

# Expert Witness Testimony in the Battered Woman Syndrome

Ana Pauna

**Abstract**—The Expert Witness Testimony in the Battered Woman Syndrome Expert witness testimony (EWT) is a kind of information given by an expert specialized in the field (here in BWS) to the jury in order to help the court better understand the case. EWT does not always work in favor of the battered women. Two main decision-making models are discussed in the paper: the Mathematical model and the Explanation model. In the first model, the jurors calculate "the importance and strength of each piece of evidence" whereas in the second model they try to integrate the EWT with the evidence and create a coherent story that would describe the crime. The jury often misunderstands and misjudges battered women for their action (or in this case inaction). They assume that these women are masochists and accept being mistreated for if a man abuses a woman constantly, she should and could divorce him or simply leave at any time. The research in the domain found that indeed, expert witness testimony has a powerful influence on juror's decisions thus its quality needs to be further explored. One of the important factors that need further studies is a bias called the dispositionist worldview (a belief that what happens to people is of their own doing). This kind of attributional bias represents a tendency to think that a person's behavior is due to his or her disposition, even when the behavior is clearly attributed to the situation. Hypothesis The hypothesis of this paper is that if a juror has a dispositionist worldview then he or she will blame the rape victim for triggering the assault. The juror would therefore commit the fundamental attribution error and believe that the victim's disposition caused the rape and not the situation she was in. Methods The subjects in the study were 500 randomly sampled undergraduate students from McGill, Concordia, Université de Montréal and UQAM. Dispositional Worldview was scored on the Dispositionist Worldview Questionnaire. After reading the Rape Scenarios, each student was asked to play the role of a juror and answer a questionnaire consisting of 7 questions about the responsibility, causality and fault of the victim. Results The results confirm the hypothesis which states that if a juror has a dispositionist worldview then he or she will blame the rape victim for triggering the assault. By doing so, the juror commits the fundamental attribution error because he will believe that the victim's disposition, and not the constraints or opportunities of the situation, caused the rape scenario.

**Keywords**—bias, expert/witness testimony, attribution error, jury, rape myth

## I. INTRODUCTION

WHEN a man decides to shoot his wife while she sleeps, he is seen as a monster by the jury, the judge and even by society. On the other hand, when a woman decides to pull the trigger, her lawyer argues that it was self-defense and therefore the woman is portrayed as a victim [1].

Ana Pauna is with the Department of Psychology, McGill University, Montreal, Canada (e-mail: ana.pauna@mail.mcgill.ca).

In Canada, "15 men are killed by their partner" each year [4]. These feminine killers are often said to suffer from Battered Women Syndrome which is defined as the state of mind of a woman who has been physically and psychologically abused over a long period of time [4]. But how can the jury possibly know about this syndrome and how it affects the woman? This is where expert witness testimony comes into play. Expert testimony is in fact information (explanation of BWS, symptoms, consequences) given by an expert specialized in a certain field (in this case BWS) to the jury in order to help the court better understand the case [4]. EWT does not always work in favor of the battered women, "out of 85 [women] who attempted to use the self-defense plea, 63 were convicted of some kind of criminal homicide and 22 were acquitted" [4]. The jury would take the information they provide into account when trying to reach a verdict. Reaching a conclusion can sometimes be a difficult task for the jury who is therefore provided with two main decision-making models to help them: the Mathematical model and the Explanation model [4]. In the first model, the jurors calculate "the importance and strength of each piece of evidence" [4] whereas in the second model they try to connect the evidence and create a coherent story that would describe the crime. Many factors influence a jury's verdict which leads to the question: does expert witness testimony in BWS (Battered women syndrome) cases influence Jury decision making? In order for victims with BWS to receive a fair trial, all BWS cases should include expert witness testimony. "Why didn't she just leave?" is the most frequently asked question in BWS cases [5]. The jury often misunderstand and misjudge battered women for their actions (or in this case inactions) are illogical. They assume that these women are masochists and love being mistreated for if a man abuses a woman constantly, she should and could divorce him or simply leave at any time [5]. However, the true situation is far more complicated than it seems. The cycle-of-violence theory and the theory of learned helplessness are two important components that are presented to the jury (by an expert witness) in order to explain what victims with BWS go through [4]. To begin, Pozzulo et al. [4] explain that there are three phases of abuse indicated in the cycle-of-violence theory: a "tension-building phase", an "acute battering act phase", and a "contrition phase" (p.391). The cycle begins with the abuser inflicting a small form of physical (pushing, violently grabbing her, shaking her, etc.) or verbal abuse (insults, rude remarks, threats, etc.). During the second phase, the woman is severely beaten (punched, kicked, slapped) or even raped (sexual abuse) [4]. In the last phase, the

