total amount of responsibility, among the three, had to equal 100%. Then they were asked to estimate their degree of confidence (on a scale of 1 to 6) in the accuracy of their decision. Next, jurors selected a foreperson and decided the same issues of responsibility as a group. After deliberations, jurors made individual decisions a second time. These postdeliberation decisions are the main focus of this study.

#### Results

Juries were categorized as either male dominated (more male than female jurors) or female dominated (more female than male jurors). A total of 197 jurors made up 27 juries, 17 of which were female dominated (n = 120) and eight of which were male dominated (n = 61). Participants in the 2 juries with equal numbers of males and females were eliminated from the analyses (n = 16).

#### Predeliberation Decisions

A MANOVA was run with the gender of participant (male or female) as the independent variable and the predeliberation individual measure of responsibility of the plaintiff, individual defendant, corporate defendant, and confidence in predeliberation decision as the dependent variables. A Pillai's analysis indicated that the model was not significant ($F [4, 190] = 1.158$, $p=.331$. Although not significantly different, females attributed more responsibility to the individual defendant (M = 57.209) than males (M = 52.911), and females attributed less responsibility to the corporate defendant (M = 24.043) than males (M = 27.241). Females (M = 18.698) were very similar to males (M = 18.354) in the amount of responsibility attributed to the plaintiff, and females had a similar level of confidence in their decisions (M = 4.991) to males (M = 4.873).

**Postdeliberation Decisions**

A MANOVA was run with the type of jury (male or female dominated) as the independent variable and the postdeliberation individual measure of responsibility of the plaintiff, individual defendant, corporate defendant, and confidence in postdeliberation decision as the dependent variables. A Pillai's analysis indicated the model was significant ($F [4, 174] = 9.425$, $p < .0001$). Follow-up univariate F-tests found differences by jury type for responsibility of the individual defendant ($F (1, 178) = 20.409$, $p < .0001$), the corporate defendant ($F (1, 178 = 20.409$, $p < .0001$), and confidence ($F (1, 178) = 10.544$, $p = .001$). There were no significant differences for responsibility of the plaintiff ($F (1, 178) = .185$, $p = .668$). Jurors in male dominated juries attributed significantly less responsibility to the individual defendant ($M = 42.33\%$) than jurors in female dominated juries ($M = 55.06\%$), and jurors in male dominated juries attributed significantly more responsibility to the corporate defendant ($M = 44.43\%$) than jurors in female dominated juries ($M = 30.92\%$). Jurors in female dominated juries were significantly more confident with their decisions ($M = 5.35$) than jurors in male dominated juries ($M = 4.90$).

Next the data were split into two groups: male participants and female participants. A MANOVA was run on each group with type of jury (male or female dominated) as the independent variable and the postdeliberation individual measure of responsibility of the plaintiff, individual defendant, corporate defendant, and confidence in postdeliberation decision as the dependent variables. A Pillai's analysis indicated the model was significant for female jurors, ($F [4, 103] = 2.705$, $p = .034$). Follow-up univariate F-tests found differences by jury type for responsibility of the individual defendant ($F [1, 107] = 5.173$, $p = .025$) and the corporate defendant ($F [1, 107] = 6.146$, $p = .015$). Confidence level was marginally significant ($F [1, 107] = 3.456$, $p = .066$). Female jurors in male dominated juries attributed significantly less responsibility to the individual defendant ($M = 45.91\%$) than female jurors in female dominated juries ($M = 54.67\%$). Female jurors in male dominated juries attributed significantly more responsibility

to the corporate defendant (M = 41.59%) than female jurors in female dominated juries (M = 31.38%). Female jurors in female dominated juries were significantly more confident (M = 5.36) than female jurors in male dominated juries (M = 5.00)

A Pillai's analysis indicated the model was also significant for male jurors, ($F [4, 66] = 5.141$, $p < .001$). Follow-up univariate F-tests found differences by jury type for responsibility of the individual defendant ($F [1, 70] = 15.927$, $p < .0001$), the corporate defendant ($F [1, 70] = 10.195$, $p = .002$), and confidence ($F [1, 70] = 4.124$, $p = .046$). Male jurors in male dominated juries attributed significantly less responsibility to the individual defendant (M = 40.31%) than male jurors in female dominated juries (M = 56.09%). Male jurors in male dominated juries attributed significantly more responsibility to the corporate defendant (M = 46.03%) than male jurors in female dominated juries (M = 29.69%). Male jurors in female dominated juries were significantly more confident (M = 5.31) than male jurors in male dominated juries (M = 4.85).

