

The effect of aversive racism on mock legal decision making

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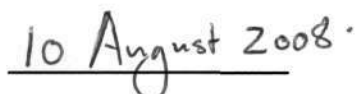
March 2008

DECLARATION

I, the undersigned, hereby declare that the work contained in this thesis, unless specifically indicated to the contrary, is my own original work, and that I have not previously submitted it in its entirety or in part at any university for a degree.

A handwritten signature in black ink, appearing to read 'St John B. Haw', written over a horizontal line.

St John B. Haw

A handwritten date '10 August 2008' written in black ink over a horizontal line.

Date

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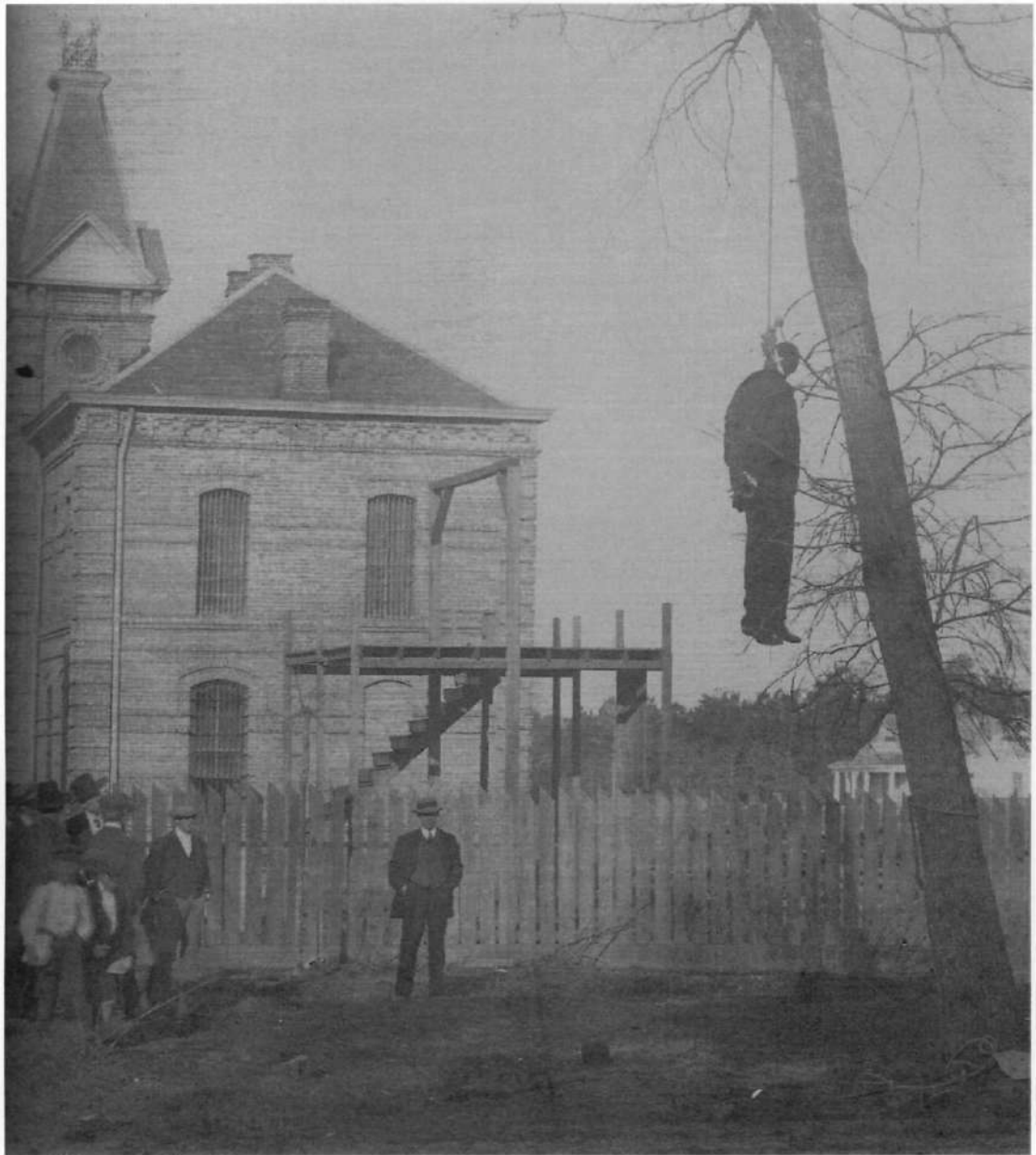
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ABSTRACT

The present study experimentally examined the effect(s) of aversive racism on mock legal decisions made by university students. The experiment adopted a 3 (Evidence quality: low, ambiguous or high) x 2 (race stereotype crime: black vs. white) x 2 (Defendant race: black vs. white) between subjects design, in which 785 black, white, Indian and coloured participants were asked to judge legal cases. The legal vignettes were piloted to ensure that low, ambiguous and high evidence conditions were clearly represented, and that the white stereotype and black stereotype crimes chosen for the research were appropriate. Participants were each given two vignettes and used 10-point scales to judge a) the guilt or innocence of the defendant(s) and b) the sentence they would recommend for the defendant(s) should they be found guilty by a court of law. Our prediction that we would find evidence for the classic aversive racism effect in this sample was not supported, and no evidence of racial bias was found. Interestingly, white participants judged the guilt of defendants more leniently than all other race groups. These results are discussed and recommendations for future research are made.

"The most potent weapon in the hands of the oppressor is the mind of the oppressed."

Steven Biko -1971



Lynching. Circa 1905, location unknown.

Source: Allen, Als, Lewis & Litwack. (2000). *Without sanctuary: Lynching photographs in America*. Twin Palms Publishers.

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1. INTRODUCTION

1.1 Historical Context

South Africa has experienced racial prejudice and discrimination in some of its most violent, dehumanising and frightening forms. The philosophy of *apartheid* was a framework for the total ordering of a society designed to ensure white privilege and black subservience (Pottinger, 1988). Severe measures were adopted against people and groups regarded by the state as subversive, and almost all aspects of society were regulated in the interests of entrenching the idea of white racial superiority over all other race groups living in South Africa. The quality and quantity of contact between different racial groups was strictly legislated by the state and policed by the security branch, and silence and misinformation were used to control the populace (Arnold, 2005). More than four decades of *apartheid* left a nation that was deeply divided along racial lines, and which would struggle to reinvent itself as a truly democratic non-racial state post-1994.