abusive partner promises never to hurt the woman again and expresses feelings of remorse and love for her. Unfortunately, this does not end here. The cycle repeats itself over and over again during a long period of time [4]. But what is stopping these women from leaving after going through this cycle three, four even ten times? After regularly being abused by her partner, the woman simply cannot face reality anymore and simply can no longer respond to the situation anymore [4]. She becomes "hopeless" and presents certain characteristics that can also be observed in patients with post-traumatic stress disorder (PTSD) such as low self-esteem, helplessness, depression, anxiety, fear, mistrust of others, etc. These victims simply try to survive, one beating at a time [4]. Some women still love their abusive partners and believe they can change, others have nowhere else to go or are afraid that if they leave, their abuser might hunt them down and hurt them even more [4]. In conclusion, understanding the battered woman syndrome is important to the jurors in order for them to comprehend the victim's history of abuse and fear which influences what is going on in the women's head when she finally cannot take it anymore and decides to kill her abuser. Expert witness testimony presents the cycle-of-violence theory and learned helplessness in court in the hope that this information will help the battered woman get a fair treatment in court [4]. Ogloff and Cronshaw stated in the work edited by Pozzulo [4] that the two main roles of an expert witness are to inform the jury on specific issues (in this case on BWS) and also give their opinion to the court. The first role of an EW is to educate jurors because some subjects like BWS are "beyond the ken of the jury" [1]. In BWS cases, the expert witness testimony includes a definition of the syndrome (and its similarities with PTSD), an explanation of both learned helplessness and the cycle-of-violence theory and other information regarding BWS (consequences of abuse, what the women want, how do they perceive the situation) [4]. An EW cannot accuse anyone; he or she cannot say "This woman has been abused by that man". The expert can only provide an opinion that states: "After analyzing the woman in question, I found that she possesses numerous characteristics described in battered woman syndrome." In short; the EWT is used to educate the jurors and to provide the jury with an opinion [4]. Furthermore, in order for expert testimony to be accepted into court, it must respect the Daubert criteria. This criteria states that in order for scientific evidence to be valid, it "has been peer reviewed, is testable, has a recognized rate of error, and adheres to professional standards" [4]. Only if the scientific evidence presented by the expert witness respects these criteria can it be accepted into court. When a woman shoots her husband while he was asleep, expert testimony would explain BWS as a defense. Without this explanation, the jury would not be able to understand why the woman did not leave her husband or why a non-confrontational killing could be considered as self-defense [4]. Jury decision-making models have been created to help the jury reach a verdict more easily. The two main models used are the mathematical model and the

explanation model [4]. In the first model the jury calculates evidence. They determine how important or how strong it is and then adds it all up [4]. Take for example, if a woman kills her husband in his sleep the jury adds 1 point to the guilty side. If friends of the woman state that her husband was very abusive and she did not have the courage to leave him out of fear a point is added to the innocent side. Also, if EWT explains BWS and states that the woman had no other way out and was fearing for her life another point is then added to the innocent side (guilty is now equal to one and innocent is equal to two ) therefore the suspect is very likely to be acquitted [4]. In the explanatory model, the jurors put the pieces of the puzzle together in order to obtain a clear and complete image, a story of the crime (what most likely happened) [4]. "What is your version of the story", is a question used by the jury in order to gather as many versions of the same story as they can. Afterwards, they organize all the information provided, gather the bits and pieces of truth that are scattered everywhere and use them to build a whole story from start to finish [4]. In battered women syndrome cases, expert testimony is considered to be quite reliable and it can help the jury to either convict or acquit the woman whom killed her abuser by better understanding her point of view [2]. This can be very useful with the story model which builds up a story from the murderer's point of view.

