

Public Opinion on the Psychological and Legal Aspects of Televising Rape Trials¹

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Public opinion about electronic media coverage of rape trials was examined using a cross-sectional random probability survey sample of the Minneapolis-St. Paul metropolitan area. Public beliefs about the legal and constitutional issues, the psychological effects of the media on trial participants, and the extended effects of media coverage on the public were examined. Descriptive results indicated that the public generally disapproved of electronic media coverage of courtroom trials. More importantly, women reported that they would be less likely to report a rape knowing that other rape trials had been televised. A multiple regression analysis relating beliefs to approval of televising rape trials showed that disapproval was most closely related to respondents' views of the symbolic constitutional issues. A second multiple regression analysis indicated that believing that "televising rape trials would increase a rape victim's trauma" was most highly related to women's behavioral intention to report a rape.

In 1983 a woman was gang raped in Big Dan's Bar in New Bedford, Massachusetts. The subsequent rape trial became a media event when the Cable News Network (CNN) broadcast the trial on national television. CNN's televised coverage of the trial highlighted many of the issues in the controversy over the presence of television cameras in the courtroom. These issues can be divided into three clusters: legal and constitutional issues; psychological effects of the media on trial participants; and extended effects of media coverage on the public. The purpose of the present study was to selectively examine these issues in terms of public opinion about televising rape trials like the New Bedford case.

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A consideration of public opinion about these issues is important for several reasons. First, apropos legal policy and constitutional issues, scholars have argued that the judicial process should be accountable to the public and that televising trials, even rape trials, would be consistent with this public accountability (see Lindsey, 1984, for a review). Other scholars have argued that First Amendment issues are involved. Does the public believe, for example, that freedom of the press extends to televised coverage of rape trials or, for that matter, to any courtroom proceeding?

Second, with respect to psychological effects, the public's preconceptions about electronic media coverage (EMC) may affect participants' perceptions of the effects of electronic media coverage on the trial. For example, results from a recent experimental study suggest that if a witness appears nervous during a trial, jurors may attribute the cause of nervousness to the presence of a camera (Borgida, DeBono, & Buckman, 1987). Such effects on jury decision-making may well arise from public preconceptions about the effects of EMC. In the present research, public beliefs about the impact of electronic media coverage on the trial process in general, and on a rape victim in particular, were examined and the strength of the relationship between specific beliefs and approval of EMC were compared.

Third, televised coverage of rape trials may have extended effects on the public such as decreased reporting of rapes, increased awareness of rape, or even the provocation of more rapes. The actual extended effects of EMC in any kind of trial context have been virtually ignored by social scientists (Gerbner, 1980). However, beliefs about the effects of cameras inside the courtroom may be linked to beliefs about the extended effects. For instance, women may be less likely to report a rape if they believe that EMC increases a victim's trauma. Believing that EMC could increase the trauma of rape and disrupt the trial process might make prosecuting rape seem less worthwhile, which in turn may lead to decreased reporting (Feldman-Summers & Ashworth, 1981). On the other hand, the public may believe that EMC would have the positive effect of raising people's awareness about rape, which could lead to increased reporting.

Thus, the present investigation was conducted to fill the vacuum of public opinion data on electronic media coverage of rape cases and to examine the impact of EMC on the behavioral intention to report a rape.

Method

Respondents

A random probability cross-sectional sample of male and female residents of the metropolitan Minneapolis and St. Paul area ($N = 138$) were

interviewed in person for one hour as part of a more comprehensive survey. The interviews were conducted over a two-month period from the beginning of September 1984 until the eve of the election on November 4, 1984. The refusal rate was 41%. To form the sample, households were randomly drawn from the Minneapolis and St. Paul city directories, which include a listing of all households in each city.

To ensure that respondents as well as households were selected randomly, interviewers were instructed to interview the person in the household whose birthday fell closest to the current date. If the designated individual was unwilling to participate, interviewers followed a random-walk pattern to substitute another household from the same block. The student interviewers were recruited and trained by associates in the Department of Political Science at the University of Minnesota. Approximately 20 interviewers were used over the two-month period. Each conducted several practice interviews before going out into the field, and the progress of interviewing was closely supervised.

A comparison of the demographic characteristics of the Twin Cities sample with those of the 1980 Census shows that our sample includes a slightly greater proportion of males (57% in the sample versus 46% in the population), whites (97% versus 93%), and highly educated respondents (12% versus 19% in the less than high school category, 23% versus 38% finishing high school, 28% versus 20% with one to three years of college, and 37% versus 23% with four or more years of college). The median category of income in the sample, \$15,000 to \$17,500, included the median income for the Twin Cities population, \$15,144. Based on these comparisons, we feel that, despite an over-sampling of some characteristics, the sample is fairly representative of the population from which it is drawn.