Nineteen ninety-four heralded the inauguration of Nelson Mandela as South Africa's first black state president. A host of other changes signalled that a new era in the nation's socio-political history had begun. Some of the more important of these included the adoption of a new Constitution and Bill of Rights entrenching human rights and dignity for all, and the progressive dismantling of the *apartheid* system of racial segregation in fields such as education, healthcare and housing. Of great symbolic importance was the work of the Truth and Reconciliation Commission. The relatively peaceful changes in South Africa were hailed by many citizens and

commentators as miraculous, and other nations were urged to study and emulate the reconciliatory work of democratic South Africa's political leaders, institutions and people (see Waldmeier, 1997; Guelke, 1999). The 'honeymoon' period of this newly created rainbow nation was beautifully captured in Nelson Mandela's symbolic gesture of wearing a Springbok rugby jersey whilst handing the 1995 Rugby World Cup trophy to a victorious white Afrikaner captain.

Some questioned the 'miraculous' changes that were said to be occurring in the hearts and minds of ordinary South Africans, and wondered what had really happened to the widespread and virulent anti-black affect that was so blatant and hostile pre-democracy (Durrheim & Dixon, 2001; Durrheim, 2003). The idea that the psychology of a divided nation could shift so rapidly in the direction of acceptance and intergroup co-operation seemed to stretch the imagination, even with all we know about Allport's (1954) contact theory. For those who argue that racial prejudice and discrimination have among their many functions the role of preserving in-group power, status and privilege, the 'miraculously quick changes' in the hearts and minds of ordinary South Africans may be considered even more improbable (Dovidio & Gaertner, 2004).

The rapid shift South Africa underwent from pariah racist state to 'rainbow nation', protector of human rights, and celebrator of diversity, has made it an ideal laboratory for studying the changing nature of racism in society. The new socio-political order has exerted enormous pressure on ordinary South Africans to reject racial prejudice as an acceptable social norm. This has meant that psychologists interested in researching racial prejudice are left with the challenge of studying

something that white people deny exists, and black people claim is all around them (Durrheim, 2003). It is the literature on 'modern racism' (McConahay, 1983), 'symbolic racism' (Sears, 1993), and particularly aversive racism (Gaertner & Dovidio, 1986) that is critical to understanding the new form that racism has taken in our young democracy. Ideally, if we can understand how the modern forms of racism are entrenched and operate in our society, we may then be able to integrate social science with social action and target it directly with relevant programs and policy (Nagda, Tropp, & Paluck, 2006).

1.2 Law, power and justice

There are few institutions in a state that command as much power over the fate of individual citizens as the legal system does. In many nations it still holds the power over life and death, and even in states where capital punishment is illegal it can ensure that a person never leaves the confines of a prison cell. As with most human institutions, the law both has the capacity to help or harm those it is supposed to serve. It can be used just as readily by a state to persecute segments of the population and further the interests of a powerful few as it can to protect human rights and dignity in an impartial manner. Before launching into a discussion about aversive racism and its implications for the legal system, it is important that we consider the role psychology can play in contributing to a legal system that truly serves people and society in an unbiased manner.

The reason the legal system is such a fertile ground for social psychological study is well described by Paul Meehl (1995):

The law relies on hundreds of “generalizations” about human conduct, about the generality of traits, about the trustworthiness of eyewitnesses, about how ordinary people reasonably conduct their everyday affairs, that have not been subjected to any kind of objective validation. Many of these generalizations would, if critically studied, turn out to be either false, or at least not highly generalizable from one situation to another (p.544).

Meehl (1995) has used the phrase ‘fireside inductions’ to describe the “common knowledge available to people just because they have lived in the world, observed human behaviour, and perhaps thought about their own behaviour” (p. 34). He argues that these fireside inductions often play a central role in deciding the guilt or innocence of a defendant and the punishment that should be dispensed. Meehl’s argument is important in that it does not create a rigid distinction between the social processes, communication patterns and decision making procedures of the law court and those that occur in the wider world. In negotiating their daily lives, both children and adults sometimes have to plead guilt or innocence before a more powerful figure who has the authority to punish them or threaten their autonomy, and in so doing they are participating in a less sophisticated version of the carefully choreographed social processes that occur in courts of law. While Meehl (1995) wisely cautions against throwing out ‘fireside inductions’ just because they have not undergone rigorous testing by academics in various university departments, he does suggest that psychology has a duty to examine all the ‘common knowledge’ that is unquestioningly accepted as true based on people’s subjective feelings about it.¹ The

¹ Social Representations Theory offers an excellent account of how ‘common knowledge’ is created and changed over time, and also how it is spread in the public sphere. It also provides an interesting description of the processes by which scientific knowledge is transformed into ‘common knowledge’, and the adaptations and changes in the original material that this often entails. This democratising and adaptation of

aim of this process would be to gradually eliminate those fireside inductions that have little validity and that allow bias and prejudice to become easily rooted in courts of law.

Social psychologists should resist the temptation to reify systems of law and justice. They are abstractions that serve a particular purpose in any society, and they should not be considered sacrosanct, fixed or inevitable. An excellent example demonstrating this principle can be found in Africa, where legal systems developed by colonial powers were “imposed on pre-existing indigenous legal institutions which were customary and based largely on unwritten laws” (Manuh, 1995, p. 332). Colonial law was the vehicle for legitimising change, as well as cementing power and influence over a region. Colonial powers tolerated legal pluralism and customary law in limited domains provided it did not compete with British or French notions of justice (Manuh, 1995). The African example demonstrates the enormous power that can be exerted by the legal system in the furthering of the interests of a particular nation or group, and it also hints at the important role that social psychologists should play in critically engaging with debates about law and justice, and interrogating the received notions society has about the existing legal order.

The criminologist Richard Quinney (2001) has been a powerful voice in the debate about law and power since the early 1970's, and he persuasively argues that the legal order is a human activity, and as such it should not be uncritically accepted. He goes much further and asserts that it is an order “created for political purposes, to assure the hegemony of the ruling class” (p. 7). According to this view, crime is “a

knowledge is often necessary because “we cannot communicate unless we share certain representations, and a representation is shared and enters our social heritage when it becomes an object of interest and of communication” (Moscovici, 2000, p. 274).

judgement made by some persons about the behaviour and characteristics of others”, and when “the behaviour of members of subordinate groups clash with the law, they are less able to resist apprehension, prosecution, conviction, and incarceration for criminal charges” (Quinney, 2001, p. xv). The specifics of this fairly radical argument are not important for the purposes of this study, but what is valuable is that Quinney alerts us to the fact that any research including concepts of justice, law and crime should equally grapple with issues of power, hegemony, and how the current social order is maintained. Aversive racism theory, with its understanding of the subtleties of modern discrimination, prejudice and power, could not only benefit from studying the legal system and its workings, but it could also contribute important social psychological knowledge to those legal minds whose judgements and pronouncements are studied and become encoded as important legal precedents.