A study conducted by Schuller, Wells, Rzepa and Klippenstine [5] focuses on the influence of expert testimony on the participant's judgments (told to play the role of a judge) in BWS cases (where the woman killed her abuser). The paper argues that the way expert witness testimony is presented (what is said) can change the way jurors perceive the accused woman [5]. The hypothesis of this study was that BWS testimony leads the jury to believe that the woman in question is mentally unstable; they were more likely to change their verdict from murder to either manslaughter or self-defense. Schuller et al. [5] wished to test out a different kind of expert witness testimony which they believe could help the jury focus on the victim's actions and options rather than her mental state [5]. The research tests out two different expert testimonies: one explaining battered woman syndrome and the other (social agency known as SA) explaining the "social reality of the woman's situation" (p.129). The paper argues that battered woman syndrome leads jurors to see the woman as mentally instable when they should consider other variables such as how society prevents her from leaving (cops do not interfere properly, no psychological support, no help if she leaves). Confrontational (face to face, while victims is threatened) and non-confrontational (while husband is sleeping) killing are also two variables that influence a jury's decision. Most battered women plead self-defense when they killed their husbands in their sleep but self-defense does not apply (defense: when victim feels threatened, attacked she acts to save herself) [5]. Schuller et al. [5] gathered 172 undergraduate participants from an introduction to psychology course at a Canadian university, their mean age was of 20.19

(SD = 2.97). They all received "a bonus credit towards their final course grade" (p. 130) for getting involved with the study [5]. They were all asked to play the role of jurors while presented with one of the five versions of a trial where a battered woman killed her abuser. 1/3 of the students obtained a copy of the trial with no expert witness testimony and the rest of the participants were presented with either BWS testimony (some received confrontational killing others non-confrontational) or SA testimony (some received confrontational killing others non-confrontational) [5]. The results show that EWT had less impact ( $p < .01$ ) on the participants when the killing was non-confrontational (while the abuser was sleeping, 47.1% said it was murder) than when it was confrontational (during a struggle, while the abuser was conscious and awake, 24.7% said it was murder, 40.5% said self-defense). When a direct confrontation occurred and there was no expert testimony, the majority of participants (around 48%) accused the woman of manslaughter. 42% of the students that had a case with an expert witness testimony said that the killing was self-defense [5]. On the other hand, when the killing was non-confrontational (not face to face) the students' decisions changed. Around 63% of students who had no E.W.T. accused the woman of murder whereas 42% of the students that had E.W.T. accused her of murder [5]. To continue, the research also analyzed how different types of expert witness testimony (BWS testimony vs. SA testimony) can influence the participants' verdict [5]. 52% of the students that were presented with a BWS testimony and a confrontational killing said that it was self-defense whereas when it was non-confrontational 48% of the participants accused the woman of manslaughter and only 13% self-defense [5]. The students provided with SA testimony showed a similarity between non-confrontational and confrontational killing. In both cases there was an equal (or extremely close) percentage of students whom accused the woman of murder and students who said it was self-defense (murder = 36% of students, self-defense = 36% of students in confrontational and murder = 38.1% of students, self-defense = 38% of students in non-confrontational) [5].

In the end, the researchers found that indeed, expert witness testimony has a powerful influence on juror's decisions [5]. They saw that SA testimony (resulting in 35% verdicts of murder in confrontation and 38% in non-confrontation) does not have such a great impact on the jurors as BWS testimony (resulting in 21% murder in confrontational and 37% in non-confrontational) [5]. Furthermore, the authors of this paper state that women who killed their abusers might want to consider having an EWT by their side in order for them to be better understood by the jury [5]. An explanation that the researchers give for their result is that jurors that were presented with BWS testimony tend to see the women as psychologically unstable and therefore tend to pity them. This is why they reach a different verdict (instead of murder = 62% in non-confrontation and no EWT, when EWT was present it lowered to only 41%). The research conducted by Schuller et

