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Empathy Induction to Reduce Victim Blaming in Revenge Porn Cases

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EMPATHY INDUCTION TO REDUCE VICTIM BLAMING
IN REVENGE PORN CASES

by

Marissa Amber Morris
Bachelor of Science, University of South Dakota, 2014

A Thesis

Submitted to the Graduate Faculty

of the

University of North Dakota

in partial fulfillment of the requirements

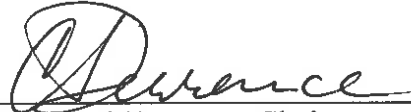
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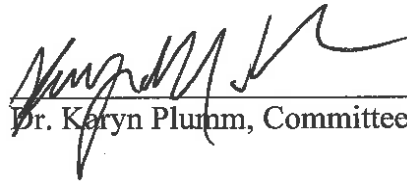
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This thesis is being submitted by the appointed advisory committee as having met all of the requirements of the School of Graduate Studies at the University of North Dakota and is hereby approved.



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April 19, 2017

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ABSTRACT

Research findings suggest that certain characteristics of victims and perpetrators may make them more likely to be blamed. To this end, the current study examined how victim gender, having a history of infidelity, empathy instructions, and observer gender work together to place blame on victims and perpetrators. Participants read one of eight scenarios that varied the victim's gender, history of infidelity, and presence of empathy instructions. They then indicated the degree to which various actors were to blame for the occurrence of nonconsensual pornography, as well as their affective reactions toward both the victim and the perpetrator. Overall, affect decreased after reading the scenario. Additionally, men attributed more blame to the victim than did women and were more likely to empathize with the perpetrator, especially when the victim was female. When the victim had a history of infidelity, participants had more negative affective reactions toward the victim and were more likely to empathize with the perpetrator. Moreover, when participants received empathy instructions they were more likely to empathize with a male victim and women were more likely to view the crime of nonconsensual pornography as a serious violation of privacy. These findings suggest that extra-legal factors may contribute to victims and perpetrators being punished inequitably. This has important implications in terms of how much social support the victim may receive, as well as for preventing the sharing of revenge porn photographs in the future.

CHAPTER I

INTRODUCTION

The ease of access to electronic mediums, coupled with the modern practice of sharing intimate digital photos between partners, has given rise to a new trend colloquially termed “revenge porn.” Revenge porn is the distribution of intimate images without the consent of the individual shown in the image. Irrespective of whether the person in the photograph originally shared their photo, their consent to distribute the image is not necessarily implied (Citron & Franks, 2014). As such, revenge porn involves an invasion of personal privacy and can evoke serious consequences for the individual whose picture has been shared.

The technological age has only facilitated the act of revenge porn. A web search of the words “revenge porn” produces over five million results in under 0.32 seconds. Compared to print media, the Internet allows swift, easy, and anonymous admittance to provocative material, making Internet pornography appealing to a wide audience. Once the illicit photo leaves the perpetrator’s hands and reaches the Internet, that photo is often widely circulated (Kitchen, 2015). The victim no longer has control over who may view or share the photo.

Not only may the victim endure grave consequences, but s/he might be blamed for his or her own victimization. Revenge porn quite frequently results in high accounts of victim blaming, whereby the victim is seen, at least in part, as responsible for the act perpetrated against them (Cecil, 2014). Prosecuting revenge porn cases is often difficult

because the victim may be viewed as partially responsible when they themselves originally took the photograph and shared their photo(s) with their partner (Citron & Franks, 2014). The question then becomes how can victim blame be reduced? One possible solution might be empathy induction.

Members of a jury may be less empathetic toward a victim who in their minds precipitated his or her own victimization. For example, if the victim took the photo themselves or cheated on their partner, levels of victim blame may increase because the jury views the victim as responsible, at least in part, for their own victimization. This view may be the result of jury members' inability to empathize with the victim. In other words, they cannot understand the victim's thoughts, feelings, or actions. Unfortunately, the outcome may be higher levels of victim blame and less culpability attributed to the perpetrator. The main goal of this study is to determine whether empathy induction can reduce victim blame in revenge porn cases. The results could have important implications in terms of social support for the victim and preventing the sharing of revenge porn photographs. When people are able to empathize with a victim of revenge porn, they may feel more obliged to not pass on the photo to others or post it to an online website.

Revenge Porn

Revenge porn is the act of publishing or dispersing a detritus photo that was initially shared within the context of a private relationship but is later disclosed publicly, typically through the use of the Internet, without the consent of the individual featured in the explicit photograph (Burris, 2014). Oftentimes, this nonconsensual exposure is commonly driven by an intent to humiliate, harm, or harass the individual after the

relationship has disbanded. However, establishing intent is often at the crux of these cases and is difficult to prove.

The prevalence of sexting and revenge porn is ever increasing. Studies report that thirty-three percent of young adults ages twenty to twenty-six have sent nude or semi-nude photographs or videos of themselves by means of text message (Mitchell et al., 2012). They also discovered that twenty percent of minors ages thirteen to nineteen have sent nude or semi-nude pictures or videos of themselves. One survey's results showed that forty-four percent of teen boys that were surveyed had viewed a minimum of one nude photograph of a female classmate (Marks, 2009). The troubling part is that seventy-five percent of teens and seventy-one percent of young adults polled stated that they understood the serious negative consequences associated with taking and sending an explicit photograph, and yet they remained undeterred from engaging in the act (Ryan, 2010). One possible explanation for the continued engagement in this act is peer pressure. Additionally, individuals may continue sending nude photographs if they view it as a way of expressing love for their partner.

Research has also been conducted to examine gender differences in sexting habits. In a study conducted by Gordon-Messer and colleagues (2013), the researchers found that women were more likely to be the senders of a sext, while men were more likely to be the receivers. While both men and women can become victims of nonconsensual pornography, studies have concluded that more women tend to be victims (Citron & Franks, 2014).

There seems to be a double standard when it comes to gender differences in revenge porn. Men are typically permitted more sexual freedom compared to their female

counterparts and women experience more harsh judgements for their sexual expressions (Crawford & Popp, 2003). Furthermore, women are seen as the “gatekeepers” of their sexuality (Sakaluk, Todd, Milhausen, Lachowsky, & Undergraduate Research Group in Sexuality, 2014). They are expected to act in a passive manner and avoid acting in an overtly sexual manner. For example, young women were traditionally told that their future husband wouldn't buy the cow if he was getting the milk for free. In other words, if a woman was having premarital intercourse with a man, he would have no reason to marry her. This relates to the issue of revenge porn, because women might be seen as more blameworthy if they took the picture themselves, and therefore acted in a sexually aggressive manner.

These double standards can often be seen in cases that are related to rape culture and the myths surrounding the crime. Rape myths are false beliefs that are used primarily to shift the blame of rape from the perpetrator to the victim. There are three main rape myths that lend themselves to victim blaming (Ben-David & Schneider, 2005). The first is termed victim masochism. Under this myth it is argued that the victim enjoyed being raped or that they wanted it. The second is known as victim precipitation. Here the victim is seen as having asked for the rape or having behaved in an inappropriate manner. They may have been drinking too much or worn too revealing of clothing. The perpetrator takes these behaviors as a sign that the victim wants to have sex. Also under the concept of victim precipitation is the idea that rape only happens to certain types of women. For cases of revenge porn, it is possible that a victim may be seen as deserving of the act if there was an element of infidelity. In other words, if the victim was unfaithful to their partner, they may be seen as more deserving of their victimization. On the other side, the

defendant may be seen as less culpable because he or she may be perceived as justified in their action following their partner's infidelity. The final myth is called victim fabrication, in which a victim either lied about or exaggerated the case of rape.

Research has also shown that a victim's prior sexual experience contributes to the perceived degree of psychological damage and trauma experienced by that individual. One empirical study found that a victim is blamed more for her victimization when she has had a high number of past sexual experiences (L'Armand & Pepitone, 1982). Evidence of having cheated on their partner may thus further contribute to victim blame.

These sexual double standards may influence perceptions in cases of revenge porn. For example, if a female victim took the picture herself, she may be seen as more blameworthy since she went against typical gender expectations. Therefore, the level of culpability assigned to the defendant may decrease, while victim blaming may increase. Furthermore, the perception of the victim and assessment of blame may impact the level of support that the victim receives following the dissemination of the explicit photograph. In fact, dissemination of intimate photos without consent may lead to a number of consequences for the victim.

Consequences of Revenge Porn

The acts of sexting and sharing explicit photographs have a number of serious consequences for the victim. Traditionally, a female victim may have been called several degrading names including "slut" and "whore." However, the advent of digital technology has brought about additional consequences for the victims of revenge porn. Multiple websites have been created specifically to help facilitate the sharing of photos passed between former romantic partners (Franklin, 2014). These websites allow for

quick and widespread access to nonconsensual pornography. One study examined over 1,244 individuals and found that over fifty percent of victims of revenge porn reported that their full name and social network profile appeared next to their nude photograph (Citron & Franks, 2014). Additionally, the researchers found that twenty percent of victims said their email addresses and telephone numbers appeared next to their photos online. Posting a person's contact information next to their naked photograph may encourage strangers to confront the person online and might also raise the risk of offline stalking and personal attack (Citron & Franks, 2014).

Furthermore, current technology gives rise to the potential permanence of these explicit photographs online. Once photos have been transmitted and uploaded to the Internet, some websites allow for users to copy the nude photograph to his or her own hard drive on their personal computer. This makes it almost impossible to permanently remove the compromising photo (Ryan, 2010).

Citron & Franks (2014) report that revenge porn infiltrates other aspects of the victim's life. For instance, victims may feel compelled to change schools as a result of bullying and name calling. They may also feel the need to change their legal name or appearance. Another major consequence comes in the employment setting.

Approximately half of human resource professionals conduct an Internet background check on potential applicants before extending an offer of employment. A 2009 survey revealed that thirty-five percent of reporting employers conveyed that they have discovered content on social-networking sites that prevented them from hiring a candidate and stated that provocative photographs were the main source of content (Ryan, 2010).

For all of these reasons, it can be argued that the nonconsensual sharing of nude photographs is a form of sexual violence (Powell, 2010). As a result, states have begun crafting legislation that addresses the sharing of nonconsensual pornography (Citron & Franks, 2014). However, these laws vary by state in both their language and prosecution of such cases. These differences and the ambiguity of some of these laws lead to differences in enforcement and prosecution. Furthermore, not every state within the U.S. provides laws that protect victims of nonconsensual pornography and as a result, the victims of these states have limited options to seek justice for the crime against them.

Perhaps the biggest consequences facing victims of revenge porn is a lack of empathy amongst the general public. People may believe that victims brought the act upon themselves or were asking for it. This may be particularly the case when victims took the photographs themselves. As a result, perceivers may fall prey to the just world belief. This theory, originally proposed by Lerner, states that people have a strong desire or need to believe that the world is an orderly, predictable, and just place (Montada & Lerner, 1998). They need to believe that they will get what they deserve in the long run. In other words, good people will be compensated for their good actions, while bad people will be punished for their indiscretions. Being confronted with a completely innocent victim poses a threat to this belief. As a result, people develop and employ ways to defend their belief in a just world. By blaming the victim or believing that the victim was appropriately compensated for his or her actions, people are able to maintain their confidence in the just world hypothesis.

Individuals who endorse these beliefs may reason that the victim must have been a bad person or had done something to deserve to have his or her picture distributed. A

victim who took their own photo may be seen as especially deserving of the consequences that follow. The argument is that if s/he didn't want their photo to be shared, then they shouldn't have taken it in the first place. As a result, the victim is heavily blamed for his or her own victimization. In fact, prosecution of these cases both within the criminal and civil court arenas has been challenging to pursue.