Quinney’s (2001) critical criminology is an important underlay to the study of aversive racism and legal decision making in that it appreciates the enormous role that power has to play in the development of our social reality and accepted norms. This understanding of power is important in studying an institution that can so routinely exert more power than any other. Critical Legal Studies (CLS) is an emerging discipline that shares this concern, and which provides a paradigm for analysing the law. It aims to expose the “presuppositions about law and society of those whose intellectual product is being analysed and examined” (i.e. the judges, magistrates and lawmakers)(Russell, 1994, p 223). In doing so, it comprehends the enormous social consequences that can occur when an unexamined judiciary is contaminated with assumptions and presuppositions that are prejudiced or stereotyped. Russell (1994) reports on a study of the Georgia capital sentencing system by Professor David

Baldus (Baldus, Woodworth, & Pulaski, 1990). Over 2000 cases prosecuted in Georgia during the 1970's were submitted to a multiple regression analysis, and Baldus controlled for over 230 variables that could have explained the reported disparities on nonracial grounds. There were two statistically significant findings that were particularly alarming: "Defendants charged with killing White persons received the death penalty in 11% of the cases, while those defendants charged with killing Blacks received the death penalty in only 1% of the cases" (p. 231). The most interesting thing in the context of the present research is that prosecutors behaved differently based on the colour of the defendant. "Prosecutors requested the death penalty in 70% of the cases involving Black defendants and White victims; 32% of the cases which involved White defendants and White victims; 15% of the cases with Black defendants and Black victims, and 19% of the cases involving White defendants and Black victims" (p. 231). What is interesting about these results is that racial prejudice can be seen to impact on the functioning of the system at all levels. The socio-political context of the state of Georgia in the 1970's not only influenced the court's judgments, but also the behaviours of individual prosecutors who were significantly more likely to ask for the death penalty for black defendants, and particularly when there were white victims involved. We can hypothesize that the expectations of defense lawyers representing black defendants would be low based on their knowledge of past judgments, and a self-perpetuating cycle becomes established that is resistant to change and is rooted in all levels of the system.

1.3 Judges and magistrates

South Africa relies on judges and magistrates to decide the guilt or innocence of defendants, and to pass sentence on the accused should they be found guilty. One may

ask what prevents a judge's biases, stereotypes and racial attitudes from informing their final decision in any particular case? Peckham (1985, in Costanzo, 2004, p.65) quotes an anonymous judge's confident response to this question:

Impartiality is a capacity of mind – a learned ability to recognise and compartmentalize the relevant from the irrelevant and to detach one's emotions from one's rational facilities. Only because we trust judges to be able to satisfy these obligations do we permit them to exercise power and oversight.

This particular portrayal of judges represents them as heirs of the Enlightenment ideal that 'truth' is a natural outcome of rational thought and correct reasoning. Although a noble thought, the idea that mental effort and rigorous training can protect anybody from bias and prejudice should arouse considerable scepticism in the minds of many 21st century psychologists and legal scholars. For instance, CLS scholars have documented numerous cases of prominent and well trained judges who have been biased in their legal decision making based on personal, socio-political, and economic factors (see Russell, 1994). Psychologically, Freud introduced the unsettling idea that "man [sic] was not even master of his own house," and that a significant portion of a person's psychological process occurs in a realm that lies hidden from conscious purview (Malcolm, 1982, p.23). Social constructionists, discursive psychologists and social representations theorists, amongst many others, have shown how the 'reality' we live with is often co-constructed and not merely discovered, and that people are generally unaware of how powerfully language, social conventions and shared activities can shape our conception of the world and our place in it (Billig, 1987; Moscovici, 2000; Wetherall & Potter, 1992). Neurological enquiry has shown that patients with damage to the area of the brain that is critical for the processing of somatic or emotional signals (the ventromedial area of the prefrontal cortex) tend to

make very poor decisions in daily life, and this is despite the fact that damage to this area does not interfere with the cognitive functions we typically associate with rational thought and planned behaviour (Bechara, 2004). The implications of this research is that people need to use emotional cues and 'gut level' feelings to make good decisions, and that this approach is usually superior to the 'strictly rational' cost-benefit procedure relied on by those with damage to the ventromedial area of the prefrontal cortex (Bechara, 2004). This stands in direct opposition to the anonymous judge's feeling that we can make good decisions by detaching our "emotions from our rational faculties" (Peckham, 1985, in Costanzo, 2004, p.65). Finally, aversive racism theory has shown that many liberals with the best intentions make prejudiced decisions often without any conscious realisation of the fact that they are doing so.

The intention of this brief, but important, look at a particular and popular representation of judges' decision making processes is to undermine the pervasive idea that they are able to escape racial bias through good intentions, a 'capacity of mind', or through long and gruelling training. Accepting this argument would not mean that we could no longer use and rely on judges for the administration of justice, but it would illustrate the importance of psychological research that could make judges more aware of the particular circumstances under which racial bias is likely to appear in their decision making and in the court room. Judges are imperfect decision makers who have individual strengths and weaknesses, and it is the duty of the human sciences to contribute whatever knowledge possible to sensitise judges and the legal system to particular situations in which racial bias is more likely to find a home in the court.



2. LITERATURE REVIEW

2.1 Historical trends in the psychological study of racial prejudice

Racial prejudice and stereotyping have long been areas of significant interest and concern for social psychologists. As a result, the research output in this area has been voluminous. It would be impossible to give an adequate account of even a small portion of this work in the short space available. There is a need, however, to situate the current research in the body of knowledge that has been produced already. Doing so may allow the reader to understand the particular body of literature the present research is intent on speaking to, and may also clarify the assumptions and methodology adopted in this study. Dovidio's (2001) simple account of research on racial prejudice over the last century will be useful for this purpose, and a brief look at his categorization will hopefully clarify how the field has developed thus far.

Dovidio (2001) has identified three waves of scholarship in the study of prejudice from about 1920 to 2000. The era from the 1920's through the 1950's was characterized by a body of research that tended to represent prejudice as psychopathology. The emphasis was on measurement, describing the problem and monitoring changes, and also on understanding the source of the problem. Researchers attempted to understand prejudice by analyzing family processes, individual psychodynamics and personal inadequacies (see Adorno, Frenkel-Brunswick, Levinson, & Sanford, 1950 for the psychodynamic approach).