al. [5] supports this paper's thesis statement which says that expert witness testimony should be used in all battered women syndrome cases. When the students in the study were not provided with an expert testimony, 48% of them accused the woman of manslaughter whereas when an E.W.T. was provided, 42% of students said that it was self-defense [5]. So when the jury understands the woman's view on the issue they tend to agree with her and see her as a victim and not a cold-blooded killer [5]. This leads to the conclusion that when the jury uses the story model they tend to be more in favor of self-defense and when they use the mathematical model they are more tied to the law and they opt for murder or manslaughter. Furthermore, two of my three theories were touched and supported in the research. In the battered woman syndrome testimony, the theory of learned helplessness and the cycle-of-violence theory were mentioned to the participants whom therefore focused on the psychological state of the victim. The word "syndrome" tends to lead jurors into thinking that the victim is mentally unstable [5]. The expert witness testimony regarding BWS wishes to educate and provide the jury with an opinion, which actually occurs in the research. The EWT truly helps the participants to reach a verdict and they are strongly influenced by what the expert witness decides to say about the issue (BWS testimony vs. SA testimony). Another study conducted by Schuller and Rzepa [5] focuses on the effect expert witness testimony in battered women syndrome have on the jurors who are given different instructions on how to reach a verdict. The hypothesis of this research is that if EWT works by making the jurors feel pity for the victim, then accompanying it with nullification instructions (not tied to the law, they can let their own values and emotions interfere with their decision making, using objective testing) would only increase verdict leniency. The participants for this study were 200 undergraduates taken from introduction psychology classes at a Canadian university [5]. Their age varied from 18 to 45 years old and they obtained "a bonus credit towards their final course grade" (p. 660) if they participated in the study [5]. A trial of 23 pages, describing a battered woman who killed her abuser was presented to the participants who were asked to read it, play the role of a juror and then come up with a verdict for the accused. The results of this study show that the majority of the students accused the woman of manslaughter (53.5%), 29% said it was self-defense and 16% accused the battered woman of murder [5]. Certain participants received nullification instructions which state that the law is there to help them come to a conclusion however they are allowed to use their own feelings and society's feelings to interfere with their decision [5]. When nullification was present, 62% of the students accused the woman of murder when expert testimony was not provided and when EWT (describing BWS: its symptoms, consequences, the woman's point of view) was present 44% of the students said it was self-defense. When the nullification and EWT were absent however, 60% of the students accused the woman with manslaughter and when nullification was absent and EWT was

present 45% of the participants said it was manslaughter [5].

These results show that when jurors are asked to stick to the law in order to reach a verdict (not let their emotions or values interfere with the verdict), expert witness testimony does not influence their decisions. In both cases (with EWT, 46% of students said it was manslaughter; without EWT, 60% of students said it was manslaughter), the participants accused the woman with manslaughter [5]. However, when nullification was present the function of expert testimony had more of an impact on the juries' verdict ( $p < .01$ ) and more self-defense verdicts were found when EWT was present [5]. The hypothesis of this study was supported for the research shows that indeed if expert witness testimony is paired with nullification instructions the jury is more likely to use the story model (put the crime together from the woman's point of view, more based on common knowledge and intuition) and say that it was self-defense [5]. The researchers explain that this result is due to the EWT on battered women syndrome which lead the jurors into seeing the woman as mentally unstable therefore they pity her and judge her less severely [5]. This study at the same time supports and contradicts the thesis. When nullification is present (jurors use the story model and also let their own values, beliefs and emotions influence their decision making) expert witness testimony can drastically change the jurors decision (EWT absent = 62% of students accused the woman of manslaughter, EWT present= 44% of students said it was self-defense) [5]. So in this case, the thesis stating that all BWS cases should include expert witness testimony in order for the women to receive a fair trial is supported. However, when nullification instructions were absent (which is the case in most if not all trials today, jurors use the mathematical model and stick to the written law rather than their own knowledge) EWT did not change the juror's decision at all. Whether EWT was present or absent the participants always ended up accusing the woman of manslaughter [5]. The learned helplessness theory in BWS was supported in this study for the students (when asked to write their opinion of the battered woman, how did they perceive her) viewed the women as being helpless, a poor defenseless victim and this influenced their decision when the nullification instructions were provided [5]. In most crimes there is a clearly defined line which separates the predator from the pray thus making the difference between the two obvious. In rape scenarios however, men and women often associate part of the blame to the victim. This intriguing phenomenon occurs partly because of shared rape myths in society which misshape people's perceptions of sexual assault [4]. There are quite a number of myths found such as the belief that a woman can only be raped by a stranger (when in fact, over 80% of sexual assaults are done by someone the victim knows) or the belief that women secretly want to be raped (when not surprisingly, women were found not possess the desires of being physically and emotionally violated in such a way). However, the most commonly known and used myth is the belief that women who