Questionnaire

Respondents were asked 10 questions about media coverage of courtroom cases as part of the Twin Cities Public Opinion Survey conducted as a pretest for the Gallup Poll's 1984 Presidential Election Survey. The Appendix lists the questions asked of the respondents for the present research. The first questions were designed to assess respondents' general opinion about EMC in the courtroom. The next six items inquired about respondents' opinions about specific issues related to EMC. The first two are related to constitutional and legal issues: the media's First Amendment rights and the public's right to be informed. The next two tap potential effects inside the courtroom: the victim's trauma and disruption of the trial process. The last two items represent possible extended effects of EMC on reporting, public awareness, and incidence of rape. The final question

assessed whether EMC would affect female respondents' behavioral intention to report a rape.²

Results

Descriptive Analysis

A descriptive analysis of responses to the 10 items was conducted first. For each question, three response categories were created by collapsing scale points 1-3 and 5-7, and by treating the neutral point (4) as a separate category.

When asked whether they agreed or disagreed with the statement that court cases should be televised, 60.2% of the respondents disagreed. However, disagreement increased to 84.8% when asked about televising rape cases. When asked about *constitutional and legal policy issues*, the majority of respondents believed that the media did not have the right to televise rape cases (71.3%) and that the public's right to keep informed about the justice system did not extend to watching televised rape cases (80.2%). With regard to *issues inside the courtroom*, most respondents believed that the victim's trauma would increase (90.8%) and that cameras would disrupt the trial process (68.2%). Responses to the extended *psychological effects outside the courtroom* were more ambiguous. Most, 68.0%, believed that televising rape trials would reduce reporting, 42.7% believed that televised rape trials would raise awareness, and 35.2% believed that televising rape trials would encourage more rapes. When asked how knowledge that some rape trials were televised in Minnesota would affect their reporting, 7.9% of the women said they would be more likely to report a rape, 28.9% said they would be unaffected, and 63.2% said they would be less likely to report a rape.³

²Five other general questions about rape and physical assault were also asked. But because none dealt with EMC issues these questions were not included in our analysis. Respondents were also asked four questions about the New Bedford trial. However, so many respondents had not seen the broadcast (78.8%) that the inclusion of comparisons between these respondents and those who had seen the coverage would not have been meaningful.

³Space limitations on the questionnaire prevented us from asking respondents to compare directly the effects of television coverage with the effects of other forms of the news media such as newspaper coverage, or to gauge effects in non-rape cases. A sample of 249 undergraduates, however, was asked questions that compared the effects of television coverage with newspaper coverage. The frequencies resemble the results found in the present study. For instance, whereas 27.8% felt that reading about a rape trial in a newspaper would discourage reporting, 54.1% felt that seeing a rape trial on television would discourage reporting even if the victim had consented to being televised. Similarly, 81.9% believed that the presence of television cameras would cause more trauma for victims than the presence of newspaper reporters.

Regression Analyses

Multiple regression analyses were done to determine which beliefs were related to approval of televising rape trials and behavioral intentions to report a rape.⁴ The first dependent variable, approval of televising rape trials, was measured by respondents' degree of agreement with the statement: "In general, rape cases should be allowed to appear on television." The first regression analysis examined whether any demographic variables should be included in the regression equation for this first dependent variable. Of these variables, sex of the respondent (unstandardized coefficient = .63, $p = .03$) was significantly related to approval, with women more likely to disapprove, but education (unstandardized coefficient = -.13, $p = .16$), age (unstandardized coefficient = .01, $p = .18$) and income (unstandardized coefficient = .04, $p = .37$) were not significantly related to approval. (These coefficients have $df = 1,123$.) Hence, for the next regression, sex of respondent was entered into the equation. The significance of the regression equation is .06, $F(4,123) = 2.33$, and the adjusted $R^2 = .04$ (see Weisberg, 1980, p. 188, on adjusted R^2 , which adjusts for the number of predictor variables).

Correlations between the issue questions were examined to determine if any were above .60; if so, they were not entered as separate variables in the final equation. For this reason the questions on legal policy and constitutional issues (i.e., Questions 3 and 4 in the Appendix) were combined to form one variable ($r = .65$, $p < .001$). Zero order correlations for these variables are presented in Table 1.

For this first dependent variable, six variables were entered hierarchically into the equation. Results for the final equation reflect the order in which these variables were entered in the equation. People who believed that legal and constitutional issues of public rights and media rights did not justify televising rape trials were more likely to disapprove of televising rape trials (unstandardized coefficient = .24, $p < .001$). People who felt that television would disrupt the trial process (unstandardized coefficient = .17, $p = .04$) and increase trauma of the rape victim were more likely to disapprove of televising rape trials (unstandardized coefficient = .29, $p = .01$). Opinions about the extended effect of raising awareness about rape (unstandardized coefficient = -.02, $p = .76$), encouraging more rapes (unstandardized coefficient = .04, $p = .56$) and reduced reporting (unstandardized coefficient = -.09, $p = .18$) were not significantly related to approval. (These coefficients all have $df = 1,114$.) The significance of the regression equation is $p < .001$, $F(7,114) = 11.77$, and the adjusted $R^2 = .38$.