The disease model reigned supreme during the first wave, with the implication being that if one could identify a racist (i.e. an authoritarian personality), they could

be removed or treated, thereby preserving the healthy functioning of the system. This was probably heavily informed by the *zeitgeist* of the time, which was shaped by two World Wars as well as the rise of deeply racist states such as Nazi Germany and Fascist Italy. The world could not risk another world war, and the response was to look for ways of identifying the kinds of personalities that were more likely to express and incite racial hatred in the way that the Nazi's had done, and thereby imperil 'civilized' society. Although the first wave was very important in defining the area of study and introducing methodologies for the study of racial prejudice, it perhaps overemphasized the role of personality in prejudice (Brotherton, 2007; Durrheim & Foster, 1995).²

The second wave of research departs radically from the first, and understands prejudice as "rooted in normal rather than abnormal processes" (Dovidio, 2001, p. 831). The start of the second wave is roughly marked by the landmark book by Allport (1954) *The Nature of Prejudice*. Allport (1954) persuasively argues that stereotypes are social categories that are inevitable and essential for surviving in an extremely complex social world, but which have an unfortunate side effect of generating prejudicial beliefs and aiding in their transmission. His analysis of the in-group versus out-group phenomenon, which is tied to the process of social categorization, allowed a new generation of social cognition theorists to emerge. Key among these was Tajfel & Turner (1979) with social identity theory, and later Hamilton (1981) with his social-cognitive approach. The social cognition approach came to dominate research on racial prejudice and stereotyping in the United States, and is still very important today (Park & Judd, 2005). Park & Judd (2005) argue,

² This focus on personality is surprising, as the one thing that was made abundantly clear by the events of World War II is that 'ordinary people' are capable of committing great atrocities given the right conditions. The book *Auschwitz* gives a chilling account of many Germans who were able to successfully live double lives, being extremely loving and supportive family men at home, and ruthless killers at work (Rees, 2005).

however, that social categories are so primary to the way we think that they cannot be eliminated, and so much of the research in the social cognition framework is unfortunately focused on something that is extremely resistant to change. Some of the most interesting research in the second wave ran experiments that allowed for close empirical observation of the interactions and dynamics of groups in real social settings (see Sherif, Harvey, White, Hood & Sherif, 1954 and Tajfel, 1970).

Research in the second wave suggested that bias is an inevitable product of the way humans think using categories, and so it was taken for granted that racial prejudice would be the norm. This moved attention away from the question “who is prejudiced”, and directed research energy towards the increasing number of white Americans who were claiming in attitude surveys that they were non-prejudiced (Dovidio, 2001). This claim did not match up with the expectations of the social cognition theorists, who saw bias as inevitable (Hamilton, 1981), and it was not supported by the social indicators of the time that suggested that racial discrimination was alive and well (Dovidio, 2001). A number of theories were born in an effort to understand this phenomenon, including symbolic racism (Sears, 1993), modern racism (McConahay, 1983), and aversive racism (Gaertner & Dovidio, 1986). They all have in common an interest in the unconscious, automatic expression of racial prejudice (implicit attitudes), and the ways that this style of racism manifests itself in specific settings and situations. The ‘traditional’, hostile, conscious and bigoted forms of prejudice that were the major concern of Allport (1958) when he defined racism as ‘antipathy’, have largely been superseded in importance by the more subtle, ‘modern’ forms of racism that serve as better predictors of behaviour in those societies where blatant prejudice is illegal and contravenes social norms.

The third wave of research began in the mid-1990s and makes use of current technology and techniques to detect subtle forms of prejudice that could only be hypothesized about before this time (Dovidio, 2001; Dovidio & Fazio, 1992). A number of methodological advances made this possible, but the most conceptually and technically impressive of these are the response latency procedures, the best known of which is the Implicit Apperception Test (IAT). It is a technique for indirectly measuring the strengths of associations among concepts, and explores the “linkages in memory between words with positive or negative valence and racial stimuli” (Arkes & Tetlock, 2004, p. 258). It can be used to study any implicit biases that people may hold, and has become popularized by internet versions of the test that offer to reveal a person’s real attitude towards women, homosexuals, blacks, the obese, and so on. It is hypothesized that the IAT allows researchers to a) “reveal traces of past experience that people might explicitly reject because it conflicts with values or beliefs, or might avoid revealing because the expression could have negative social consequences”, and b) “reveal information that is not available to introspective access even if people were motivated to retrieve and express it” (Nosek, Greenwald & Banaji, in press, p. 4). The IAT has been controversial because many people understand attitudes to be part of their identity and something they can consciously choose (Nosek et al., in press).

The third wave takes a multidimensional approach to the study of prejudice (Dovidio, 2001), and has gradually started to rectify the mistake made by earlier researchers of ignoring the targets of prejudice, and of failing to realize that they are social actors and not passive receivers of prejudice (Shelton, 2000). The great strength

of the third wave is that it does not waste energy debating the question is racism the result of a diseased mind, or just the inevitable consequence of categorization and group process? This is a question that has filtered through much of the research in the first and second waves, and it has led to no useful answers or applications. It has a moral flavour that distracts attention away from questions that could feasibly be answered, and which could in the long-term spawn social action programs that facilitate greater racial harmony and co-operation.

2.2 Aversive Racism

A growing body of research in social psychology suggests that racism among European Americans has changed from being blatant, direct and hostile into being subtle and indirect (Dovidio, Kawakami, Johnson, Johnson, & Howard, 1997; Gaertner & Dovidio, 1986; Saucier, Miller, & Doucet, 2005). The emergence of the civil rights movement, and the fostering of a socio-political climate in the United States that is less tolerant of overt racial prejudice, has led to a situation in which fewer and fewer people are comfortable expressing racist attitudes in surveys that rely on traditional self-report measures (Walker, 2001). The response to these difficulties in the USA has been the development of a number of conceptual and methodological innovations that allow attitudes to be accessed in a more sensitive and politically sophisticated manner. *One of the most currently influential of these conceptual approaches to studying modern racism is that of aversive racism, as developed by Dovidio & Gaertner (1996; 2000). It is a form of modern racism that is difficult to access using traditional social science methodologies, and one which is more likely to express itself in subtle types of control and exploitation than in overt exclusion and violence (Brotherton, 2007).*

According to Gaertner & Dovidio (1986), aversive racism describes the “racial attitudes of many whites who endorse egalitarian values, who regard themselves as non-prejudiced, but who discriminate in subtle, rationalisable ways” (Dovidio & Gaertner, 2000, p.315). Aversive racists are often unaware of their negative racial feelings and beliefs, or they try to dissociate them from their nonprejudiced self-images (Dovidio, 2001). It describes many liberals who pride themselves on their tolerant and progressive racial attitudes, but who will act in a discriminatory manner in situations where the behavioural norms are ambiguous, conflicting, or poorly defined (Dovidio & Gaertner, 2000). In situations where behavioural norms are clear and a non-prejudiced response is expected, people will tend not to discriminate or will discriminate in favour of blacks.