get raped "ask for it" by dressing provocatively or acting a certain way such as flirting [4]. This assumption, this attitude towards the victim of sexual assault has grave consequences, such as blame and less sympathy for the assaulted woman (victim treated unjustly in rape trials). The present article attempts to find what causes jurors to asses fault to the victim in such cases. Many researches explored this assessment of blame to the assaulted woman and have tried for many years to pinpoint what exactly makes the jurors in a rape case see the woman as partially guilty for what happened to her.

One finding by Selby et al. [8] suggests that the jurors' gender influences how they will perceive the sexually assaulted woman. When a sample of 181 undergraduate students were told to play the role of jurors in a rape case, results showed that men believe that the victim's personality, behavior, or clothing triggered the assault whereas women believe the victim was just in an unfortunate situation. The reason for this gender difference is said to be the degree of similarity to the victim [8]. Since the women jurors share the same sex as the victim they have a higher possibility of being in the same situation thus leading them to be less harsh on the sexually assaulted woman [8]. Another research conducted by Lottes et al. [9] support this finding. When presenting 405 senior university students with different scenarios of rape, then asking them to which extent the victim was to blame for the event, male students blamed the sexually assaulted women to a much higher degree than women students (especially if the woman was in a date rape scenario). Lottes et al. [9] suggested that one of the causes of this gender difference in the perception of rape victims is due to male's misinterpretation of female's behavioral and verbal cues. For example, when a woman sits next to a man at a bar by chance, that man assumes that the lady is interested in him. In other words, these two studies found that there is a gender difference in the attribution of blame to rape victims. Men tend to accuse the assaulted woman of triggering the event whereas women are more understanding [9]. This conclusion might lead one to think that by having female jurors in rape trials the victim would be judged more fairly, but is that truly the case? A study done by Jones & Aronson [7] suggests that gender is not the only factor that can lead a juror to believe that the victim triggered the rape incident. His research consisted of 234 undergraduate students from the University of Texas [7]. They were each provided with a document describing a rape case and told to act as jurors (there were three types of situations: in the first, the victim was a married woman, the second she was a virgin and the third she was divorced). The results indicated that students would blame the married and the virgin victims more than they would blame the divorced [7]. The more the jurors respect the victim the more they would blame her for causing the rape scenario [7]. It was said that this can easily be explained by the just-world phenomenon which states that people want to believe that nothing bad can happen to good people; that the world is just and that bad individuals get what they deserve [3]. So if the victim is a respectable, good person

(married or a virgin) then it would make no sense that something bad would happen to her therefore she must have deserved it, she must have asked for it [7]. In other words, whether the juror is a male or a female is not the only important factor contributing to blaming the victim, if the juror believes in a just world, he or she would blame the most respectable victim of causing the rape scenario. The current article takes under consideration all these past findings on the issue of victim blame and takes a different approach on the subject. An important factor has not yet been taken into consideration by other researchers and therefore must be tested. This factor is the dispositionist worldview (leading to the correspondence bias) which is a general belief that what happens to people is of their own doing [4]. People with this worldview tend to make the corresponding bias (also known as the fundamental attribution error): the tendency to think that a person's behavior is due to his or her disposition, even when the behavior is clearly attributed to the situation [3]. For example, a woman goes into a restaurant and the waiter takes her order impatiently. Almost instantly she thinks that the waiter is an inconsiderate brute without thinking that he might have had a rough day or an argument with his boss [4]. In the case of sexual assault, if a juror has a dispositionist worldview he or she would assume that the victim's disposition (she is a big flirt) triggered the rape and not the situation she was in (she was walking alone when a car pulled up and a man knocked her unconscious). The hypothesis of this paper is that if a juror has a dispositionist worldview then he or she will blame the rape victim for triggering the assault. The juror would therefore commit the fundamental attribution error and believe that the victim's disposition caused the rape and not the situation she was in.