## DISCUSSION

The purpose of the current research was to determine if gender majority jurors influence gender minority jurors' attributions of responsibility to the plaintiff and defendant in a sexual harassment case. The results clearly demonstrate the existence of differences in attributions of responsibility depending upon the gender composition of juries. Males and females were not significantly different in their attributions of responsibility or degree of confidence in their decisions prior to deliberations, yet, after deliberations, there were significant differences. Apparently discussing the case caused jurors to polarize their opinions, and gender minority jurors began to espouse the same views as gender majority jurors. The deliberation process was salient enough to cause jurors to become significantly different based on the gender composition of the jury in which they participated.

Members of both male and female dominated juries perceived the plaintiff as having some responsibility for the incident, but attributions of

his responsibility did not significantly differ based on the gender composition of the jury. Prior to deliberations there are no significant differences between men and women in attributions of responsibility to the plaintiff, and there are no significant differences after deliberations. The "victim blaming" by men found in previous research was not evident here, as male and female dominated juries attribute the same amount of responsibility to the plaintiff, much less than that attributed to the individual defendant or the corporate defendant. Jurors in male and female dominated juries split the bulk of responsibility between the individual defendant and the corporate defendant. Jurors in female dominated juries attribute more responsibility to the individual defendant than male dominated juries. This result is consistent with prior research (15) that found women tend to blame the perpetrator more than men. They appear to do so even when the defendant is a woman and the plaintiff is a man, as in the present case. Although there are gender differences in attributions, the differences are not such that females side with females and males side with males.

As hypothesized, men and women in female dominated juries attributed more responsibility to the individual defendant than people in male dominated juries after deliberations. Prior to deliberations women did not attribute more responsibility to the individual defendant than men. Apparently, during deliberations participants in female dominated juries internalize the attitudes of women and participants in male dominated juries internalize the attitudes of men.

Jurors in male dominated juries attributed more responsibility to the corporate defendant than jurors in female dominated juries. The large amount of responsibility attributed by male jurors to the corporate defendant was not expected. Prior to deliberations there were no significant differences between men and women in attributions of responsibility to the corporate defendant. Jurors in male dominated juries appear to avoid attributing the majority of responsibility to one defendant and instead split it between the individual defendant and the corporate defendant. Jurors in male dominated juries seem to believe that the company has as much re-

sponsibility, if not more, than the woman who actually committed the act, while female jurors believe the woman is primarily responsible for her actions. Men are not usually the victims of sexual assault crimes or plaintiffs in sexual harassment litigation; perhaps male dominated juries attribute more responsibility to the company to avoid admitting that a woman is capable of taking advantage of a man. If men do not attribute responsibility to the female perpetrator, then they protect themselves from believing that the same thing could happen to them. This result is consistent with Shaver's Defensive Attribution Hypothesis (5). Another possible explanation for these results is that men did not believe, or want to believe, that the woman could have forced the man into a sexual encounter by herself against his will. Therefore, they assumed the company, which put her in a position of power, was as responsible as she was.

The influence of gender majorities is very evident in this study. Previous research has demonstrated that males and females often make different attributions of blame in rape and sexual harassment cases, and this research demonstrates that such differences can influence fellow members of the jury. Jurors' postdeliberation decisions are significantly influenced by the gender composition of the jury in which they participated, and the attitudes, values, and beliefs to which they were exposed when discussing the case. The impact of deliberations is apparent. Female jurors who were members of male dominated juries tended to attribute responsibility in a way similar to attributions made by males overall, and males who were members of female dominated juries tended to attribute responsibility in a way similar to attributions made by females overall. Furthermore, male jurors who were members of female dominated juries are significantly more confident in their decisions than male jurors who were members of male dominated juries. Presumably females, who are more likely to be victims of sex crimes and plaintiffs in sexual harassment lawsuits, are more likely to be aware of, discuss, and contemplate issues related to rape and sexual harassment than males. Therefore, women have better formulated and stronger opinions leading them to feel more confident with their

decisions regarding this case. This confidence appears to have influenced men in female dominated juries, who also demonstrate confidence in their decisions after deliberations. In contrast, female jurors in male dominated juries are significantly less confident than female jurors in female dominated juries. The attitudes and arguments of males in male dominated juries might have caused these females to question their opinions more than females surrounded by the support of other females with presumably similar views.

The data further highlight the impact that the deliberation process has on individual mock jurors in sexual harassment cases. Jurors' decisions after deliberations appeared to be influenced by gender majority members. In addition, gender minority jurors appeared to internalize the attitudes of the gender majority jurors. After deliberations, jurors in male dominated juries reflected attitudes of men and jurors in female dominated juries reflected attitudes of women.

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