An important finding in the aversive racism literature is that there is often a disjunction between an aversive racists’ implicit (unconscious) vs. explicit (conscious) expression of racial attitudes (Dovidio & Gaertner, 2000; Dovidio, Gaertner & Kawakami, 2002). Implicit expressions are involuntary and automatic (i.e. non-verbal behaviours), whereas explicit expressions are deliberate and controlled. Explicit attitudes can be easily adjusted to fit the demands of a specific context, but implicit attitudes are very difficult to alter. This concept of dual attitudes and their place in our consciously and unconsciously lived experience has been important in explaining why attitudes are sometimes poor predictors of behaviour.

Rather than asking whether the implicit or explicit attitude better reflects our ‘true racial attitude’, Dovidio (2001) has wisely supported the importance of both. The

focus has been on determining how dual attitudes impact on people's behaviour, and more specifically on determining which attitude (explicit or implicit) will serve as a better predictor of behaviour, and under what circumstances (Dovidio, 2001). For instance, research has shown that in interracial interactions black people are typically very sensitive to non-verbal cues or racial attitudes (implicit attitudes), and they will often report a negative interaction despite deliberate attempts on the part of the white person to say and do the right things (Dovidio, 2001). This illustrates just one situation where the concept of dual attitudes can lend some theoretical clarity to our observations. The understanding that underpins all of these advancements in the study of attitudes is the simple idea that "attitudes are woven into the fiber of individual lives", and that "attitudinal expressions are responsive to social contexts" (Durrheim & Dixon, 2004, p. 629).

Critics of modern and aversive racism argue that this literature dilutes the meaning of racism, and that researchers in this tradition are confounding racism with a mild 'in-group bias' and politically conservative values (Sniderman & Tetlock, 1986; Zuriff, 2002). Arkes & Tetlock (2004) further this argument and claim that the IAT, a response latency procedure designed to measure the implicit attitudes of aversive racists, does not measure personally held prejudicial attitudes, but merely taps into people's knowledge of well-learned cultural stereotypes. The debate appears to centre on fighting for the right to define 'racism', with each side arguing for a different description and understanding of the term. Sniderman & Tetlock (1986) argue that the term 'racism' should only be used to describe traditional, blatant and hostile expressions of prejudice, which they feel is reflective of genuine prejudice. Those in

the aversive racism camp refute this, and believe that subtle racial prejudice can be just as damaging for the targets of prejudice as traditional racism.

The detractors of aversive racism tend to hold to a version of the argument made by Gordon Allport (1954) in the 1950's that racism describes a consciously held 'antipathy' to people of other race groups, and that any expression can be judged as racist or not based on the attitude that is believed to have motivated it (Durrheim & Dixon, 2004). Subtle racial prejudice that is beyond our conscious control does not register on the critics' radar as 'antipathy', and is therefore described using words such as 'in-group bias' (see Zuriff, 2002 for example). What the critics seem to fail to explain or engage with is the well-documented evidence revealing that despite the widespread adoption of egalitarian values and beliefs in the USA, there has not been an accompanying improvement in the social indicators for black people living in the US (for a discussion of these indicators see Dovidio & Gaertner, 2004; Pettigrew, 2004). Are we to believe that black people in the USA are suffering because they are lazy, inept or stupid, or is it not much more likely that subtle expressions of prejudice and discrimination are contributing to the maintenance of the status-quo, and protecting the power and access to material resources that has traditionally belonged to the white in-group? One of the most important insights that aversive racism gives us is that subtle but persistent prejudice is no less damaging psychologically, economically and socially than are blatant and hostile racial attitudes, and that it is usually preferable to be fighting an 'enemy' that is seen than one that is hidden.

2.3 Situational Conditions for the Expression of racial prejudice

The aversive racism theory has been applied across a wide range of domains, and researchers are typically interested in identifying and describing the situational conditions that are more likely to lead to the expression of racial prejudice. This practical focus gives the aversive racism literature the potential to inform public policy decisions and guide the development of social programs. A select review of the aversive racism research will be presented here in order to highlight some of the key findings and weaknesses, as well as some opportunities for further investigation. The emphasis of this review will be on aversive racism research in the legal domain.

2.3.1 *Emergency Intervention*

One of the earliest studies by Gaertner & Dovidio (1977) to test their emerging aversive racism framework was inspired by the classic Darley & Latané (1968) study that demonstrated the effect of diffusion of responsibility on helping behaviour. Gaertner & Dovidio's (1977) laboratory research required white participants to witness a staged emergency involving a black or white victim. Some white participants were led to believe that they were the only people witnessing the emergency, while others thought that there were other white people who also witnessed the emergency. Some victims were black while others were white. The hypothesis was that because aversive racists will do many things to avoid acting in visibly racist ways, white participants would not discriminate when they thought they were the only witness and the responsibility was solely on them for helping the victim. However, when whites were led to believe they were one of many witnesses, it was expected that they would be less helpful to black than to white victims. This

prediction was based on the aversive racism hypothesis that many whites will act in prejudiced ways only in those contexts where their behaviour can be attributed to factors other than racial antipathy (i.e. their behaviour is rationalisable). The study supported this hypothesis. Gaertner & Dovidio (1977) found that whites helped black victims half as often as white victims in conditions where they could rationalise their decision not to help based on factors other than race. This research is an early demonstration of the extremely negative consequences that subtle racial prejudice can have on the lives of black people, even in those cases where harm is not intended.