## II. METHOD

### A. Participants

The research participants in the study would be 500 randomly sampled undergraduate students from McGill, Concordia, Université de Montréal and UQAM (Université de Québec à Montréal). Since any individual over 18 years of age can be called to be a juror, sampling university students is less time consuming (than trying to contact anyone by putting ads in the paper) and a fairly good representation of the population of potential jurors. Participants would be recruited with the aid of informative posters placed in each University and by offering them the opportunity to win a laptop if they participated (the names of all the participants would be put into a box and one of them will win the prize).

### B. Material

1. *Dispositional Worldview*: To measure whether or not an individual has a dispositionist worldview; a questionnaire would be distributed to all the participants. This document would be made up of 15 questions which would determine if the individual is more likely to make dispositional or situational attributions in given scenarios. To give an example:

Jenna, a waitress, just had a fight with her boyfriend before coming to work. When taking your order, she is impatient and even ends up bringing you the wrong plate. What is your impression of Jenna? A) She is impatient and rude; no wonder she fought with her boyfriend. B) Poor Jenna, she just had a rough day. I am sure she doesn't always act like this.

2. *Rape Scenario*: After answering the first questionnaire, the individuals that had a dispositionist worldview would be given a red or a green document and the participants that did not have that worldview would receive a blue or an orange document. The red and blue documents would consist of the same rape scenario where a girl named Ann was sexually abused by a stranger while she was walking down the main street she usually takes towards the metro (after school). However, the green and orange documents would change the story by saying that Ann had no other choice but to go through a dark alley for the main street she usually takes was blocked. And that is where she got attacked and sexually assaulted.

3. *Blaming the victim*: After reading the rape scenario, each student will be asked to play the role of a juror and answer a questionnaire consisting of 7 questions about the responsibility, causality and fault of the victim. In other words, the questions would measure how much blame would each individual assess to the victim (example: How much do you consider the rape to be Ann's fault? Ranging from 0: not at all to 10: entirely her fault).

### C. Procedure

The experiment would be conducted within 2 days. On the first day the students will be informed that the study is to see what type of juror they are (giving too much information might bias the participant's answers). They will also be told that the questionnaires they will be filling up are confidential and will only be used for this study, even though they have to write down their assigned number on the paper. After the instructions, participants would fill in the questionnaire which would determine whether they have a dispositionist worldview. On the second day, the students will receive a red or green document if they had a dispositionist worldview and a blue or orange document if they did not have that worldview. They will be told to read the scenario and put themselves in the role of a juror. After reading the documents they will be given the last questionnaire (to measure how much they would blame the victim) and again be told to imagine themselves as being jurors presented with Ann's case. At the end of the day all the questionnaires would be collected and the participants would be debriefed and told exactly what the study was about and reminded about the confidentiality of their responses.

## III. RESULTS AND DISCUSSION

The expected results of this study are that students who had a dispositionist worldview would blame the victim in both the red and green scenario whereas the individuals who did not share that worldview would attribute fewer faults to the victim and focus more on the situation as being the cause of the rape incident. These results confirm the hypothesis which states that