⁴Because of the sample size and some skewed frequencies, the regression results should only be interpreted as a description of the present sample.

Table 1

Zero-Order Correlations

		1	2	3	4	5	6	7	8	9
Approval of EMC	Q1-all cases Q2-rape cases	.46**								
Rights and policy issues	Q3-Media Q4-Public access	.34** .42**	.56** .56**	.65**						
Effects inside courtroom	Q5-Trauma Q6-Disrupt	.17* .42**	.43** .40**	.33** .36**	.50** .30**	.34**				
Effects outside courtroom	Q7-Report Q8-Aware Q9-More rapes	.08 p = .18 .28** .05 p = .29	.13 p = .08 .16** .14 p = .05	.28** .15* .03 p = .37	.30** .30** .13 p = .07	.40** .07 p = .20 .12 p = .08	.12 p = .09 .19* .22*	.08 p = .19 .16*	.18*	
Behavioral intention	Q10-Likeli- hood of reporting (Females only)	.33**	.25*	.42**	.50**	.40**	.19*	.38**	.28*	.18 p = .06

Note. *N* for questions 1 to 9 range from 127 to 132. *N* for question 10 ranges from 81 to 82.

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

The second dependent variable was women's behavioral intention to report a rape if they knew other women's trials had been televised. Again demographic variables were examined to determine if they should be included in the regressions on this second dependent variable. Of the demographic questions, education was marginally significant (unstandardized coefficient = $-.23$, $p = .06$) and age (unstandardized coefficient = $-.01$, $p = .41$) and income (unstandardized coefficient = $.05$, $p = .34$) were not significant. (The coefficients have $df = 1,78$.) The education variable, therefore, was entered into the next regression equation. The regression equation was not significant, $F(3,78) = 1.30$, $p = .28$, adjusted $R^2 = .011$.

Three questions were chosen to be regressed hierarchically on the behavioral intention measure because they reflected issues women might consider when trying to decide about reporting a rape. Again, the order in which the variables are presented reflects the order in which they were entered in the equation. Women who felt televising rape trials would not increase a victim's trauma were more likely to report a rape (unstandardized coefficient = $.50$, $p = .001$). Women who felt that televising rape trials would raise awareness about rape were more likely to report a rape (unstandardized coefficient = $.22$, $p = .02$). The question about disruption of the trial process was not significantly related (unstandardized coefficient = $-.02$, $p = .82$). (The coefficients have $df = 1,76$.) The significance of the regression equation is $p = .001$, $F(4,76) = 5.51$, and the adjusted $R^2 = .18$.

Discussion

The two primary dependent variables examined in the present study were approval of televising rape trials and women's behavioral intention to report a rape. The descriptive results suggest that both men and women support the ban on televised rape trials. The regression analysis relating various beliefs to approval of televising rape trials showed that disapproval was most closely related to respondents' reluctance to extend freedom of press guarantees to televising rape trials and to granting unrestricted public access to the justice system. The second and third most important reasons for disapproval of televising rape trials were concern about effects inside the courtroom, specifically disruptions of the trial process, and an increase in the victim's trauma. Opinions about extended effects were not significantly related to approval.

Beliefs about legal and constitutional effects may have been most predictive because of a general tendency to evaluate public policy decisions on the basis of symbolic beliefs rather than instrumental responses. Symbolic beliefs reflect politico-social attitudes, whereas instrumental

beliefs reflect personal concerns. For instance, Tyler and Weber (1982) found that symbolic political and social beliefs were more predictive of support for the death penalty than instrumental concerns related to decreasing crime (see also Tyler, 1984). In the present study, it could be argued that responses to the legal policy and constitutional issues represent respondents' symbolic beliefs about the rights of the media and the participants in the trial, whereas beliefs about effects inside the courtroom and beliefs about extended effects represent more instrumental reasons for not supporting EMC of rape trials.