A meta-analysis was recently conducted with a focus on aversive racism and emergency interventions (see Saucier, Miller & Doucet, 2005). The authors wanted to update, refine and extend Crosby, Bromley & Saxe's (1980) early attempt at making sense of the developing literature on racial prejudice and helping behaviour. The analysis was designed to contribute to our understanding of the role of situational characteristics in the expression of racial prejudice in helping paradigms, with the ultimate goal being to specify the contexts in which prejudiced behaviour is most likely to occur. The analysis included 48 hypothesis tests in 31 journal articles. The study's most interesting findings are summarised here. The research found that in contexts where helpers were required to invest more time and effort, assume more risk or engage in a more difficult helping task, blacks were helped significantly less often than whites (Saucier et al., 2005). This finding supports the aversive racism prediction that discrimination against blacks is more likely to occur when participant helpers can rationalize their failure to help as based on factors other than race. In this context it was easy for participants to claim they did not help black people because of the difficulties and demands they faced in providing help. Surprisingly, the study found

that higher levels of emergency were linked to more discrimination against blacks. This may be because the increased cognitive load caused by an emergency situation made it more difficult for participants to control negative implicit attitudes towards blacks, or it could be a result of participants misattributing the high level of anxiety they felt as a result of the emergency to the fact they were interacting with an outgroup member (Saucier et al., 2005). This and other research on aversive racism and emergency intervention is important in that it provides very clear evidence for the aversive racism idea that liberal whites will try hard to avoid any behaviour that conflicts with their consciously held egalitarian beliefs, and will generally only behave in prejudiced ways in situations that allow discriminatory behavior to be rationalized with an alternative non-prejudiced motivation.

2.3.2 Selection Decisions

Bias in personnel selection is an important area of study for those interested in how subtle prejudice can affect access to material resources, support and power in the real world. Aversive racism can limit the access of blacks to the workplace and their performance in it, and it can affect how “qualifications are perceived and weighed in a manner that systematically disadvantages black relative to white applicants” (Dovidio & Gaertner, 2004, p. 16). Aversive racism predicts that racial bias will only be expressed in those personnel selection settings where the appropriate and socially acceptable decision is not clear. Ambiguity allows the people hiring to make racially biased decisions and yet hold on to their non-prejudiced self-image by rationalising their behaviour as being due to non-racial factors. Dovidio & Gaertner (2000) tested the aversive racism theory in this domain using simulated employment decisions made by college students in 1988-1989 and 1998-1999. Students were asked to read

excerpts from a recorded interview and evaluate candidates for a position as a peer counsellor at their university. White participants were asked to assess the suitability of white and black candidates whose credentials were “systematically manipulated to represent very strong, moderate, or very weak qualifications for the position” (Dovidio & Gaertner, 2000, p. 16). The research supported the predictions of aversive racism theory. The study found that white participants did not discriminate against black candidates when their credentials were either weak or strong, but that when their credentials were ambiguous (moderate qualifications) and the appropriate decision was less obvious, white college students recommended the white candidate significantly more often than an equivalently qualified black candidate. Interestingly, the participants’ ratings of black and white candidates qualifications were equivalent and not directly influenced by race, but the bias was expressed in the way these qualifications were weighed and in the recommendations that followed from this process (Dovidio & Gaertner, 2000).

2.3.3 The Legal System

The subtle, rationalisable racial bias that has been demonstrated to operate in emergency interventions (Dovidio & Gaertner, 1977), helping behaviour (Saucier, Miller & Doucet (2005), and personnel selection decisions (Dovidio & Gaertner, 2000), also poses significant challenges for the legal system. The criminal justice system, like the educational and political economic systems, “should be blind to race, social class, gender, sexual orientation, and celebrity status” (Fairchild & Cowan, 1997, p. 590). This ideal state is difficult for any society to achieve, and it is especially challenging to achieve consistently over time. The consequences of regularly falling short of this ideal, however, are potentially devastating for the well-

being and security of people in society, and particularly for those who belong to minority groups with little power and with limited access to material resources.

There is a large body of literature that applies psychological principles to try to understand the workings of the legal system, with topics ranging from the impacts of race on jury decision making (Melton, 1987; Sommers & Ellsworth, 2000; Wrightsman, 1999), to the role of speech accommodation and crime type in attributions of guilt (Dixon, Tredoux, Durrheim & Foster, 2004), and even the influence of celebrity status on perceptions of responsibility for rape (Knight, Giuliano, Sanchez-Ross, 2001). There have also been a number of tests of the aversive racism theory in the legal domain (Dovidio, Smith, Donnella & Gaertner, 1997; Hodson, Hooper, Dovidio, & Gaertner, 2005; McGillicuddy-De Lisi, Daly, & Neal, 2006). What follows is a select review of research that has applied aversive racism theory to the formal decision making processes that occur in mock courtroom scenarios. Although efforts have been made to find research that looks at the decision making of judges or magistrates, most studies in this area are conducted in places that use the jury system.

An important early study by Johnson, Whitestone, Jackson, and Gatto (1995) used a simulated criminal trial presented as a typed vignette to assess whether the effects of inadmissible evidence vary as a function of the defendant's race. The experiment required white college students to read a scenario involving a young man charged with bank robbery. The charge was based on circumstantial evidence, and the defendant was either white or black depending on the condition. The inadmissible evidence was obtained by an illegal wiretap. Participants were either a) exposed to the

inadmissible evidence and ordered to disregard it, b) not told to disregard the inadmissible evidence, or c) not exposed to any wiretap information (control condition).

Johnson et al. (1995) found that participants' perception of the appropriate verdict did not vary as a function of race when they were allowed to use the pro-conviction wiretap evidence (admissible condition) or when they were not exposed to this evidence at all (Johnson et al., 1995). However, when participants were instructed to disregard the wiretap information (inadmissible condition), their perception of the appropriate verdict was harsher for black defendants than it was for white defendants. Interestingly, participants reported that they felt inadmissible evidence had less effect on their decisions when the defendant was black, providing support for the idea that implicit attitudes play an important role in shaping our behaviour despite the fact that they are not readily available to our consciousness. The research by Johnson et al. (1995) is important in that it finds evidence in the legal domain for the aversive racism idea that "differential treatment as a function of race will only occur if it can be justified on non-racial grounds" (p. 893). In this study participants have the opportunity to rationalise bias against black defendants based on the socially acceptable idea that they have a responsibility to ensure that guilty people do not go free. In the conditions where participants were not required to disregard inadmissible evidence, it was much more difficult to effectively rationalise bias as being based on non-racial factors, and the result was that racial bias was not expressed in these situations. The methodology the study uses is important in that it successfully uses vignettes and rating scales to demonstrate the aversive racism effect in the legal domain. The fact that this simple and cheap methodology yields useful and relevant

information means that researchers can easily run numerous future studies with large sample sizes and in a number of different settings.