Legal Response to Revenge Porn

Despite the consequences for the victim, cases of revenge porn are often difficult to prosecute (Bloom, 2014). Therefore, prosecution of revenge porn is relatively rare. Only very recently have cases been successfully prosecuted. One of the most well-known cases in which revenge porn was successfully prosecuted concerned defendant, Hunter Moore (Roy, 2014). Moore is known for creating the infamous revenge porn site called IsAnyoneUp.com. Moore used this forum to publicly post compromising photos that had been uploaded by past partners seeking revenge. His victims, or the individuals in the photographs who did not consent to having their photos posted online, were often identified by name, alongside their social media and contact information. Moore was sentenced to two and a half years in federal prison, followed by three years of supervised release. As a result, IsAnyoneUp.com closed in 2012. More recently, in 2014, Noe Iniguez was sentenced to one year in jail after posting topless photographs of his ex-girlfriend on her employer's Facebook page (Holpuch, 2014).

States vary in their definitions and laws regarding revenge porn. North Dakota's state law regarding revenge porn can be found in Section 12.1-17-07.2 of the North Dakota Century Code, which defines revenge porn as the "distribution of intimate images without or against consent" (N.D.C.C. § 12.1-17-07.2). Furthermore, section one denotes

distribution as “selling, exhibiting, displaying, wholesaling, retailing, providing, giving, granting admission to, providing access to, or otherwise transferring or presenting an image to another individual, with or without consideration.” Intimate image is defined as “any visual depiction, photograph, film, video, recording, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, that depicts: (1) exposed human male or female genitals or pubic area, with less than an opaque covering, (2) a female breast with less than an opaque covering, or any portion of the female breast below the top of the areola, or (3) the individual engaged in any sexually explicit conduct” (N.D.C.C. § 12.1-17-07.2).

Section two elaborates by stating that “a person commits the offense of distribution of intimate images if the person knowingly or intentionally distributes to any third party any intimate image of an individual eighteen years of age or older, if: (a) the person knows that the depicted individual has not given consent to the person to distribute the intimate image, (b) the intimate image was created by or provided to the person under circumstances in which the individual has a reasonable expectation of privacy, and (c) actual emotional distress or harm is caused to the individual as a result of the distribution under this section” (N.D.C.C. § 12.1-17-07.2).

Revenge porn can be prosecuted in either the criminal or civil court arenas. If a victim is not successful in the criminal realm, they may turn to tort law in civil court as an alternative. A tort refers to a wrongful act or an infringement on the right of another and is processed through civil courts (Larkin, 2014). Torts traditionally allow the injured party (victim) to recover damages not only for physical injuries and economic losses, but also for attacks on one’s reputation or the invasion of one’s privacy. Irrespective of

whether one seeks redress through criminal or civil court, there are a number of factors that may prove to be obstacles in the successful prosecution of revenge porn cases.

One issue with prosecuting revenge porn concerns the notion of what exactly constitutes “privacy.” William Prosser (1960) offered one of the first definitions of privacy. He declared that “the law protects four separate interests that fall under that generic label: (1) intrusion into a person’s seclusion, (2) public disclosure of embarrassing facts, (3) publicity that places an individual in a ‘false light’ to the public, and (4) appropriation of a person’s likeness” (Larkin, 2014). The nonconsensual sharing of pornography infringes on the second and third interests identified by Prosser. Revenge porn reveals photographs that are inherently embarrassing and places an individual in a “false light” by suggesting that the person is promiscuous.

Consent on the part of the exposed individual would be a complete defense to a claim involving invasion of privacy (Larkin, 2014). The defendant could use a defense emphasizing that the victim originally gave consent and such a statement could potentially nullify the victim’s claim. It becomes a he-said-she-said scenario (Larkin, 2014). Additionally, courts are likely to find invasion-of-privacy claims concerning photographs in which the victim knowingly and voluntarily posed and then presented to a now-former partner to be unconvincing (Larkin, 2014). As such, the victim is often blamed for allowing his or her partner to take the photo in the first place. To go even further, the victim may have taken the photo himself or herself (a “selfie”), and is seen as even more blameworthy.

In regards to the issue of having an expectation to privacy, defenders of revenge porn acts may claim that the victim waived their right to privacy the minute they stepped

in front of the camera. They claim the victim behaved willfully and is thus seen as precipitating his or her own victimization. Truth is also a defense that the defendant can use against the claim of painting the victim in a “false light.” Unless the photograph has been altered, pictures don’t lie. Rather, as the argument would go, they represent what the photographer saw through the lens. While the picture may be embarrassing and display the victim in an unflattering way, the argument would conclude that the photograph truthfully reflects who the victim is and how s/he appeared to the camera (Larkin, 2014).

Additionally, one could argue that a person has a reasonable expectation of privacy, but only if the information in fact remains private. As soon as it is shared, it may not be considered private. The expectation of privacy is destroyed whenever one voluntarily reveals information to a third party. One has to assume the risk of betrayal. Additionally, what society considers “reasonable” is changing. For example, it has been argued that by using cell phones in public, one allows others to hear their conversation, no longer making it private. Furthermore, it is argued that people may forfeit their ability to argue what is private in their life when they post private thoughts to Facebook or Twitter (Larkin, 2014).

The Free Speech Clause of the First Amendment has also been looked at in terms of prosecuting revenge porn (Larkin, 2014). The Free Speech Clause allows for the publication of information that has been obtained legally and prevents the government from censoring communication or information simply because its content may be considered objectionable (Larkin, 2014). Individuals who post explicit images to the Internet may claim that they are entitled to their First Amendment protections. The

defendant may argue that revenge porn is constitutionally protected free speech, regardless of its offensive nature.

Additionally, Section 230 of the Communications Decency Act makes it next to impossible for victims to go after revenge porn traffickers, as it protects websites from liability because they do not originally create the content that they post (Levendowski, 2014). The websites act as forums and essentially allow people to upload and circulate anything they like. The reasoning behind this act has to do with the fact that Congress feared that a lack of legal protection could lead websites to limit the posts that users generate, resulting in a restriction of free speech (Martinez, 2014). If the victim took the original photograph, they may provide the website with a “takedown notice” requiring that the image be removed. However, this effort proves to be ineffective; as soon as one website removes the photograph, another website posts it (Martinez, 2014). The process may result in an endless loop.

Moreover, victims may run into difficulties concerning copyright laws. Current copyright law does not allow victims of revenge porn to block its online distribution if they are not the original “author” (Stokes, 2014). In other words, if the victim did not take the picture themselves (“selfie”), then they cannot be considered the original author and have no right to the photograph.

Harassment and stalking laws also offer little support for victims of revenge porn. Laws related to harassment traditionally require that the aggressor communicate with the victim (Levendowski, 2014). While a single communication can constitute harassment, the photograph and any comments they may conjure are not considered to be direct communication with the victim (Levendowski, 2014). Communication is said to be direct

when a person writes, calls, emails, or electronically messages the victim (Levendowski, 2014). In cases of revenge porn the perpetrator often does not communicate with the victim; rather they proceed to share the explicit photograph with others or post it to an online website. Since there was no direct communication with the victim, harassment has not taken place.

Stalking typically requires the behavior to be repetitive and cause fear on the part of the victim. While the sharing of the photograph may cause the victim to fear losing their job or positive self-image, the sharing of the photograph only constitutes a single act on the part of the defendant, even when it gets shared repeatedly across websites (Levendowski, 2014). The viral spread of the photograph only resembles repetitive actions. In other words, each individual sharing of the photograph is not considered to be a solitary act; rather, the Internet is magnifying the *single* act. Furthermore, some statutes require the aggressor to produce a “credible threat,” which is hardly ever proven without direct communication with the victim. Some statutes go so far as to require that the threat be to the “person of another” (Levendowski, 2014). In other words, the threat has to be against the individual’s personal and physical body, not just their reputation or livelihood.

Even though legal recourse is difficult, it is still important to gain insight into factors associated with attributing blame in these cases. Having more knowledge regarding which factors contribute to higher levels of victim blame, allows one to begin to counteract these factors or at least develop methods, such as empathy induction, to lessen the effects of these factors on victim blame.

Empathy

In light of blame that may be attributed to victims in cases where their explicit photographs are shared online without their consent, it is worthwhile to examine ways to undermine victim blame. Increasing empathy towards victims may be one such way. Several definitions of empathy have been proposed. For example, empathy can be defined as “an emotional reaction that is based on the apprehension of another’s emotional state or condition and is similar to what the other person is feeling or would be expected to feel” (Eisenberg et al., 1994). This definition highlights the affective component of empathy. On the other hand, Wispé (1986) emphasizes the cognitive component of empathy by defining it as “an attempt of one self-aware self to understand the subjective experiences of another.” In other words, empathy signifies the ability of one person to take on the perspective of another and understand the underlying reasons for another’s behavior.

The concept of empathy is related to, but purportedly distinct from sympathy, which can be defined as “an emotional response elicited by the emotional state or situation of the other person” (Miller & Eisenberg, 1988). In other words, sympathy does not necessarily mean that an individual matches the emotions of the other person, such as in empathy. With sympathy, the individual may simply feel concern or sorrow for the other person, but with empathy the individual takes the perspective of another and matches that person’s emotion.

Empathy can be induced on an actor in several ways and is influenced by a variety of factors. Researchers have empirically examined and identified two types of empathy, namely trait (similarity) and state (situational) empathy (Haegerich & Bottoms,

2000). Trait empathy, also known as similarity empathy, refers to general similarities between the actor and observer, as well as, individual differences in people's general ability to empathize (Haegerich & Bottoms, 2000). These differences tend to stay fairly stable over time. Furthermore, the similarities that exist between the actor and the observer on their own must be sufficient to produce "trait" empathy. A myriad of different attributes may contribute to the similarity between the actor and observer. These characteristics can be either physical or situational. Due to the fact that these characteristics exist prior to the situation, it is difficult if not impossible to manipulate this specific type of empathy. Trait empathy can help explain one consistent finding within jury simulation studies pertaining the criminal defendants. That is, when judging others, high trait empathizers hold defendants more responsible for an offense and also favor more lenient punishments as compared to their low trait empathy counterparts (Colby, 2012).

The second type of empathy, state or situational empathy, refers to the observer's ability to imaginatively put himself or herself in the situation of the actor. This type of empathy is temporarily prompted or elicited by a stimulus in the social environment and is therefore, able to be induced and manipulated (Haegerich & Bottoms, 2000). The current study is mainly concerned with this specific type of empathy on an individual's behavior.

It is important to attend to gender differences regarding empathy, because these differences may help explain how jurors attribute blame. First, there may be differences in men and women's overall empathetic tendencies and their sensitivity to empathy manipulations. Research has revealed that women tend to be better at decoding the

emotions of others and taking the perspective of another, compared to their male counterparts (Eisenberg & Lennon, 1983). Therefore, one could argue that in the present study women may be more susceptible to empathy inductions than men. Additionally, the gender similarity between the juror and the defendant or between the juror and the victim may have specific effects. One study showed that when members of the jury feel similar to a defendant on a salient characteristic, such as gender, they may be more lenient toward the defendant than they would be otherwise (Kerr, Hymes, Anderson, & Weathers, 1995). Furthermore, research has revealed a bias regarding victim gender and blame attribution. One study showed that society is less likely to recognize males as true victims, compared to females (Rogers & Terry, 1984).

Successful empathy induction may be reflected in many different forms of responses. For example, the observer's reaction can be cognitive, affective, or behavioral. If one displays a cognitive response to empathy, they have the ability to imaginatively take on the perspective of another person and accurately understand that individual's thoughts, feelings, and actions. An affective response to empathy involves the emotional response that a person would have by taking on the thoughts and feelings of another person. In other words, they share that individual's emotional state (Decety & Jackson, 2006). Usually, the cognitive and affective responses are not directed toward the actor in the given situation; rather, they tend to help the observer decide what action to take, or what behavioral response they will exhibit. Therefore, the behavioral response of empathy is the action the observer directs toward the actor in the situation. In the current study, this refers to whether or not the observer decides to blame the victim versus the offender. Inducing state empathy in court cases can be done easily and may have an

enduring impact of jurors' preferences for the defense or the prosecution from the start of the trial (Pyszczynski & Wrightsman, 1981).

