**Abstract**

Implicit bias has been shown to influence judgements in jury decision making. The current study examines believability of a date rape victim’s testimony based on different language barriers that may occur. Participants were shown a testimony given auditorily (English, Spanish) or shown a testimony in ASL with subtitles in English for all conditions. Absolute verdict, victim believability, using the Narrative Believability Scale, and prejudice, using the Right Wing Authoritarian Scale, were measured. Results indicated that participants’ language predicted believability and had an indirect effect on the verdict for ASL, but not Spanish. This effect was moderated by the participants’ RWA.

**Indirect Effect of Believability on Language Bias of Date Rape Victim’s Testimony**

Previous researched examined the potential effects the language testimony is presented in will have on the believability of an alleged sexual assault victim (Peters & McGinnis, 2023). Results indicated that participants likelihood of believing the defendant was guilty of committing sexual assault was mediated by how much they believed the victims testimony, but only when the defendant was communicating with ASL, not a spoken language. It was unclear from previous research why participants believed the testimony less when it was presented in ASL, but not Spanish.

The current study sought to remedy the lack of representativeness in previous research, the population was expanded to online participants recruited via Prolific. Secondly, the current study directly asked participants for verdicts of guilty or not guilty. Finally, the current study sought to expand on previous research by examining potential underlying mechanisms driving participants’ disbelief of the testimony by including participants’ prejudices. One potential possibility has to do with prejudice towards the deaf community. Prejudice towards the deaf community has existed in many forms. For example, oralism which is the movement that forced Deaf pupils to communicate via oral speech and lipreading while depriving students of the use of sign language. This type of prejudice is today referred to as audism: the notion of hearing superiority and privilege based solely on one’s ability to hear and the subsequent discrimination and inferior view of Deaf people (Bauman, 2004). One potential measure of discrimination is Right Wing Authoritarianism scale (Altemeyer, 1981). Individuals high in RWA tend to be more prejudice toward outgroup individuals; therefore, it was hypothesized that the language the testimony was presented in would have a significant effect on believability moderated by RWA and an indirect effect on perceptions of guilt of the defendant when mediated by believability.

**Methods**

**Participants**

Participants consisted of 488 (223 female, 252 male, 13 non-binary/unspecified transgender, *Mage* = 35.38, *SD* = 12.73) online participants recruited via Prolific utilizing their United States of America pool. The majority of the participants were Caucasian.

**Materials and Procedures**

After completing the consent form, the participants were randomly assigned to one of three language conditions. A short trial summary was given to the participants to read based on the assigned condition which gave explanations of the setting and the defendant’s charges. In this summary, the victim was identified as being a native speaker of either English, Spanish, American Sign Language (ASL).

Once the trial summary was read, the participants were instructed to watch a video of the victim’s testimony. The testimony was based on an actual victim recounting of a sexual assault and her experiences, only slightly modified to be first person instead of third. The victim in the video was shown neck down wearing a long-sleeve shirt and gloves to control for any potential race bias. The English and Spanish conditions consisted of a looped visual of an individual with the testimony being given auditorily with subtitles in English. The sign language condition consisted of the same individual giving the testimony in ASL with subtitles in English. The testimony was presented as realistically as possible, for example including pauses for parts that would be difficult to express. Special attention was made to try to add emotion to the ASL by making the hand movements sharper and quicker and including pauses.

Once the video was over, participants answered a survey asking for likelihood of finding the defendant guilty. Also, participants were given the Ten-Item Right Wing Authoritarianism Scale (Cronbach’s alpha = 0.925) to assess prejudice, and the Narrative Believability Scale (Cronbach’s alpha = .83) to measure the believability of the witness’s testimony.

**Results**

A moderated-mediation analysis was conducted to examine the effects of the testimony’s language (Language; dummy coded with English as reference) on likelihood of finding the defendant guilty (Guilt) mediated by the perceived believability of the testimony (Believability), with this mediation moderated by the participants’ RWA scores. Gender again was a significant predictor, so was included in the analysis as a covariate.

The effect of Language on Believability (path a) was non-significant for Spanish; however, was significant for ASL. The effect of Believability on Guilt (path b) was significant. The direct effect of Language on Verdicts (path c’) was non-significant for Spanish; however, was significant for ASL. The moderated indirect effect was non-significant for Spanish; however, was significant for ASL indicating Believability was a significant mediator of Language on Verdicts only when the testimony was presented in ASL. To further examine the mediated moderation, the conditional probabilities of RWA (centered) on the indirect effect of Language on Verdicts for the ASL condition at the mean (25.09), one standard deviation above the mean (39.15), and one standard deviation below the mean (11.03). As seen by the intervals, RWA only had a significant effect on participants’ verdicts when RWA was high and moderate, but not when it was low.

**Discussion**

The hypothesis was confirmed. There was an indirect effect of language on verdicts through how much the participant believed the alleged victim, moderated by their RWA. The effect only existed; again, for the ASL condition, not the Spanish condition. Participants with moderate or high levels of RWA were significantly less likely to believe the ASL victim resulting in the participant being less likely to find the defendant guilty. One potential explanation has to do with paralanguage, which refers to an individual’s vocal pitch, intonation, and speed of speaking that conveys emotions and attitudes (Meservy & Burgoon, 2008). Even though the ASL version was made as emotional as possible, spoken language carries a significant amount of unspoken information with it that ASL cannot portray. This lack of paralanguage could have reduced the believability of the ASL version. Furthermore, previous research indicates that individuals high in RWA tend to be higher in Need for Affect (Miller & Peters, 2021); potentially, leading these individuals to place more emphasis on paralanguage and a need for emotionality when making their judgments about the testimony.