if a juror has a dispositionist worldview then he or she will blame the rape victim for triggering the assault. By doing so, the juror commits the fundamental attribution error [3] because he will believe that the victim's disposition, and not the constraints or opportunities of the situation, caused the rape scenario. This theory of the corresponding bias can be observed when the students who had a dispositionist worldview blamed the victim for triggering the assault even when they read the green document where Ann clearly had no choice but to go down a dark alley in order to get to the metro. Even when the situational cause of the rape incident was salient, those with a dispositionist worldview would still believe that it was the individual's disposition that caused the incident and not the situation; therefore committing the fundamental attribution error [4]. This finding would help women in a rape case by indicating which jurors would best understand their position. By choosing jurors who do not have a dispositionist worldview, the victims could be judged more fairly and the rapist would get the sentence he deserves. On the other hand, some results of this study would be unexpected. The students who did not have a dispositionist worldview would attribute as much fault to the victim when the situational causality is absent (like in the blue document) as the individuals who did have that worldview. This would therefore go against the hypothesis, for having a dispositionist worldview is not enough to determine whether the juror would blame the victim for triggering the rape event. This could be due to two factors, the first being that people of western culture (who are brought up to be more individualistic in nature, meaning to focus on the individual) all commit the fundamental attribution error whether they possess the dispositionist worldview or not [3]. Individuals automatically assume that a person's disposition caused what happens to them and not the situation. This can also be linked to Jones' and Aronson's [7] finding which implicates the just-world phenomenon. People that want to believe that the world is just commit the fundamental attribution error for they assume that what individuals get is what they deserve [7]. And since most human beings want to believe that they are in control of their life, almost everyone is a victim of the just-world phenomenon [3]. Therefore, even if students do not have the dispositionist worldview they all believe that the world is just. The just-world phenomenon states that it is hard and frightful for people to realize that they are at the mercy of the situation [3]. This would mean that even good people could have bad things happening to them because life is out of their control. And since they do not know who Ann is as an individual they just assume that she triggered the rape because she was not careful or she did not have a friend to walk with her; basically any excuse that would make the people analyzing the situation believe that the world is fair and Ann, a reckless and unintelligent woman, got what she deserved. So in order to help women in rape cases be judged more fairly it is crucial that jurors do not have a dispositionist worldview and know that the world is unjust. In the beginning to the trial, an

individual must educate the jurors on these issues and make them understand that if the situation is seen as the biggest factor in the rape incident then even if the woman was respectable and good, her disposition would therefore not have triggered the sexual assault. There are limitations to this study which must be taken into consideration for they might have influenced the results. The first error would be sampling students from universities. The individuals that attend these institutions are more educated than the average member of society who has an equal chance of being a juror in rape trials. Also, since university students are constantly evaluated they are active thinkers and analyze everything they might be presented with, thus biasing the results. People who did not attend university make different conclusions about everyday events and might respond to the questions of the study more automatically and emotionally based. In other words, when the population of the study was potential jurors, sampling only university students is not an accurate representation of the target population. It would be more helpful for rape victims if a broader sample was conducted to truly confirm the hypothesis that jurors with a dispositionist worldview are more likely to blame the victim for the rape event. Another factor that might have influenced the results would be failing to consider a person's gender. Maybe more surprising results would have been found if the participants were also divided by gender rather than just worldview. According to Selby et al. [8] gender is an important factor in determining which jurors must be chosen in order for the rape victim to be better understood. Since women were found to be more on the victim's side due to similar gender, probably women jurors without a dispositionist worldview would make the best jurors for a rape trial. In conclusion, this study could be improved by choosing a sample that is not limited to university students and taking gender into consideration. These two improvements might be a step forward in trying to help rape victims that are unjustly treated in the courtroom. In conclusion, this paper examined the question: does expert witness testimony in BWS (battered women syndrome) cases influence Jury decision making? In order for women to get a fair trial, EWT should be included in all BWS cases. The first study conducted by Schuller, Wells, Rzepa and Klippenstine [5] supports the thesis statement. The results of the research showed that when a direct confrontation occurred and there was no expert testimony, the majority of participants (around 48%) accused the woman of manslaughter whereas 42% of the student that had a case with an expert witness testimony said that the killing was self-defense. So expert witness testimony can help jurors better understand the BWS and therefore can change their opinion of the battered woman whom killed her abuser. On the other hand, the second study done by Schuller and Rzepa [5] concluded that when the nullification instructions are absent (which is most of the time) expert witness testimony does not change the majority of the juror's verdict. When the nullification and EWT were absent 60% of the students accused the woman of manslaughter and when nullification

was absent and EWT was present 45% of the participants said it was manslaughter. So the verdict remained the same in both cases whether or not EWT was present. In the end, the study by Schuller et al. [5] state that further research on this topic need to include a more "heterogeneous and representative sample" (p. 135), and that the participants should be presented with a video rather than a long text for information is more easily retained when seen. In the study by Schuller and Rzepa [5], the authors state also state that the use of a more "heterogeneous and representative sample" (p. 671) and a video instead of a written text should be shown to the participants. Also, both studies state that during a real trial, the jurors need to deliberate and come to a verdict together rather than individually [5]. In other words, if more studies are done on how expert witness testimony in BWS cases can influence Jury decision making a more real presentation of a trial would lead to more significant results.

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