Empathy induction can be done in a few ways and can also be either indirect or direct. First, state empathy may be induced indirectly through victim impact statements (Plumm & Terrance, 2009). The victim may give a statement regarding his or her situation and the impact that the offense had on their life. The victim may then ask the jurors to see things through his or her eyes. Additionally, empathy can be induced directly through attorneys' opening statements or jury instruction typically given by the judge (Plumm & Terrance, 2009). In these cases, the jury will be explicitly instructed to imaginatively put themselves in the victim's shoes, in the case of the prosecution, or in the defendant's shoes, in the case of the defense. If the description of the situation is clear and contains enough detail, empathy can be induced quite effectively, simply by providing an instruction to a person to carefully consider how another person may have been thinking or feeling (Haegerich & Bottoms, 2000).

The effectiveness of empathy induction techniques within the courtroom has been examined in a number of empirical studies and for a variety of criminal cases. For instance, researchers inspected the effectiveness of empathy induction instructions in criminal cases in which a male defendant was alleged to have used greater force than was necessary to repel a male victim during a bar-room brawl and had entered a plea of not guilty by reason of self-defense (Archer et al., 1979). The defense lawyer instructed the members of the mock jury to either imagine themselves as the defendant (empathy appeal), or to only pay attention to the facts involved in the case (non-empathy appeal).

The results of the aforementioned study indicated that when mock jury members heard the empathy-inducing appeal, they were more likely to perceive the defendant's actions as lawful and less likely to attribute blame to the defendant's individual personality attributes than their non-empathy appeal counterparts. In other words, they tended to be less vulnerable to the fundamental attribution error, which states that when judging someone else's behavior, people tend to place undue emphasis on internal characteristics, rather than considering external factors, such as one's environment or situation. This was especially true for mock jurors who were highly empathetic and were of the same gender as the defendant (suggesting some trait empathy). The findings in the study suggest that empathy induction instructions may enable jurors to take on the perspective of the defendant and that without the instruction, jurors may attribute the defendant's actions more to their individual personality characteristics rather than on their environment or situation.

Another study that made use of empathy inductions in the courtroom concerned battered women who kill. Plumm and Terrance (2009) had mock jurors view a simulated trial in which a woman, who had been charged with the murder of her abusive husband, entered a plea of not guilty by reason of self-defense. The members of the jury were given both opening and closing statements that either included or excluded instructions aimed at inducing empathy. Results of this study indicated that jurors who had been given the empathy inducing statements showed more empathy for the defendant, attributed less responsibility to the defendant, found the defendant less guilty, and were more likely to take the circumstances of the situation (in this case, childhood sexual abuse) into consideration than those who were not given statements to induce empathy.

Additionally, men rated the defendant as being guiltier than women did, indicating that trait (gender) similarity may again be at play.

Studies have also been conducted regarding empathy for the victim, as is the case in the current study. In one such case, researchers examined the influence of empathy on case verdict, sentencing, attribution of responsibility, and empathy for the victim in a criminal trial involving rape (Deitz, Blackwell, Daley, & Bentley, 1982). Mock jurors were provided a written description of the case, in which all evidence leading to the defendant's arrest was circumstantial in order to allow for differences in responses due to the ambiguity of the case. Results indicated that the more empathy a person had for the victim, the more certain they were of the defendant's guilt. Similarly, mock jurors with higher empathy ratings toward the victim, gave more severe sentences and attributed more responsibility to the defendant for the crime. Again, trait empathy came into play; female jurors exhibited greater empathy for the female victim than did their male counterparts. Likewise, women who had previously experienced rape were more empathetic to the female rape victim. However, it can be argued that empathy may be more easily induced for some victims compared to others. For example, jurors may find it more difficult to empathize with a victim who they perceive to have precipitated their victimization, as will be examined in the current study.

Current Study

Blaming the victim is never an appropriate response for a case. However, high levels of victim blame can be seen in cases of revenge porn (Kitchen, 2015). Furthermore, blame may be especially high for female victims compared to male victims. When a victim is seen as precipitating his or her own victimization, such as by taking the

photograph themselves or cheating on their partner (infidelity), the level of victim blame may increase, while the amount of culpability assigned to the perpetrator may decrease. Perhaps, this is because the jury may be unable to understand the victim's thoughts, feelings, or actions. In other words, the jury may not have been empathetic toward the victim. Therefore, victim blaming may be the result of low levels of empathy on the part of the jury.

Empathy induction for victims in revenge porn cases can be important in terms of reducing victim blame, as well as, in increasing social support for the victim. In fact, one of the main problems with revenge porn is that the nude picture of the victim gets placed on the internet and is shared with others. Therefore, one goal of inducing empathy may be to help stop the sharing of revenge porn photos. If a person is able to understand the victim's perspective, they may be less likely to pass the photo on to another person or post it to an online website.

The current study is projected to find main effects concerning the gender of the victim, infidelity, empathy, and participant gender. Overall, it is expected that female victims will be attributed more blame than male victims, due to the nature of sexual double standards. Additionally, it is anticipated that evidence of infidelity will contribute to higher levels of victim blame. However, this is expected to be more likely the case for female but not male victims. It is also anticipated that participants will attribute less blame to victims when they are given an empathy instruction. Moreover, it is predicted that female participants will be more empathetic than male participants. Furthermore, female victims will benefit the most from empathy instructions. This will be most prominent among female participants due to trait similarity.

CHAPTER II

METHOD

Participants

Participants (men, $n = 147$; women, $n = 367$) included undergraduate students from the University of North Dakota. Of these, 32.55% (men, $n = 46$; women, $n = 121$) had sent nude photos of themselves, and 67.45% (men, $n = 100$; women, $n = 246$) reported that they had not. Moreover, 58.2% (men, $n = 96$; women, $n = 202$) had received nude photos, and 41.8% (men, $n = 49$ women, $n = 165$) reported that they had not. While the majority (99.3%) did not report nude pictures of themselves being distributed online, 25.8% reported that they knew someone whose nude image had been distributed online. Participants' ages ranged from 18-49 ($M = 19.26$, $SD = 2.16$) and the majority of participants were White/Caucasian (89.1%). Student participants received class course credit.

Materials

Vignette. This study employed a vignette that varied according to a 2 (victim gender: female vs. male) X 2 (culpability: fidelity vs. infidelity) X 2 (empathy: present vs. not present) between-subjects factorial design. Participants were randomly assigned to one of eight conditions. The vignette depicted a blog written by a victim of nonconsensual pornography. The blog described a situation in which a couple broke up after one year and three months of dating. While the couple was dating, the victim took a nude photograph of himself/herself and then sent the photo to their partner. After the

break-up, the victim's ex posted the nude photo of the victim online without the victim's consent.

All vignettes (see Appendix C) were identical with the exception of manipulations to reflect the individual variables. Gender was manipulated by varying the gender of the victim in the scenario. Culpability was manipulated by altering whether the victim was described as having cheated on the perpetrator while dating. Empathy was manipulated by either including or excluding an empathy induction instructing participants to put themselves in the shoes of the victim and to consider the victim's point of view.

More specifically, participants in the empathy induction condition were given an instruction at the beginning of the vignette asking them to imagine themselves as the victim. Participants were instructed to "imagine that you are in the victim's situation. Put yourself in (victim's name) shoes and think about how you would be thinking and feeling in their situation. Additionally, try to think of a time in which you may have shared information/photo/text that you later regretted." Alternatively, no instructions were given to the no empathy induction condition.

Questionnaires and Measures

Demographics. Participants were asked to complete a demographic questionnaire (see Appendix D) that assessed several common demographic items such as age, gender, ethnicity, and level of education. Participants were also asked if they had ever sent a nude photo of themselves or received a nude photo from another person.

Manipulation Check. Participants were asked to indicate the gender of the victim (male or female) in the photograph that was distributed online. Additionally, they were asked to identify the reason for the breakup between the couple (victim cheated on the

perpetrator, perpetrator cheated on victim, or no reason was given). Only participants who successfully passed the manipulation checks were included in the analyses.

Positive and Negative Affect Scales (PANAS). Developed by Watson, Clark and Tellegen (1988), these scales reflect the participant's mood or affect at that specific moment (see Appendix E). Participants were asked to indicate the extent to which they felt each of the ten feelings or emotions listed on a scale ranging from very slightly to not at all (0) to extremely (4). Items on the PANAS were summed (reverse coded for negative items) for each of the PANAS-1 and PANAS-2 scales. Higher scores reflected a more positive affect. In order to assess changes in affect during the trial (or presentation of the scenario), two different versions of the PANAS will be given both prior to and following the presentation of the scenario.

Perceptions of the Vignette. Participants completed a questionnaire (see Appendix F) in which they responded to a number of statements related to their perceptions of the vignette using a 7-point Likert-type scale. The Likert-type scale ranged from "completely disagree" (1) to "completely agree" (7).

Severity. Participants completed two items assessing the level of severity of the situation that occurred in the vignette. Specifically, participants were asked to indicate the extent to which they agreed that posting nude photos without consent from the person in the photo (a) should be illegal, and (b) is a serious violation of their privacy. Higher scores reflected that the situation was perceived as more serious.

Victim Blame. Four items assessed the level of culpability assigned to the victim. Specifically, participants were asked to what extent they agreed that the victim was (a) responsible for the photo being online, (b) to blame for the situation, (c) at fault for what

happened, and (d) could have prevented the situation. These items were collapsed and a composite measure was derived ($\alpha = .83$). Higher scores indicated a greater level of perceived culpability on the part of the victim.

Negative Affective Reactions toward the Victim. Participants completed three items that assessed their affective reactions toward the victim. Specifically, participants were asked to what extent they agreed that they felt (a) angry with the victim, (b) annoyed with the victim, and (c) disgusted with the victim. These items were collapsed and a composite measure was derived ($\alpha = .89$). Higher scores indicated more negative affective reactions toward the victim.

Empathy toward the Victim. This scale incorporated items from the empathy questionnaire used by Haegerich and Bottoms (2000). Participants were presented with eight items assessing their ability to empathize with the victim. Specifically, they were asked to indicate the degree to which they (a) had empathy for the victim, (b) could really imagine the thoughts running through the victim's head, (c) could really feel what the victim had been feeling when their photo was posted online, (d) could experience the same feelings that the victim experienced, (e) could take the perspective of the victim and understand why they sought legal action against the perpetrator, (f) could really see themselves in the victim's shoes, (g) could easily take the perspective of the victim, and (h) knew what it would be like to be the victim. These items were collapsed and a composite score was derived ($\alpha = .88$). Higher scores indicated a greater ability to empathize with the victim.

Victim Impact. Five items assessed the level of impact participants' perceived the situation to have on the victim's life. Specifically, participants were asked to indicate the

impact the sharing of the photo would have on the victim's (a) work life, (b) family life, (c) social life, (d) dating life, and (e) life in general. Higher scores indicated more positive perceived impact on the victim's life.

Perpetrator Blame. Participants completed four items that assessed their perceptions of the level of blame attributed to the perpetrator. Specifically, participants were asked to what extent they agreed that the perpetrator was (a) responsible for the photo being online, (b) to blame for the situation, (c) at fault for distributing the nude photo online, and (d) could have prevented the situation. These items were collapsed and a composite score was derived ($\alpha = .82$). Higher scores indicated a greater level of perceived culpability on the part of the perpetrator.

Negative Affective Reactions toward the Perpetrator. Participants completed three items that assessed their affective reactions toward the perpetrator. Specifically, participants were asked to what extent they agreed that they felt (a) angry with the perpetrator, (b) annoyed with the perpetrator, and (c) disgusted with the perpetrator. These items were collapsed and a composite measure was derived ($\alpha = .91$). Higher scores indicated more negative affective reactions toward the perpetrator.

Empathy toward the Perpetrator. This scale incorporated items from the empathy questionnaire used by Haegerich and Bottoms (2000). Participants were presented with eight items assessing their ability to empathize with the perpetrator. Specifically, they were asked to indicate the degree to which they (a) had empathy for the perpetrator (b) could really imagine the thoughts running through the perpetrator's head, (c) could really feel what the perpetrator had been feeling when they posted the photo online, (d) could experience the same feelings that the perpetrator experienced, (e) could take the

perspective of the perpetrator and understand why they posted the picture, (f) could really see themselves in the perpetrator's shoes, (g) could easily take the perspective of the perpetrator, and (h) knew what it would be like to be the perpetrator. These items were collapsed and a composite score was derived ($\alpha = .90$). Higher scores indicated a greater ability to empathize with the perpetrator.