One explanation for why beliefs about the effects of EMC inside the courtroom were more significantly related to approval than beliefs about extended effects may be respondents' greater ability to imagine the former than the latter. Sherman, Cialdini, Schwartzman, and Reynolds (1985), for example, had subjects imagine either having a disease with easily imaginable symptoms such as low energy levels, muscle aches and frequent severe headaches, or difficult-to-imagine symptoms such as a vague sense of disorientation, a malfunctioning nervous system, and an inflamed liver. After imagining the disease, subjects rated how likely it was that they would contract the disease. Subjects who imagined the concrete symptoms judged the disease as more likely to occur than subjects who imagined the less concrete symptoms. In the present study it was probably easier to imagine the effects of an increase in rape victim trauma and a disruption of the trial process than to imagine the extended effects of an increased number of rapes, decreased reporting of rapes, and increased public awareness of rape. Furthermore, courtroom effects may be more easily imagined because there is a seemingly more direct causal relationship between EMC and effects inside the courtroom than between EMC and the relatively more amorphous extended effects. That is, respondents may be more capable of imagining television camera effects *inside* the courtroom, but the causal impact *outside* the courtroom is clearly not as straightforward because of the number of intervening variables to consider.

When analyzing the second dependent variable, the descriptive results indicate that if women knew that other rape trials had been televised, they would be less likely to report a rape. The regression results show that believing that television coverage of a rape trial would cause a rape victim even more trauma was the variable most highly related to women's behavioral intention to report a rape. The televising of the rape trial in New Bedford, for instance, may have had this effect. The number of rapes reported to the police dropped from 30% in New Bedford to 0% during the televising of the trial (E. Bennett, personal communication, March 14, 1985). Even today, according to a women's rape crisis center in New

Bedford, women are hesitant about reporting rape because they fear media coverage.

Support for the finding that beliefs about victim trauma was the variable most highly related to behavioral intentions to report rape also comes from Feldman-Summers and Ashworth's (1981) study on factors that affect behavioral intentions to report. Normative expectations and perceived outcomes of respondents from four ethnic groups (Asia, Black, Hispanic, and Caucasian) were regressed on respondents' behavioral intention to report a rape. For all ethnic groups, the perceived likelihood that reporting the rape "would result in my feeling calm, safe and better having talked to someone about the rape" was the best predictor. The other 23 predictors included perceived outcomes such as "would result in adequate medical attention"; "a trial in which I would have to testify"; "gathering the necessary evidence that could be used in court"; "nothing being done to help me"; and "my being treated as an immoral person."

If women were better informed about their state laws, however, viewing a televised rape trial might not affect their reporting rates. Indeed, in most states that permit EMC, a rape trial would not be televised if the victim opposed televised coverage. As of January 1985, five states prohibited coverage of rape trials, six required consent from the victim, and in six states, if a victim submits an objection, the objection automatically will be upheld. In only six states is a victim's objection not automatically upheld, and in seven states the decision is left only to the judge. The other 20 states and the District of Columbia do not allow televised coverage of criminal courts (National Center for State Courts, 1985). It is unlikely, however, that more than a minority of rape victims know the law in their state prior to reporting rape.

Therefore, public education efforts aimed at informing women about changes in how the legal system treats victims of sexual assault should be expanded. In the absence of such educational efforts about victim rights, the present results suggest that preconceptions about media effects may be perpetuated and may, in turn, reduce the likelihood of rape reporting.

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Appendix

Survey Questions

Respondents were asked to rate their degree of agreement on a seven-point scale from strongly agree (7) to strongly disagree (1) for the following statements:

1. In general, court cases should be allowed to appear on TV.
2. In general rape cases should be allowed to appear on TV.

After the following questions were seven-point scales with the two opposing opinions described in the question as endpoints. Respondents were asked to choose the number that best represented their opinion. (For the analysis, the response least favorable to EMC was coded as a 1 and most favorable as a 7.)

3. Some people argue that the media should be allowed to televise rape trials because the media has a right to report on courtroom proceedings. Others argue that the media does not have this right. Where would you place yourself on this scale?

4. Some people believe that rape trials should be televised because the public has a right to be informed about the criminal justice system. Others believe that this right does not justify televising rape trials. Where would you place yourself on this scale?

5. Some people think that televising rape trials would increase a rape victim's trauma. Others think that televising rape trials would not increase a victim's trauma.

6. Some people feel that televising rape trials would disrupt the trial process. Others feel that televising rape trials would not be disrupted. Where would you place yourself on this scale?

7. Some people think that televising rape trials would reduce the likelihood that a woman would report a rape to the police. Others think that televising rape trials would not reduce the likelihood that a rape would be reported. Where would you place yourself on this scale?

8. Some people think that TV coverage of rape trials would raise public awareness about rape. Others think that TV coverage of rape trials would have no such effect. Where would you place yourself on this scale?

9. Some people feel that televising rape trials would encourage even more rapes. Others feel that televising rape trials would not encourage more rape. Where would you place yourself on this scale?

10. (Women only) If you were a rape victim *and* you knew that some rape trials were televised in Minnesota, do you think that you'd be more likely to report the rape, less likely to report the rape, or unaffected?