Hodson, Hooper, Dovidio & Gaertner (2005) replicated the experiment by Johnson et al. (1995) but with a number of adjustments. They were interested in finding out if “jurors’ decisions can be subtly influenced by defendant race when following procedural recommendations designed to reduce the negative impact of inadmissible evidence” (Hodson et al., 2005). In order to minimise the impact of inadmissible evidence, they consulted legal scholars and several procedural changes were made. In the Johnson et al. (1995) research, participants were told verbally that a piece of evidence was inadmissible and should be disregarded, but Hodson et al. (2005) informed participants both verbally and in writing. Adding written instructions to disregard evidence reduces the risk of confusion on the part of jurors who sometimes don’t follow a judge’s verbal instructions because they don’t fully understand them. Another adjustment Hodson et al. (2005) made was that they warned participants about possibly having to disregard inadmissible evidence before they were presented with the vignettes, as opposed to telling them after the damaging information had already been presented. Forewarning participants means there is less likelihood they will fully encode all the information and thereby have great difficulty disregarding it afterwards. Another significant aspect of this research that differs from previous work is that the Hodson et al. (2005) study uses a British sample. This was argued as important in determining whether aversive racism can be demonstrated outside North America. Given that Britain’s association with black slavery is more remote and distant than the US, it was felt important to avoid making assumptions about the existence of aversive racism in Britain without clear empirical data to support it.

Hodson et al. (2005) found that when evidence was ruled inadmissible, participants rated black defendants as more guilty, recommended longer sentences and perceived the likelihood of re-offending to be significantly higher than for white defendants. In the admissible evidence conditions there were no significant differences as a function of race, and participants generally gave lower guilt ratings and shorter sentencing to black defendants than white. Both of these findings are consistent with the predictions made by aversive racism theory that a) whites will generally only discriminate against blacks when they can rationalise their behaviour as being due to non-racial factors, and b) that they will sometimes show bias in favour of blacks to avoid being seen as prejudiced or to protect their non-prejudiced self-images. The value of Hodson et al's. (2005) research is that it demonstrates the existence of subtle racial bias even when efforts are made to increase jurors' understanding of the legal process and prepare them for the information they would be required to disregard. These changes presumably reduce the 'levels' of the independent variable that participants are exposed to, and the fact that significant effects were still discovered in spite of this change suggest that the aversive racism effect is very robust in the legal domain (Abelson, 1995). It also suggests that subtle bias of the aversive racism kind is immune to the standard procedural changes recommended by legal scholars for ensuring a fair trial in cases where inadmissible evidence is an issue.

Sommers & Ellsworth (2000) conducted two interesting studies investigating the role of race in the courtroom by comparing the judgements of white and black mock jurors in interracial trials. This research is significant because although psychologists have focused significant attention on the decisions made by white jurors and 'judges'

in mock trials (Dixon, Tredoux, Durrheim & Foster, 1994; Dovidio & Gaertner, 2004; Johnson et al., 1995; Shelton, 2000), there has been comparatively little interest shown in comparing the sentencing decisions and attributions of white and black jurors. This links to what Shelton (2000) has described as a tendency among white researchers to treat blacks in racial prejudice experiments as a “relatively homogenous and amorphous group” who are “passive targets of prejudice” (p. 374). The Sommers & Ellsworth (2000) study moves away from this position, and is an early example of researchers utilising experimental designs that can provide a broader and more realistic view of real interracial interactions from the perspective of both whites and blacks. It happily escapes from the narrow and constricting influence of focusing exclusively on the actions and attitudes of a single race group.

In Sommers & Ellsworth’s (2000) first study, participants read twelve trial summaries and answered questions in groups comprised of same-race members. The study included both black and white university students of both sexes. For each trial half the participants read about a black defendant, and the other half about a white defendant. Five of the 12 trials involved a cross-racial incident. Using a seven-point system they had to rate: a) the defendant’s level of guilt, b) how convincing the defence’s case was, and c) the extent to which situational pressures or the defendant’s personal character was responsible for their behaviour. Finally, they had to make sentencing recommendations.

Sommers & Ellsworth (2000) found that white defendants received significantly higher guilt ratings than black defendants, and that they were sentenced to longer jail terms. Black mock jurors gave white defendants higher guilt ratings, and

recommended they receive longer sentences. Black jurors also viewed white defendants' cases as weaker than black defendants' cases, and attributed the behaviour of white defendants to personal character traits rather than situational pressures. The findings for white mock jurors differ radically. White mock jurors did not differ in their sentence recommendations for black and white defendants, and they tended to give equal attributions to both black and white defendants. Moreover, they did not seem to be influenced by race in their ratings of how convincing the defence's case was. This study shows that the race of the defendant had a greater influence on black mock jurors than white mock jurors, even though identical arguments were used for both. The lack of racial bias in the white mock juror's responses is readily explained by the theory of aversive racism. The Sommers & Ellsworth research provides a trial situation in which racial issues are clearly salient, and according to aversive racism theory this would activate a motivation in the white jurors to "behave and think in a way that appears to both themselves and others as non-prejudiced" (p. 1371). This motivation means that even if white mock jurors do harbour implicit stereotypes about blacks and criminal behaviour that one might expect to lead to racially biased decisions, it will remain an unexpressed implicit attitude in those situations that provide cues that race is a salient factor.

Sommers & Ellsworth's (2000) second study was designed to compare white and black mock jurors further by manipulating the salience of racial issues in a simulated trial. They used a more representative sample for this experiment that could be more readily generalised to the population as a whole, although it could be argued that people waiting to depart from an international airport constitute a fairly select group of people who are both affluent and mobile. Race salience was manipulated by

“varying the content of a statement allegedly made by the defendant during the incident in question” (Sommers & Ellsworth, 2000, p. 1372). In the first scenario, the defendant was said to have yelled at his girlfriend Ms. Simmons and forced her into her chair, at which point he slapped her across the face. This knocked her to the ground and she injured her ankle in the fall. In the race-salient version of the trial, the defendant was said to have yelled immediately prior to slapping her, “You know better than to talk that way about a *White* (or *Black*) man in front of his friends” (emphasis added). In the non-race salient version, the defendant was alleged to have yelled, “You know better than to talk that way about a man in front of his friends”. The only difference between the race-salient and non race-salient versions of the trial was this single mention of the defendant’s race in the exclamation. In both instances the crime was cross-racial, but only in the race-salient condition did racial difference play an “explicit role in the commission of the crime” (p. 1372). The change in the testimony of the witness was expected to create two separate cases in the minds of white participants. Participants used a nine point scale to rate the following: 1) guilt of the defendant, 2) extent to which they believed that the defendant was an aggressive or violent person, 3) to what extent they believed the incident was the result of a racial conflict, and 4) what sentence they would recommend for the accused. The hypothesis is that in a trial where race is less salient, there is less activation of the typical aversive racism response to monitor one’s behaviour carefully for signs of bias in order to avoid appearing or feeling like a racist. In the less race-salient condition, it was expected that white mock jurors will be more punitive towards a black defendant than toward a white defendant. The prediction for black mock jurors was that a mistrust of the legal system will lead them to view “both trials with black defendants as race

salient, and that black mock jurors would demonstrate some degree of same-race leniency in both versions of the trial” (p. 1372).³