Procedure

Participants signed up for the study through Sona Systems, an online research management tool used to recruit participants for studies. After signing up, participants were either directed to Qualtrics, an online survey system, or a lab to participate in the study. Participants completed a consent form (see Appendices A and B), which provided them with information about the purpose of the study and the researcher's contact information. After granting informed consent, participants completed a demographic questionnaire and PANAS-1. Participants were then, via Qualtrics or counterbalancing, randomly assigned to read one of eight possible combinations of vignettes, varying victim gender, history of infidelity, and presence of empathy instruction. Following the scenario, participants answered a series of questions that measured the extent to which the victim and perpetrator should be blamed, their negative affective reactions towards the victim and the perpetrator, their ability to empathize with the victim and perpetrator, the impact the situation had on the victim's life, as well as the severity of the situation. Participants were then asked to complete PANAS-2.

CHAPTER III

RESULTS

Manipulation Checks

A total of 545 participants completed the study. Of these, 31 failed the two manipulation checks and were removed from the analyses. Analyses were subsequently conducted on the remaining 514 participants (men, $n = 147$; women, $n = 367$).

Positive and Negative Affect Scales (PANAS)

Items on the PANAS were summed (reverse coded for negative items) for each of the PANAS-1 and PANAS-2 scales. Higher scores reflected a more positive affect. A mixed 2 (victim gender) X 2 (history of infidelity: infidelity vs. fidelity) X 2 (empathy: present vs. absent) X 2 (participant gender) X 2 (interval) analysis of variance (ANOVA) with interval (PANAS scores) as the within subject variable was conducted. Results indicated a main effect for interval, $F(1, 457) = 42.39, p < .001$, partial $\eta^2 = .08$. Affect at interval 1 (PANAS-1, $M = 26.12, SD = 4.54$) was more positive than affect at interval 2 (PANAS-2, $M = 24.62, SD = 4.38$).

Perceptions of Severity

The two items assessing perceptions of the severity of the incident were analyzed using a 2 (victim gender) X 2 (history of infidelity: infidelity vs. fidelity) X 2 (empathy: present vs. absent) X 2 (participant gender) multivariate analysis of variance (MANOVA). Multivariate significance was indicated for participant gender, Pillai's = 0.03, $F(2, 496) = 7.74, p < .001$, partial $\eta^2 = .03$. This main effect was qualified by its

interaction with empathy, Pillai's = 0.013, $F(2, 496) = 3.27$, $p = .039$, partial $\eta^2 = .01$.

Univariate significance was attained for the item "posting nude photos without the consent from the person in the photo is a serious violation of their privacy," $F(1, 497) = 4.02$, $p = .046$, partial $\eta^2 = .01$.

Simple effect analysis of participant gender at each level of empathy yielded significance for the empathy present condition, $F(1, 497) = 15.03$, $p < .001$, partial $\eta^2 = .03$. When given empathy instructions, women ($M = 6.65$, $SD = .66$) were more likely to rate the posting of the photo without the consent of the person in the photo as a serious violation of their privacy than were men ($M = 6.28$, $SD = 1.03$).

Perceptions of the Victim

Victim blame, negative affective reactions toward the victim, and empathy toward the victim were assessed using a series of 2 (victim gender) X 2 (history of infidelity: infidelity vs. fidelity) X 2 (empathy: present vs. absent) X 2 (participant gender) analyses of variance (ANOVAs).

Victim Blame. Analysis of the perceptions of victim blame yielded a significant main effect for participant gender, $F(1, 497) = 8.26$, $p = .004$, partial $\eta^2 = .016$. Men ($M = 3.54$, $SD = 1.27$) attributed more blame to the victim than did women ($M = 3.18$, $SD = 1.32$). Neither the main effects for victim gender, history of infidelity, empathy, $F_s < 1$, nor their interactions attained significance.

A one-sample t-test evaluating the level of victim blame against the midpoint yielded significance, $t(512) = -12.29$, $p < .001$. Overall, participants generally did not attribute blame to the victim ($M = 3.29$, $SD = 1.32$).

Negative Affective Reactions toward the Victim. Analysis of participants' negative affective reactions toward the victim yielded main effects for history of infidelity, $F(1, 497) = 20.98, p < .001$, partial $\eta^2 = .04$, and participant gender, $F(1, 497) = 7.18, p = .008$, partial $\eta^2 = .014$. When there was a history of infidelity ($M = 2.61, SD = 1.49$), participants were more likely to endorse negative affective responses toward the victim than when there was no history of infidelity ($M = 2.09, SD = 1.24$). Moreover, male participants ($M = 2.61, SD = 1.51$) were more likely to have a negative reaction toward the victim than female participants ($M = 2.25, SD = 1.33$).

A one-sample t-test evaluating participants' negative affective reactions toward the victim against the midpoint yielded significance, $t(512) = -26.72, p < .001$. Overall, participants generally endorsed positive reactions toward the victim ($M = 2.36, SD = 1.39$).

Empathy toward the Victim. Analysis of empathy toward the victim failed to yield significant main effects for victim gender, $F(1, 497) = 1.35, ns$, history of infidelity $F < 1$, empathy, $F < 1$, and participant gender, $F(1, 497) = 3.27, ns$. However, an interaction between victim gender and empathy, $F(1, 497) = 4.34, p = .038$, partial $\eta^2 = .01$, was significant.

Simple effect analysis of victim gender at each level of empathy yielded significance for the empathy present condition, $F(1, 497) = 5.32, p = .022$. When provided with empathy instructions, participants were more likely to empathize with the male victim ($M = 4.17, SD = 1.23$) as opposed to the female victim ($M = 3.93, SD = 1.38$). Empathy ratings failed to differ between the male ($M = 3.89, SD = 1.17$) and female victim ($M = 4.02, SD = 1.29$) when empathy instructions were not present.

A one-sample t-test evaluating empathy toward the victim against the midpoint yielded significance, $t(512) = -26.721, p < .001$. Overall, participants generally did not empathize with the victim ($M = 2.36, SD = 1.39$).

Victim Impact. The five items assessing victim impact were analyzed using a 2 (victim gender) X 2 (history of infidelity: infidelity vs. fidelity) X 2 (empathy: present vs. absent) X 2 (participant gender) MANOVA. Results failed to yield multivariate significance for the main effects of victim gender, Pillai's $\lambda = .02, F(5, 493) = 1.86, ns$, history of infidelity, Pillai's $\lambda = .01, F < 1, ns$, empathy, Pillai's $\lambda = .01, F(5, 493) = 1.25, ns$, and participant gender, Pillai's $\lambda = .02, F(5, 493) = 1.51, ns$. A significant multivariate interaction involving victim gender and participant gender, Pillai's $\lambda = .02, F(5, 493) = 2.43, p = .034, \text{partial } \eta^2 = .024$, was evident. Univariate significance was indicated for three of the items. Specifically, the extent to which participants rated the incident as having an impact on the victim's work life, $F(1, 497) = 7.28, p = .007, \text{partial } \eta^2 = .014$, on the victim's social life, $F(1, 497) = 4.53, p = .034, \text{partial } \eta^2 = .01$, and on the victim's life in general, $F(1, 497) = 5.12, p = .024, \text{partial } \eta^2 = .01$.

Simple effect analyses of participant gender at each level of victim gender were conducted for each of the significant items. In terms of assessing the impact of the incident on the victim's work life, results yielded significance for the female, $F(1, 497) = 6.56, p = .011$, but not the male victim, $F(1, 497) = 1.59, ns$. Men ($M = 2.39, SD = 1.63$) rated the incident as having a more serious impact on the female victim's work life than did women ($M = 1.87, SD = 1.37$). Simple effect analyses failed to yield significance on the item assessing the impact on the victim's social life. With respect to ratings involving the impact on the victim's life in general, results yielded significance for the male, $F(1,$

497) = 3.96, $p = .047$, but not the female victim, $F(1, 497) = 1.46$, *ns*. Men ($M = 2.50$, $SD = 1.60$) were more likely to view the incident as having a more negative impact on the male victim's life in general than women ($M = 2.11$, $SD = 1.21$).

Perceptions of the Perpetrator

Perpetrator blame, negative affective reactions toward the perpetrator, and empathy toward the perpetrator were assessed using a series of 2 (victim gender) X 2 (history of infidelity: infidelity vs. fidelity) X 2 (empathy: present vs. absent) X 2 (participant gender) ANOVAs.

Perpetrator Blame. Analysis of the perceptions of perpetrator blame failed to yield significance for victim gender, history of infidelity, empathy, and participant gender, $F_s < 1$.

A one-sample t-test evaluating the level of perpetrator blame against the midpoint yielded significance, $t(511) = 50.92$, $p < .001$. Overall, participants generally did attribute more blame to the perpetrator ($M = 6.13$, $SD = 0.95$).

Negative Affective Reactions toward the Perpetrator. Analysis of participants' negative affective reactions toward the perpetrator yielded a significant main effect for history of infidelity, $F(1, 496) = 4.06$, $p = .044$, partial $\eta^2 = .01$. When there was no history of infidelity ($M = 5.31$, $SD = 1.50$), participants were more likely to endorse negative affective responses toward the perpetrator than when there was a history of infidelity ($M = 5.50$, $SD = 1.49$). Significant interactions between victim gender and participant gender, $F(1, 496) = 5.92$, $p = .015$, partial $\eta^2 = .01$, and between empathy and participant gender, $F(1, 496) = 4.99$, $p = .026$, partial $\eta^2 = .01$, were also indicated.

Simple effect analysis of participant gender at each level of victim gender yielded significance for the female victim condition, $F(1, 496) = 7.75, p = .006$. When the victim was female, women ($M = 5.69, SD = 1.34$) had more negative affective responses toward the offender than did men ($M = 5.15, SD = 1.71$). Negative affective responses toward the perpetrator failed to differ between men ($M = 5.34, SD = 1.28$) and women ($M = 5.23, SD = 1.58$) when the victim was male.

Simple effect analysis of participant gender at each level of empathy yielded significance for the empathy present condition, $F(1, 496) = 7.04, p = .008$. When provided with empathy instructions, women ($M = 5.61, SD = 1.38$) endorsed more negative affective responses toward the perpetrator than did men ($M = 5.08, SD = 1.60$). Negative affective responses toward the perpetrator failed to differ between men ($M = 5.43, SD = 1.39$) and women ($M = 5.31, SD = 1.57$) when empathy instructions were not present.

A one-sample t-test evaluating participants' negative affective reactions toward the perpetrator against the midpoint yielded significance, $t(511) = 21.19, p < .001$. Overall, participants generally endorsed more negative reactions toward the perpetrator ($M = 5.40, SD = 1.49$).

Empathy toward the Perpetrator. Analysis of empathy toward the perpetrator yielded significant main effects for history of infidelity, $F(1, 497) = 36.12, p < .001$, partial $\eta^2 = .068$, and participant gender, $F(1, 497) = 13.35, p < .001$, partial $\eta^2 = .026$. When there was a history of infidelity ($M = 2.45, SD = 1.14$), participants were more likely to empathize with the perpetrator than when there was no history of infidelity ($M = 1.84, SD = 0.97$). Moreover, men ($M = 2.41, SD = 1.24$) were more likely to empathize

with the perpetrator than were women ($M = 2.04, SD = 1.03$). The effect of participant gender was qualified by its significant interaction with victim gender, $F(1, 497) = 15.24, p < .001, \text{partial } \eta^2 = .03$.

Simple effect analysis of participant gender at each level of victim gender yielded significance for the female victim, $F(1, 497) = 28.83, p < .001$. When the victim was female, men ($M = 2.65, SD = 1.31$) were more likely to empathize with the perpetrator than were women ($M = 1.92, SD = 0.97$). Ratings of empathy for the perpetrator failed to differ between male ($M = 2.17, SD = 1.12$) and female participants ($M = 2.16, SD = 1.07$) when the victim was male.

A one-sample t-test evaluating empathy toward the perpetrator against the midpoint yielded significance, $t(511) = -37.88, p < .001$. Overall, participants generally did not empathize with the perpetrator ($M = 2.15, SD = 1.11$).

CHAPTER IV

DISCUSSION

Increasingly, individuals are reporting being victims of nonconsensual pornography (Burris, 2014). As a result, it is important to understand how the public's perceptions of the individuals involved in cases of nonconsensual pornography may be contributing to both victim and perpetrator blame. Negative perceptions of victims may alter the way in which victims receive support from friends, family, and the community or financial retributions from perpetrators. Additionally, negative perceptions of victims may affect the likelihood of victims seeking legal help in these types of cases. Moreover, when victims are perceived differently based on extra-legal factors such as gender, a situation is created in which some victims and perpetrators will be punished inequitably based on factors that should be irrelevant. Therefore, understanding differences in perceptions of victims and perpetrators is a key element in trying to reduce unfair biases in the legal system. This study aimed to evaluate the role of the victim's gender, the victim's history of infidelity, the presence of empathy instructions, and the participant's gender on the attributions of blame assigned to the victim and perpetrator in cases of nonconsensual pornography.

The list of sex-based crimes is extensive and includes rape, prostitution, sexual-harassment, exhibitionism, molestation, human trafficking, and pornography. Powell (2010) argues that the nonconsensual sharing of nude photographs is a form of sexual violence. Additionally, Citron and Franks (2014) link revenge pornography with rape,

domestic violence, and sexual harassment. Therefore, nonconsensual pornography can be examined in relation to the aforementioned crimes. Previous research examining attributions of blame in sex-based crimes such as rape suggests that people tend to attribute more blame to female victims, especially given the nature of sexual double standards. Crawford and Popp (2003) found that women tend to experience more harsh judgments for their sexual expressions compared to their male counterparts. Additionally, women are viewed as the “gatekeepers” of their sexuality (Sakaluk, Todd, Milhausen, Lachowsky, & Undergraduate Research Group in Sexuality, 2014). Based on these conclusions, this study hypothesized that female victims would receive more blame than male victims. However, the current study failed to find a main effect for victim gender.

The above findings may be related to rape myths. As such, one possible explanation for the lack of results may be that the participants involved in the study did not have high acceptance of rape myths. Rape myths tend to feed into the belief that the victim is to blame for the sexual crime and minimize and justify the actions of the perpetrator. Lonsway and Fitzgerald (1994) define rape myths as “attitudes and beliefs that are generally false but are widely and persistently held, and that serve to deny and justify male sexual aggression against women.” In other words, rape myths serve to sustain male sexual violence against women and perpetuate the act of victim blaming.

Research has shown that high levels of rape myth acceptance are associated with high levels of victim blame (Lambert & Raichle, 2000). Furthermore, research supports the assertion that rape myths are a primary force in the maltreatment of female rape victims (Burt, 1980). Therefore, attribution of blame is likely to be heavily influenced by an individual’s level of rape myth acceptance. Future research should incorporate a

measure of rape myth acceptance such as the Rape Myth Acceptance Scale (Burt, 1980) or the Acceptance of Modern Myths about Sexual Aggression Scale (Gerger, Kley, Bohner, & Siebler, 2007). These scales could provide insight as to the degree to which rape myths are endorsed by individuals and the way in which individuals view the victims and perpetrators of sexual crimes.

Previous research examining attributions of blame in sex-based crimes such as rape also suggests that people tend to attribute more blame to individuals with a bad reputation (Cohn, Dupuis, & Brown, 2009) or that have a high number of past sexual experiences (L'Armand & Pepitone, 1982). Evidence of having cheated on their partner may thus be used to further contribute to victim blame. In the current study, both men and women endorsed more negative affective reactions toward the victim when the victim had a history of infidelity. This may provide support for why participants may view cheating on a partner as a legitimate reason to share a nonconsensual explicit photograph. In other words, participants may view the victim as precipitating his or her own victimization. According to attribution theorist, Weiner (1985), "Anger is an ascription of a negative self-related outcome or event to factors controllable by others." Since the victim is seen as being in control of their decision to cheat, the participants view the victim as having volition and therefore react with anger toward the victim.

Past research has also provided evidence for infidelity leading to higher levels of victim blame. In a study conducted by Viki and Abrams (2002), participants were presented with vignettes that described an acquaintance rape. In the "cheating" condition the victim was described as a "married woman" whereas in the control condition no information regarding the victim's relationship status was presented. Results indicated

that the victim who was assaulted during an act of infidelity received higher levels of blame than did the victim in a similar circumstance whose relationship status was unknown. The results of this study are consistent with the current study in that victims with a history of infidelity are viewed in more negative terms.

The current study also showed that when the victim did not cheat, participants were more likely to have negative affective reactions towards the perpetrator. In other words, when the victim did engage in infidelity, the perpetrator was viewed as more likeable and potentially justified in his or her actions. Again, this can be viewed as participants endorsing the sharing of nonconsensual pornography when the victim cheated.

Results also indicated that when the victim had a history of infidelity, participants were more likely to empathize with the perpetrator. As stated above, this may be due to the fact that participants view the perpetrator as being justified in his/her actions. People tend to evaluate the perpetrator's intentions less negatively when the victim is disliked (Alicke, 2000). In other words, the less people value victims, the less they blame the perpetrator for harming them.

In order to measure the affective component of empathy, participants were asked to complete a measure of affective responses both prior to and following the presentation of the vignette. Participants' overall affect decreased after reading the scenario involving a case of nonconsensual pornography. This result indicates that the production of empathy was taking place during the reading of the vignette, regardless of whether or not empathy-induction instructions were given. Taking on the victim's thoughts and feelings should produce a more negative emotional response in the participants. Results from both

the current study and past research confirm this finding. For example, Plumm (2000) found that participants, especially women, reported having higher affect prior to reading a trial transcript as compared to after the reading of the trial. It is possible that the blog submitted by the victim placed participants in a more negative emotional state, given the negative consequences and emotions expressed by the victim.

The cognitive component of empathy was indicated by measuring participants' reported levels of empathy. There was no main effect for the presence of empathy instructions. However, there was an interaction such that when provided with empathy instructions, participants were more likely to empathize with the male victim. Perhaps these instructions are more beneficial towards male victims, because men are less likely to be viewed as victims in the first place (Rogers & Terry, 1984). Therefore, male victims, more so than female victims, may benefit from such empathy instructions.

The behavioral component of empathy was indicated by measuring participants' perceptions of the scenario and blame towards the victim and perpetrator. When participants received empathy instructions, women were more likely to rate the posting of the photo without consent of the person in the photo as a serious violation of their privacy than were men. Therefore, empathy instructions may be helpful to break down defensive attributions on the part of the female. The defensive attribution hypothesis states that the level of blame depends on observers' perceived similarity and identification with the victim and therefore, when a victim and observer are more similar, the victim will be blamed less (Grubb & Harrower, 2008). In other words, the observer is trying to minimize the blame that may be encountered if the observer themselves were to experience such victimization.

This finding has been supported by previous research. For example, results from past studies indicate that male observers blame female victims more than female observers because of their reduced identification with the female victim (Donavan, 2007). Therefore, since women are most often the victim of sex-based crimes, they are more likely to rate the situation as serious in hopes that if they were ever in the same situation it too, would be viewed as serious. Additionally, if the situation is not viewed as serious, the victim may not receive the help and support they need. Further research should explore possible differences in perceptions by individuals responsible for aiding victims, such as lawyers and police officers, to see if their perceptions differ from the general public. This could be especially important given the fact that only women were more likely to view the situation as a serious violation of privacy and yet more men tend to hold law enforcement positions.

Results from the current study showed men attribute more blame to the victim than do women. This may be due to the fact that men in general are less likely to be victims themselves or recognized as true victims compared to females (Rogers & Terry, 1984). Since men are less likely to be victims themselves they are less likely to identify with the victim. According to the defensive attribution theory discussed above, they may be more likely to blame the victim since they do not identify with them. It is also possible that men may have directed more blame toward the victim in order to place psychological distance between themselves and the perpetrator. Future research should consider examining the difference between these two possibilities.

Moreover, it may be that women did not attribute as much blame to the victim, because they viewed themselves as more similar to the victim. This may be due to the

fact that women in general often tend to be more highly victimized in sex-based crimes. Research has indicated that the gender similarity between the juror and the defendant or between the juror and the victim may have specific effects. The results from one study demonstrated that when members of the jury feel similar to a defendant on a salient characteristic, such as gender, they may be more lenient toward the defendant than they would be otherwise (Kerr, Hymes, Anderson, & Weathers, 1995). Again, this is in line with the defensive attribution hypothesis. Since women are more often the victim, they may view themselves as more similar to the victim and therefore, be less likely to blame the victim. Research has revealed that women tend to be better at decoding the emotions of others and taking the perspective of another, compared to their male counterparts (Eisenberg & Lennon, 1983). Therefore, one could argue that women tend to be more empathetic, regardless of empathy instructions and were more lenient towards the victim as a result.

In addition, men were more likely to have negative affective reactions toward the victim in general than did women. Again, it's possible that women identify more with the victim due to their high rates of victimization. As a result, women may be less likely to hold negative affective reactions toward the victim. It is also possible that women view the victim as not being in control of the situation. As discussed earlier, Weiner (1985) stated that when a victim is seen as having control over the situation, such as having volition and choosing to cheat on their partner, participants may react with anger toward the victim. Conversely, Weiner (1985) articulates that uncontrollable causes are associated with pity. In other words, when the victim is viewed as having no control over the photo being distributed without consent, they are more likely to be pitied. Future

research should more directly investigate the gender differences regarding controllability of the situation. For instance, they could ask participants to what degree they believe the victim had control over the situation.

Results of this study also showed that men rated the incident as having a more negative impact on the female victim's work life. Perhaps this is the case because women are already viewed as occupying lower positions in the business world as compared to men, and the situation may further degrade their status. For instance, this type of situation may prevent women from receiving future promotions, thus keeping them at their lower occupational level. This allows for the perception that this is the area in which the female victim's life suffers the most.

Men were also more likely to rate the incident as having a more negative impact on a male victim's life in general. This result may need further clarification. For instance, it may be important to determine exactly what participants were referring to when rating "life in general." Future research could ask more direct questions to delineate what was meant by "life in general." For example, one could define "life in general" as the day to day thoughts, feelings, and events in one's life. Future studies could even go so far as to break up thoughts, feelings, and events, to determine how the situation effects the victim's cognitive, emotional, and behavioral functions.

Results further indicated that women had more negative affective reactions toward the perpetrator when the victim was female. This may be due to the fact crimes against female victims tend to be viewed as more serious and result in longer sentences (Sporer & Goodman-Delahunty, 2009). Since crimes with female victims are viewed

more seriously, it stands to reason that there would be more negative affective reactions toward the perpetrator when the victim was a female, as indicated by the current results.

Results from the current study suggest that men were more likely to empathize with the perpetrator. Specifically, men were also more likely to empathize with the perpetrator when the victim was female. Perhaps this is because men are more likely to be perpetrators in general and therefore are more likely to identify with the perpetrator as indicated in the defensive attribution hypothesis. Trait empathy, also known as similarity empathy, refers to general similarities between the actor and observer, as well as, individual differences in people's general ability to empathize (Haegerich & Bottoms, 2000). This is in line with social psychology research regarding social identity and comparisons. Individuals tend to hold more favorable attitudes towards members of their own group and unfavorable attitudes towards members of out-groups (Brown, 2000). Therefore, it's possible that men were more likely to empathize with the perpetrator when the victim was female, because they match the perpetrator in terms of gender and consider the perpetrator to be a part of their in-group.

Limitations and Future Research

While the findings of the current study contribute to victim blame literature and have implications for the criminal justice setting, it is worth noting the methodological limitations and directions for future research. The current study made use of undergraduate college students, which may be considered a relatively homogenous sample compared to one of community residents. Participants attending a university in the Midwest are arguably more homogenous in terms of demographics. Future research should include a more heterogeneous sample. However, according to Bornstein (1999),

the difference between undergraduate students and community residents tend to be minimal in many studies. Additionally, there may be some added value in looking specifically at the perceptions of college students regarding cases of nonconsensual pornography. For instance, the crime of nonconsensual pornography is high among college-aged individuals (Franks, 2015). Therefore, examining their perceptions gives insight into not only how college students attribute blame in these cases (which may impact the amount of social support they offer their friends) but may also provide insight into whether victims themselves may define this as a crime or blame themselves, which may later impact whether they seek legal assistance.

Another potential limitation of this study may be that the mode of presentation, in this case a blog, may influence how legitimate participants view the situation to be. It may be that participants viewed the blog as a biased view of events since it represents the victim's account of events. Instead, presenting the information regarding the case from a third party perspective, as in the case of a police report, may serve to remove the more subjective elements and increase how legitimate participants perceive the situation to be. Previous research has looked at perspective taking and blame. For instance, the illusory causation theory states that people over attribute causality to a given stimulus when it is salient or the focus of their attention. Lassiter and Irvine (1986) looked at the illusory causation theory in relation to videotaped confessions. Participants were shown videotaped confessions shown from camera angles that either focused solely on the suspect, equally on the suspect and interrogator, or solely on the interrogator. Participants rated confessions to be least coerced when the camera focused solely on the suspect and

most coerced when it focused solely on the interrogator. This study and related research suggests that the perspective from which information is presented may be influential.

In addition, the manipulation of empathy may not have been a strong enough manipulation. Although empathy did interact with the other variables, it was never a main effect. It is possible that participants skipped over the empathy instruction since it preceded the vignette. Future research may wish to include the empathy induction within the blog itself by having the victim ask the participants to “put themselves in his or her shoes and imagine what they must be feeling.” This may make the empathy instruction more salient as the victim, themselves, is asking, as opposed to a simple instruction before the vignette.

Another limitation with all laboratory and online studies is that they cannot mimic the high stakes of real-life court cases, in which a number of complex factors interact. Court cases include additional features that may influence jurors’ perceptions. For example, the strength of evidence against the perpetrator, jury deliberations, and potential penalties can all influence jurors’ decision-making. Weiten and Diamond (1979) list several potential problems with laboratory studies related to jury research, one of which is role playing. They state that the difference in the consequences of decisions for real and mock jurors is substantial. Stephen (1974) comments, “The most critical difference between actual trials and jury simulations lies in the implication of the decision. The simulated juror knows that no real persons will be affected by his decision, while the actual juror is acutely aware of the power of his decision to alter a human’s life.” Future research should more closely mimic the high stakes involved in real-world decisions.

In all versions of the vignette used in this study, the ethnicity of the victim and perpetrator were not indicated. It is possible that ethnicity may influence attributions of blame of both the victim and perpetrator. For example, stereotypes often portray African Americans as overly sexual compared to Caucasians (Sapp, Farrell, Johnson, & Hitchcock, 1999). More specifically, African American women have been perceived as being more sensuous, permissive, and promiscuous than Caucasian women. They are also viewed as needing or desiring less foreplay during sexual encounters (McNair & Neville, 1996). Therefore, it may be reasoned that African Americans will receive more victim blame in revenge porn cases compared to their Caucasian counterparts and that African American women in particular will receive the highest blame out of all groups. Furthermore, crimes, such as rape, that have a Caucasian victim are interpreted as being more serious than when an African American victim is involved (Foley, Evanic, Karnik, King, & Parks, 1995).

Another stereotype refers to the jezebel image which portrays a hypersexual, lustful, and promiscuous woman and is typically applied to African American women (Donovan & Williams, 2002). Furthermore, previous studies have shown that sexually provocative pre-rape behavior, such as having a sexual history and wearing clothing that is revealing increases victim blame (Donovan & Williams, 2002). This data, along with the jezebel stereotype, further suggest that African American women are vulnerable to being perceived as contributing to and being deserving of their own victimization. Future research may want to consider examining the effect of ethnicity.

It is worth noting that all vignettes portrayed heterosexual relationships. White and Yamawaki (2009) suggest that observers with homophobic attitudes tend to blame

gay, lesbian, and bisexual victims more than heterosexual victims. Prior research has indeed found correlation among homophobia and blame toward male victims (Davies & Rogers, 2006). Additionally, homophobia has been determined to be a significant predictor of rape minimization when the victims are gay, lesbian, or bisexual (White and Yamawaki, 2009). In terms of participant characteristics, heterosexual male observers tend to blame gay, lesbian, and bisexual victims more and make more anti-victim judgments than gay, lesbian, and bisexual male and female observers (Davies & Rogers, 2006), most likely due to their propensity to have higher homophobic attitudes. Including a same-sex scenario may trigger homophobic attitudes, which may produce negative attributions towards the victim and result in victim blame. Future research should explore victim and perpetrator blame within same-sex relationships and consider incorporating homophobic attitude scales.

This study set out to examine variables that contribute to perceptions of blame in legal settings. However, it did not examine how criminal penalties may be tied to perceptions of blame. For instance, perceptions of perpetrators may influence how harshly perpetrators are punished for the crimes they commit. Moreover, if sharing an explicit photo without consent of the individual in the photo is seen as the victim's fault, it may increase the likelihood that the perpetrator is given a smaller fine, shorter prison sentence, or not punished at all. Future research examining legal attributions of blame and criminal penalties is warranted.

CHAPTER V

CONCLUSION

Although no victim is deserving of their victimization, it is important to understand how a victim's characteristics and actions, as well as the presence of empathy instructions, may work to increase or decrease the perceived level of culpability attributed to victims and perpetrators of nonconsensual pornography. The current study examined extra-legal factors that may be influential in attributions of blame. Results showed that when the victim was female, women had more negative affective responses toward the offender than did men. Additionally, men tended to attribute more blame and had more negative affective responses toward the victim than did women. Moreover, victims with a history of infidelity were perceived in more negative terms than victims who did not cheat. When provided empathy instructions, participants were more likely to empathize with the male victim.

Victim gender, history of infidelity, empathy instructions, and observer gender may not only influence the amount of support victims receive, but they may also impact the severity of punishment given to the perpetrators of these offenses. Researchers should continue to explore factors relating to blame and punishment in situations of nonconsensual sharing of nude photographs.

APPENDICES

Appendix A

Informed Consent – In-Lab Version

TITLE: Perceptions of Relationships
PROJECT DIRECTOR: Cheryl Terrance, Ph.D.
PHONE #: 701-777-3921
DEPARTMENT: Psychology

A person who is to participate in the research must give his or her informed consent to such participation. This consent must be based on an understanding of the nature and risks of the research. This document provides information that is important for this understanding. Research projects include only subjects who choose to take part. Please take your time in making your decision as to whether to participate. If you have questions at any time, please ask.

Approximately 450 students from the University of North Dakota will take part in this study at UND. If you join this study, you will be asked to play the role of a potential jury member. As part of the study, you will be asked to read a blog post that has been submitted as evidence and respond to various questions regarding your perceptions of this case. The purpose of this research is to examine how people make judgments concerning similar allegations.

Your participation in the study will last approximately 45-60 minutes. You may experience frustration that is often experienced when completing surveys. The scenario you are being asked to read and some of the questions you will be asked to answer may be of a sensitive nature, and you may therefore become upset as a result. However, such risks are not viewed as being in excess of “minimal risk.” If, however, you become upset by questions, you may stop at any time or choose not to answer a question. If you would like to talk to someone about your feelings about this study, the UND Counseling Center provides services to UND students and for those that live on campus. You may contact them at 701-777-2127. The Counseling Department also operates a clinic that is available to the Grand Forks community and can also provide referrals. The Counseling Department can be reached at 701-777-3745.

You may not benefit personally from being in this study. However, we hope that, in the future, other people might benefit from this study because results will provide a better understanding on how people evaluate issues that may occur in relationships.

If you are a student at UND, you may receive extra credit for your time for the psychology course of your choice in which you are currently enrolled. For participants who are from UND and participating in this study for extra credit, if you choose not to participate in this study you may earn extra credit in your course in other ways. Please ask your instructor, who will provide you with comparable assignments that you may choose to complete (e.g. writing assignments, participation in other research experiments, etc.).

You will not have any costs for being in this research study, nor will you receive monetary compensation. The University of North Dakota and the research team are receiving no payments from other agencies, organizations, or companies to conduct this research study.

The records of this study will be kept private to the extent permitted by law. In any report about this study that might be published, you will not be identified. Study results will be presented in a summarized manner so that you cannot be identified. Your study record may be reviewed by government agencies and the University of North Dakota Institutional Review Board. The only other people who will have access to the data are the primary research investigator (Marissa Morris), her faculty advisor (Dr. Cheryl Terrance), and student research investigators (all of whom have completed IRB training) conducting the study.

No identifying information about participants will be reported or kept. Confidentiality will be maintained by storing your responses in a password protected file. Your name is not being collected. Data will be stored in a locked file cabinet, separate from consent forms. Data will be stored for a minimum of three years, after which it will be shredded and deleted.

Your participation is voluntary. You may choose not to participate or you may discontinue your participation at any time without penalty or loss of benefits to which you are otherwise entitled. Your decision whether or not to participate will not affect your current or future relations with the University of North Dakota.

The primary researcher conducting this study is Marissa Morris. If you have questions, concerns, or complaints about the research please contact the research advisor, Dr. Cheryl Terrance at (701) 777-3921 during the day. If you have questions regarding your rights as a research subject, or if you have any concerns or complaints about the research, you may contact the University of North Dakota Institutional Review Board at (701) 777-4279. Please call this number if you cannot reach research staff or you wish to talk with someone else.

Your signature indicates that this research study has been explained to you, that your questions have been answered, and that you agree to take part in this study. You will receive a copy of this form.

Signature of Participant

Date

I have discussed the above points with the participant.

Signature of Person Who Obtained Consent

Date

Appendix B

Informed Consent - Online Version

TITLE: Perceptions of Relationships
PROJECT DIRECTOR: Cheryl Terrance, Ph.D.
PHONE #: 701-777-3921
DEPARTMENT: Psychology

A person who is to participate in the research must give his or her informed consent to such participation. This consent must be based on an understanding of the nature and risks of the research. This document provides information that is important for this understanding. Research projects include only subjects who choose to take part. Please take your time in making your decision as to whether to participate. If you have questions at any time, please ask.

Approximately 450 students from the University of North Dakota will take part in this study at UND. If you join this study, you will be asked to play the role of a potential jury member. As part of the study, you will be asked to read a blog post that has been submitted as evidence and respond to various questions regarding your perceptions of this case. The purpose of this research is to examine how people make judgments concerning similar allegations.

Your participation in the study will last approximately 45-60 minutes. You may experience frustration that is often experienced when completing surveys. The scenario you are being asked to read and some of the questions you will be asked to answer may be of a sensitive nature, and you may therefore become upset as a result. However, such risks are not viewed as being in excess of “minimal risk.” If, however, you become upset by questions, you may stop at any time or choose not to answer a question. If you would like to talk to someone about your feelings about this study, the UND Counseling Center provides services to UND students and for those that live on campus. You may contact them at 701-777-2127. The Counseling Department also operates a clinic that is available to the Grand Forks community and can also provide referrals. The Counseling Department can be reached at 701-777-3745.

You may not benefit personally from being in this study. However, we hope that, in the future, other people might benefit from this study because results will provide a better understanding on how people evaluate issues that may occur in relationships.

If you are a student at UND, you may receive extra credit for your time for the psychology course of your choice in which you are currently enrolled. For participants who are from UND and participating in this study for extra credit, if you choose not to participate in this study you may earn extra credit in your course in other ways. Please ask your instructor, who will provide you with comparable assignments that you may choose to complete (e.g. writing assignments, participation in other research experiments, etc.).

You will not have any costs for being in this research study, nor will you receive monetary compensation. The University of North Dakota and the research team are receiving no payments from other agencies, organizations, or companies to conduct this research study.

The records of this study will be kept private to the extent permitted by law. In any report about this study that might be published, you will not be identified. Study results will be presented in a summarized manner so that you cannot be identified. Your study record may be reviewed by government agencies and the University of North Dakota Institutional Review Board. The only other people who will have access to the data are the primary research investigator (Marissa Morris), her faculty advisor (Dr. Cheryl Terrance), and student research investigators (all of whom have completed IRB training) conducting the study.

No identifying information about participants will be reported or kept. Confidentiality will be maintained by storing your responses in a password protected file. Your name is not being collected. Data will be stored on a password protected computer in the Social Psychology Research Lab. Data will be stored for a minimum of three years, after which it will be deleted.

Your participation is voluntary. You may choose not to participate or you may discontinue your participation at any time without penalty or loss of benefits to which you are otherwise entitled. Your decision whether or not to participate will not affect your current or future relations with the University of North Dakota.

The primary researcher conducting this study is Marissa Morris. If you have questions, concerns, or complaints about the research please contact the research advisor, Dr. Cheryl Terrance at (701) 777-3921 during the day. If you have questions regarding your rights as a research subject, or if you have any concerns or complaints about the research, you may contact the University of North Dakota Institutional Review Board at (701) 777-4279. Please call this number if you cannot reach research staff or you wish to talk with someone else.

If you click continue, this will indicate that this research study has been explained to you, that questions have been answered, and that you agree to take part in this study.

Appendix C The Vignette

Empathy Induction Condition: While reading the following blog post imagine that you are in the victim's situation. Put yourself in (victim's name) shoes and think about how you would be thinking and feeling in their situation. Additionally, try to think of a time in which you may have shared information/photo/text that you later regretted.

Name: Amanda/Andrew

Age: 24

Hobbies: running and cheeseburgers

Everything is shit. I can't believe my life right now. Four days ago, I got a phone call from my friend, who told me that there was a naked photo of me on the website KissOrDiss.com. When I looked up the photo, I realized that it was a photo I took and sent my (boyfriend Andrew vs. girlfriend Amanda) for our one-year anniversary. We broke up three months later (after I cheated on him/her vs. no reason given). Along with the photo, my home and work address, Facebook page, and cell phone number were all listed. This really blows.

In the past four days, I have received emails from strangers, some asking to have sex with me, and hundreds of Facebook friend requests from strangers. It is creepy that strangers are seeing me naked. My boss also discovered the photo, after someone sent some nasty hate mail to my work demanding that I be fired. My boss asked to meet with me tomorrow and I have no idea what is going to happen. (Yes I cheated on him/her but vs. blank) I don't deserve this.

I contacted the website administrator and tried to have the photo removed, but the person in charge of the site is refusing. This is getting out of control-this is complete bullshit. Every day, I get more and more phone calls and emails from strangers. It's tough going out in public, not knowing who knows. I don't even know if I will still have a job after tomorrow. I'm running out of ideas. If any of my readers have ideas, please message me.

Appendix D Demographics

1. Age _____
2. Gender
 - a. Male
 - b. Female
 - c. Transgendered FTM
 - d. Transgendered MTF
 - e. Other
 - f. Prefer not to respond
3. What is your ethnicity? (check all that apply)
 - a. American Indian/Alaska Native
 - b. Asian or Pacific Islander
 - c. Black or African American
 - d. Caribbean Islander
 - e. White or Caucasian
 - f. Mexican or Mexican American
 - g. Multi-ethnic
 - h. Other Latina or Latin American
 - i. Other Race
4. What is your highest level of school completed?
 - a. Less than high school
 - b. High school
 - c. Some college/Associate's Degree
 - d. Bachelor's Degree
 - e. Master's Degree
 - f. Doctoral Degree
5. Marital Status
 - a. Single
 - b. Dating
 - c. Engaged
 - d. Cohabiting
 - e. Married
 - f. Divorced
 - g. Separated
 - h. Widowed
 - i. Other (please describe): _____

6. How religious are you?
 - a. Not at all
 - b. Slightly
 - c. Moderately
 - d. Very religious
7. What is your religious affiliation? _____
8. Politically you are:
 - a. Strongly conservative
 - b. More conservative than liberal
 - c. Middle of the road
 - d. More liberal than conservative
 - e. Strongly liberal
9. What political party do you identify with?
 - a. Democrat
 - b. Republican
 - c. Independent
 - d. Other
10. Have you ever sent nude photos of yourself?
 - a. Yes
 - i. To whom did you send the nude photo?
 - b. No
11. Have you ever received a nude photo?
 - a. Yes
 - i. How many people have sent you nude photos?
 - ii. What was your relationship to this (these) individuals?
 - b. No

Appendix E Positive and Negative Affect Scales (PANAS)

Please rate the extent to which you feel each of the following emotions at this specific moment.

Scale One

Interested
Very Slightly or Not at All
0 1 2 3 4 Extremely

Distressed
Very Slightly or Not at All
0 1 2 3 4 Extremely

Excited
Very Slightly or Not at All
0 1 2 3 4 Extremely

Upset
Very Slightly or Not at All
0 1 2 3 4 Extremely

Strong
Very Slightly or Not at All
0 1 2 3 4 Extremely

Guilty
Very Slightly or Not at All
0 1 2 3 4 Extremely

Scared
Very Slightly or Not at All
0 1 2 3 4 Extremely

Hostile
Very Slightly or Not at All
0 1 2 3 4 Extremely

Enthusiastic
Very Slightly or Not at All
0 1 2 3 4 Extremely

Proud
Very Slightly or Not at All
0 1 2 3 4 Extremely

Scale Two

Irritable

Very Slightly or Not at All

0 1 2 3 4 Extremely

Alert

Very Slightly or Not at All

0 1 2 3 4 Extremely

Ashamed

Very Slightly or Not at All

0 1 2 3 4 Extremely

Inspired

Very Slightly or Not at All

0 1 2 3 4 Extremely

Nervous

Very Slightly or Not at All

0 1 2 3 4 Extremely

Determined

Very Slightly or Not at All

0 1 2 3 4 Extremely

Attentive

Very Slightly or Not at All

0 1 2 3 4 Extremely

Jittery

Very Slightly or Not at All

0 1 2 3 4 Extremely

Active

Very Slightly or Not at All

0 1 2 3 4 Extremely

Afraid

Very Slightly or Not at All

0 1 2 3 4 Extremely

Appendix F Perceptions of the Vignette

Manipulation Check

What was the gender of the individual in the nude photograph that was distributed on the website?

- Male
- Female

What was the reason for the breakup between the couple?

- Amanda cheated on Andrew
- Andrew cheated on Amanda
- No reason was provided

Questions

Please rate the extent to which you agree with the following statements about the scenario presented in the blog you have just read.

Assessing Severity

Posting nude photos without consent from the person in the photo should be illegal.

Completely Disagree 1 2 3 4 5 6 7 Completely Agree

Posting nude photos without consent from the person in the photo is a serious violation of their privacy.

Completely Disagree 1 2 3 4 5 6 7 Completely Agree

Assessing Victim Blame

(Victim's name) is responsible for the photo being online.

Completely Disagree 1 2 3 4 5 6 7 Completely Agree

(Victim's name) is to blame for the situation.

Completely Disagree 1 2 3 4 5 6 7 Completely Agree

(Victim's name) is at fault for what happened.

Completely Disagree 1 2 3 4 5 6 7 Completely Agree

(Victim's name) could have prevented the situation.

Completely Disagree 1 2 3 4 5 6 7 Completely Agree

Assessing Perpetrator Blame

(Perpetrator's name) is responsible for the photo being online.

Completely Disagree

1 2 3 4 5

Completely Agree

6 7

(Perpetrator's name) is to blame for the situation.

Completely Disagree

1 2 3 4 5

Completely Agree

6 7

Distributing the nude photo online is entirely (perpetrator's name) fault.

Completely Disagree

1 2 3 4 5

Completely Agree

6 7

(Perpetrator's name) could have prevented the situation.

Completely Disagree

1 2 3 4 5

Completely Agree

6 7

Assessing Affective Reactions toward the Victim

I feel angry with (victim's name).

Completely Disagree

1 2 3 4 5

Completely Agree

6 7

I feel annoyed with (victim's name).

Completely Disagree

1 2 3 4 5

Completely Agree

6 7

I feel disgusted with (victim's name).

Completely Disagree

1 2 3 4 5

Completely Agree

6 7

Assessing Affective Reactions toward the Perpetrator

I feel angry with (perpetrator's name).

Completely Disagree

1 2 3 4 5

Completely Agree

6 7

I feel annoyed with (perpetrator's name).

Completely Disagree

1 2 3 4 5

Completely Agree

6 7

I feel disgusted with (perpetrator's name).

Completely Disagree

1 2 3 4 5

Completely Agree

6 7

Assessing Empathy for the Victim

I have empathy for (victim's name).

Not at all
1 2 3 4 5 6 7 Very Much

I can really imagine the thoughts running through (victim's name) head.

Not at all
1 2 3 4 5 6 7 Very Much

I can really feel what (victim's name) must have been feeling when their photo was posted online.

Not at all
1 2 3 4 5 6 7 Very Much

I can experience the same feelings that (victim's name) experienced.

Not at all
1 2 3 4 5 6 7 Very Much

I can take the perspective of (victim's name) and understand why they sought legal action against the perpetrator.

Not at all
1 2 3 4 5 6 7 Very Much

I can really see myself in (victim's name) shoes.

Not at all
1 2 3 4 5 6 7 Very Much

I can easily take the perspective of (victim's name).

Not at all
1 2 3 4 5 6 7 Very Much

I know what it would be like to be (victim's name).

Not at all
1 2 3 4 5 6 7 Very Much

Assessing Empathy for the Perpetrator

I have empathy for (perpetrator's name).

Not at all
1 2 3 4 5 6 7 Very Much

I can really imagine the thoughts running through (perpetrator's name) head.

Not at all
1 2 3 4 5 6 7 Very Much

I can really feel what (perpetrator's name) must have been feeling when they posted the photo online.

Not at all
1 2 3 4 5 6 7 Very Much

I can experience the same feelings that (perpetrator's name) experienced.

Not at all
1 2 3 4 5 6 7 Very Much

I can take the perspective of (perpetrator's name) and understand why they posted the picture.

Not at all
1 2 3 4 5 6 7 Very Much

I can really see myself in (perpetrator's name) shoes.

Not at all
1 2 3 4 5 6 7 Very Much

I can easily take the perspective of (perpetrator's name).

Not at all
1 2 3 4 5 6 7 Very Much

I know what it would be like to be (perpetrator's name).

Not at all
1 2 3 4 5 6 7 Very Much

Assessing Victim Impact

Please indicate the impact these photos will have on the victim's work life.

Very negative impact
1 2 3 4 5 6 7 Very positive impact

Please indicate the impact these photos will have on the victim's family life.

Very negative impact
1 2 3 4 5 6 7 Very positive impact

Please indicate the impact these photos will have on the victim's social life.

Very negative impact
1 2 3 4 5 6 7 Very positive impact

Please indicate the impact these photos will have on the victim's dating life.

Very negative impact
1 2 3 4 5 6 7 Very positive impact

Please indicate the impact these photos will have on the victim's life in general.

Very negative impact
1 2 3 4 5 6 7 Very positive impact

REFERENCES

- Alicke, M. D. (2000). Culpable control and the psychology of blame. *Psychological Bulletin*, 126(4), 556. doi: 10.1037/0033-2909.126.4.556
- Archer, R. L., Foushee, H. C., Davis, M. H., & Aderman, D. (1979). Emotional empathy in a courtroom simulation: A person-situation interaction1. *Journal of Applied Social Psychology*, 9(3), 275-291. doi: 10.1111/j.1559-1816.1979.tb02711.x
- Ben-David, S., & Schneider, O. (2005). Rape perceptions, gender role attitudes, and victim-perpetrator acquaintance. *Sex Roles*, 53(5-6), 385-399. doi: 10.1007/s11199-005-6761-4
- Bloom, S. (2014). No vengeance for revenge porn victims: Unraveling why this latest female-centric, intimate-partner offense is still legal, and why we should criminalize it. *Fordham Urb. LJ*, 42, 233.
- Blumberg, M. L., & Lester, D. (1991). High school and college students' attitudes towards rape. In K.B. Anderson, H. Cooper, & L. Okamura, Individual differences and attitudes toward rape: A meta analytic review. *Personality and Social Psychology Bulletin*, 23, 298-315.
- Bornstein, B. H. (1999). The ecological validity of jury simulations: Is the jury still out?. *Law and Human Behavior*, 23(1), 75. doi: 10.1023/A:1022326807441
- Brown, R. (2000). Social identity theory: Past achievements, current problems and future challenges. *European Journal of Social Psychology*, 30(6), 745-778. doi: 10.1002/1099-0992(200011/12)30:6<745::AID-EJSP24>3.0.CO;2-O

- Buhrmester, M., Kwang, T., & Gosling, S. D. (2011). Amazon's Mechanical Turk a new source of inexpensive, yet high-quality, data?. *Perspectives on Psychological Science*, 6(1), 3-5. doi: 10.1177/1745691610393980
- Burris, A. (2014). Hell hath no fury like a woman porned: Revenge porn and the need for a federal nonconsensual pornography statute. *Fla. L. Rev.*, 66, 2325.
- Burt, M. R. (1980). Cultural myths and supports for rape. *Journal of Personality and Social Psychology*, 38(2), 217. doi: 10.1037/0022-3514.38.2.217
- Cecil, A. L. (2014). Taking back the Internet: Imposing civil liability on interactive computer services in an attempt to provide an adequate remedy to victims of nonconsensual pornography. *Wash. & Lee L. Rev.*, 71, 2513.
- Citron, D. K., & Franks, M. A. (2014). Criminalizing revenge porn. *Wake Forest Law Review*, 49, 345.
- Cohn, E. S., Dupuis, E. C., & Brown, T. M. (2009). In the eye of the beholder: Do behavior and character affect victim and perpetrator responsibility for acquaintance rape?. *Journal of Applied Social Psychology*, 39(7), 1513-1535. doi: 10.1111/j.1559-1816.2009.00493.x
- Colby, T. (2012). In defense of judicial empathy. *Minnesota Law Review*, 96, 1944.
- Correia, I., & Vala, J. (2003). When will a victim be secondarily victimized? The effect of observer's belief in a just world, victim's innocence and persistence of suffering. *Social Justice Research*, 16(4), 379-400. doi: 10.1023/A:1026313716185

- Crawford, M., & Popp, D. (2003). Sexual double standards: A review and methodological critique of two decades of research. *Journal of Sex Research*, 40(1), 13-26. doi: 10.1080/00224490309552163
- Decety, J., & Jackson, P. L. (2006). A social-neuroscience perspective on empathy. *Current Directions in Psychological Science*, 15(2), 54-58. doi: 10.1111/j.0963-7214.2006.00406.x
- Deitz, S. R., Blackwell, K. T., Daley, P. C., & Bentley, B. J. (1982). Measurement of empathy toward rape victims and rapists. *Journal of Personality and Social Psychology*, 43(2), 372. doi: 10.1037/0022-3514.43.2.372
- Donovan, R.A. (2007). To blame or not to blame: Influences of target race and observer sex in rape blame attribution. *Journal of Interpersonal Violence*, 22, 722-736. doi: 10.1177/0886260507300754
- Eisenberg, N., Fabes, R. A., Murphy, B., Karbon, M., Maszk, P., Smith, M., O'Boyle, C., & Suh, K. (1994). The relations of emotionality and regulation to dispositional and situational empathy-related responding. *Journal of Personality and Social Psychology*, 66(4), 776. doi: 10.1037/0022-3514.66.4.776
- Eisenberg, N., & Lennon, R. (1983). Sex differences in empathy and related capacities. *Psychological Bulletin*, 94(1), 100. doi: 10.1037/0033-2909.94.1.100
- Faul, F., Erdfelder, E., Buchner, A., & Lang, A. G. (2009). Statistical power analyses using G* Power 3.1: Tests for correlation and regression analyses. *Behavior Research Methods*, 41(4), 1149-1160. doi: 10.3758/BRM.41.4.1149

- Faul, F., Erdfelder, E., Lang, A. G., & Buchner, A. (2007). G* Power 3: A flexible statistical power analysis program for the social, behavioral, and biomedical sciences. *Behavior Research Methods*, 39(2), 175-191. doi: 10.3758/BF03193146
- Franklin, Z. (2014). Justice for revenge porn victims: Legal theories to overcome claims of civil immunity by operators of revenge porn websites. *Cal. L. Rev.*, 102, 1303.
- Franks, M. A. (2015). Drafting an effective 'revenge porn' law: A guide for legislators. doi: 10.2139/ssrn/2468823
- Gerger, H., Kley, H., Bohner, G., & Siebler, F. (2007). The acceptance of modern myths about sexual aggression scale: Development and validation in German and English. *Aggressive Behavior*, 33(5), 422-440. doi: 10.1002/ab.20195
- Gordon-Messer, D., Bauermeister, J. A., Grodzinski, A., & Zimmerman, M. (2013). Sexting among young adults. *Journal of Adolescent Health*, 52(3), 301-306. doi: 10.1016/j.jadohealth.2012.05.013
- Haegerich, T. M., & Bottoms, B. L. (2000). Empathy and jurors' decisions in patricide trials involving child sexual assault allegations. *Law and Human Behavior* 24(4), 421. doi: 10.1023/A:1005592213294
- Holpuch, A. (2014, December 2). California man first to be convicted under state's revenge porn law. *The Guardian*. Retrieved from <https://www.theguardian.com/us-news/2014/dec/02/california-convicted-revenge-porn-law>
- Kerr, N. L., Hymes, R. W., Anderson, A. B., & Weathers, J. E. (1995). Defendant-juror similarity and mock juror judgments. *Law and Human Behavior*, 19(6), 545. doi: 10.1007/BF01499374

- Kitchen, A. N. (2015). Need to criminalize revenge porn: How a law protecting victims can avoid running afoul of the First Amendment, *The Chi.-Kent L. Rev.*, 90, 247.
- Lambert, A. J., & Raichle, K. (2000). The role of political ideology in mediating judgments of blame in rape victims and their assailants: A test of the just world, personal responsibility, and legitimization hypotheses. *Personality and Social Psychology Bulletin*, 26(7), 853-863. doi: 10.1177/0146167200269010
- Larkin, P. J. (2014). Revenge porn, state law, and free speech. *Loyola of Los Angeles Law Review*, 48. doi: 10.2139/ssrn.2385620
- L'Armand, K., & Pepitone, A. (1982). Judgments of rape: a study of victim-rapist relationship and victim sexual history. *Personality and Social Psychology Bulletin*, 8(1), 134-139. doi: 10.1177/014616728281021
- Lassiter, G. D., & Irvine, A. A. (1986). Videotaped confessions: The impact of camera point of view on judgments of coercion¹. *Journal of Applied Social Psychology*, 16(3), 268-276. doi: 10.1111/j.1559-1816.1986.tb01139.x
- Levendowski, A. (2014). Using copyright to combat revenge porn. *NYU Journal of Intellectual Property & Entertainment Law*, 3. doi: 10.2139/ssrn.2374119
- Loewy, A. H. (1983). The Fourth Amendment as a device for protecting the innocent. *Michigan Law Review*, 81(5), 1229-1272. doi: 10.2307/1288524
- Lonsway, K. A., & Fitzgerald, L. F. (1994). Rape myths in review. *Psychology of Women Quarterly*, 18(2), 133-164. doi: 10.1111/j.1471-6402.1994.tb00448.x
- Marks, A. (2009). Charges against 'sexting' teenagers highlight legal gaps: The growing trend of teenagers sending seminude photos of themselves over cellphone presents a dilemma to parents and schools. *Christian Science Monitor*, 30.

- Martinez, C. (2014). An argument for states to outlaw 'revenge porn' and for Congress to amend 47 USC § 230: How our current laws do little to protect victims. *Journal of Technology Law and Policy*, 14, 236-351. doi: 10.5195/tlp.2014.141
- Miller, P. A., & Eisenberg, N. (1988). The relation of empathy to aggressive and externalizing/antisocial behavior. *Psychological Bulletin*, 103(3), 324. doi: 10.1037/0033-2909.103.3.324
- Mitchell, K. J., Finkelhor, D., Jones, L. M., & Wolak, J. (2012). Prevalence and characteristics of youth sexting: A national study. *Pediatrics*, 129(1), 13-20. doi: 10.1542/peds.2011-1730
- Montada, L., & Lerner, M. J. (1998). *Responses to victimizations and belief in a just world*. Springer Science & Business Media.
- N.D. Cent. Code § 12.1-17-07.2 (2015).
- Plumm, K. M. (2000). Battered women who kill: The impact of expert testimony and empathy induction in the courtroom (Unpublished master's thesis). University of North Dakota, Grand Forks, North Dakota.
- Plumm, K. M., & Terrance, C. A. (2009). Battered women who kill: The impact of expert testimony and empathy induction in the courtroom. *Violence Against Women*, 15(2), 186-205. doi: 10.1177/1077801208329145
- Powell, A. (2010). Configuring consent: Emerging technologies, unauthorized sexual images and sexual assault. *Australian & New Zealand Journal of Criminology*, 43(1), 76-90. doi: 10.1375/acri.43.1.76
- Prosser, W. (1960). Privacy, 48 *CAL. L. REV.* 383, 389.

- Pyszczynski, T. A., & Wrightsman, L. S. (1981). The effects of opening statements on mock jurors' verdicts in a simulated criminal trial. *Journal of Applied Social Psychology, 11*(4), 301-313. doi:10.1111/j.1559-1816.1981.tb00826.x
- Rogers, C. M., & Terry, T. (1984). Clinical intervention with boy victims of sexual abuse. *Victims of Sexual Aggression, 91-104.*
- Roy, J. (2014, January 23). Revenge porn king Hunter Moore indicted on federal charges. *TIME*. Retrieved from <http://time.com/1703/revenge-porn-king-hunter-moore-indicted-by-fbi/>
- Rubin, Z., & Peplau, L. A. (1975). Who believes in a just world?. *Journal of Social Issues, 31*(3), 65-89. doi: 10.1111/j.1540-4560.1975.tb00997.x
- Ryan, E. M. (2010). Sexting: How the state can prevent a moment of indiscretion from leading to a lifetime of unintended consequences for minors and young adults. *Iowa L. Rev., 96, 357.* doi: 10.1080/00224499.2012.745473
- Sakaluk, J. K., Todd, L. M., Milhausen, R., Lachowsky, N. J., & Undergraduate Research Group in Sexuality (URGiS). (2014). Dominant heterosexual sexual scripts in emerging adulthood: Conceptualization and measurement. *The Journal of Sex Research, 51*(5), 516-531. doi: 10.1080/00224499.2012.745473
- Sporer, S. L., & Goodman-Delahunty, J. (2009). Disparities in sentencing decisions. *The Social Psychology of Punishment of Crime, 379-401.*
- Stephan, C. (1974). Sex prejudice injury simulation. *The Journal of Psychology, 88*(2), 305-312. doi: 10.1080/00223980.1974.9915741

- Stokes, J. K. (2014). The indecent Internet: Resisting unwarranted Internet exceptionalism combating revenge porn. *Berkeley Tech. LJ*, 29, 929. doi: 10.15779/Z386D9C
- Viki, G. T., & Abrams, D. (2002). But she was unfaithful: Benevolent sexism and reactions to rape victims who violate traditional gender role expectations. *Sex Roles*, 47(5-6), 289-293. doi: 10.1023/A:1021342912248
- Walster, E. (1966). Assignment of responsibility for an accident. *Journal of Personality and Social Psychology*, 3, 73-79. doi: 10.1037/h0022733
- Watson, D., Clark, L. A., & Tellegen, A. (1988). Development and validation of brief measures of positive and negative affect: the PANAS scales. *Journal of Personality and Social Psychology*, 54(6), 1063. doi: 10.1037/0022-3514.54.6.1063
- Weiner, B. (1985). An attributional theory of achievement motivation and emotion. *Psychological Review*, 92(4), 548. doi: 10.1037/0033-295X.92.4.548
- Weiten, W., & Diamond, S. S. (1979). A critical review of the jury simulation paradigm. *Law and Human Behavior*, 3(1-2), 71-93. doi: 10.1007/BF01039149
- Wispé, L. (1986). The distinction between sympathy and empathy: To call forth a concept, a word is needed. *Journal of Personality and Social Psychology*, 50(2), 314. doi: 10.1037/0022-3514.50.2.314