The results of Sommers & Ellsworth’s (2000) second study support their hypotheses. When race salient trial material was used, only black mock jurors’ guilt ratings were affected by the race of the defendant, and they typically gave higher guilt ratings to whites than blacks. This finding replicates the results obtained from the first study. In the less race-salient trial, however, both white and black mock jurors demonstrated bias. White mock jurors gave black defendants significantly higher guilt ratings than white defendants, and vice versa for black mock jurors. Both white and black jurors were more punitive towards a different race defendant, and this racial bias was evident in all test areas (guilt ratings, sentencing and degree of violence/aggression). This research supports the idea that white mock jurors are very sensitive to cues that a case has racial overtones, and in these circumstances will generally do their best to maintain an image of fairness and avoid any responses that could be interpreted as racist (Sommers & Ellsworth, 2000). In cases where race did not appear to be a salient factor, there was less concern from white mock jurors about appearing racially biased, and they felt more comfortable acting more punitively towards black defendants than they were towards whites. Black mock jurors differed from whites in that manipulating the race-salience of the trial material made no significant difference to their judgements. They showed ‘same-race leniency’ in both versions of the trial material, and Sommers and Ellsworth (2000) account for this by

³ It is unclear why Sommers and Ellsworth (2000) choose to use the term same-race leniency when discussing racial bias by black mock jurors, and aversive racism when describing a similar bias exercised by white mock jurors. The mechanism of in-group favouritism that is hypothesised to be one of many important factors in the genesis of aversive racism is surely exercised by both whites and blacks, and it seems inappropriate and unnecessary to invent different labels to describe a human quality that is not unique to a particular group or individual. It perhaps supports Sheldon’s (2000) argument that “when Blacks behave in a prejudiced manner, their behaviour is not condemned in a similar manner as when Whites behave in a prejudiced manner” (p. 385).

suggesting that black mock jurors probably view both race-salient and non race-salient trials as racially charged.

One of the major contributions of Sommers & Ellsworth's (2000) research is that it has demonstrated that "explicit references to racial issues in an interracial trial have different effects on white and black jurors" (Sommers & Ellsworth, 2000, p. 1376). This simple finding is extremely important in a literature where so little attention is dedicated to describing the responses and behaviours of black research participants in different contexts (Sheldon, 2000), and in this respect it opens up a largely uncharted territory in the study of aversive racism and legal decision making. Sommers & Ellsworth (2000) have made a number of important suggestions for future research that they believe would widen our understanding of some of the innumerable factors involved in the complex area of race and legal decision making. Firstly, they propose that researchers should replicate their research using a wide range of criminal trial scenarios. Sommers & Ellsworth (2000) used five scenarios, but it would be interesting to investigate the impact that different kinds of legal trial summaries may have on the decision making and attribution processes of mock jurors and judges. They have recommended that gender be excluded as a variable in future studies, because it appears from both their research and reported findings in the literature that this factor plays an insignificant role in moderating the expression of racial bias in aversive racism scenarios (Dovidio, 2001; Dovidio & Gaertner, 2004; Sommers & Ellsworth, 2000). They suggest that different techniques for manipulating race salience need to be tested to see if they achieve the same results, and that type and severity of crime may also be important factors in studies of race in the courtroom. Although Sommers & Ellsworth's (2000) study is an important contribution to the

literature on aversive racism, it is yet another study that has been conducted in the United States of America (USA) with an American sample. What we could expect from similar research carried out in South Africa is largely unknown. The most glaring difference in race relations between the USA and South Africa is that South Africa has a black majority and a small white minority. This picture is reversed in the USA. This alone would give racial dynamics a different quality from that experienced in Britain and the USA, and it makes South Africa an excellent laboratory for widening our knowledge about how modern racism functions and survives in different contexts.

Our view will now shift to focus on important gaps in the literature that need attention. Each will be dealt with separately, and the focus will be on briefly highlighting the gaps and suggesting reasons why increased research focus is needed in these areas.

2.4 Gaps in the literature

2.4.1 Blacks as passive receivers of prejudice

Sheldon (2000) argued in his landmark paper that if psychologists ever want to gain a fuller understanding of the dynamics of race relations, they must stop confining themselves to studying prejudice from the perspective of whites. Although Sheldon's (2000) dense analysis will not be summarised here, I will highlight aspects of her argument that are relevant to the current research. Sheldon (2000) maintains that the history of psychological research on racial prejudice has been marked by a tendency

to “focus on whites as active perceivers and blacks as passive targets” (p. 374).⁴ The racial attitudes of blacks have received very little attention (Sommers & Ellsworth, 2000, 1376), and when blacks have been studied it is generally to describe a) the consequences of being a ‘target’ of racial prejudice, and b) the influence of self-fulfilling prophecies on ‘targets’ (black confederates) behaviour (Sheldon, 2000). The scarcity of research on the attitudes of black participants in social psychology research may be the result of the fact that blacks have historically been powerless to act on those attitudes (Sheldon, 2000), but the tendency to always cast black people as ‘targets’ is disempowering and counterproductive, and is unlikely to generate insights that will further enable ordinary black people to protect their psychological well-being and exert power in society. Although Dovidio (2001) describes a third wave of research characterised by an awareness of the importance of using black participants in psychology experiments as real social actors, it would appear from the dearth of emerging research embodying this important principle that he was largely speaking to the appearance of Sheldon’s (2000) seminal paper.

The failure to explore the attitudes and responses of blacks in interracial interactions not only constricts our view and hinders our understanding of racial prejudice, but it also points to an attitude on the part of many whites that is both paternalistic and patronising. It is beautifully captured in the uproar caused by the democratic presidential hopeful Hillary Clinton’s response to her black competitor Barack Obama during a live televised debate. Clinton responded to Obama’s frequent

⁴ It is not clear why researchers have tended to treat whites as subjects and blacks as objects, although Sheldon (2000) points to an interesting explanation. She suggests that if whites study blacks’ role in racial prejudice beyond that of just being targets, it may feel to them like an act of ‘blaming the victim’ for their misfortune and the prejudice that is so often directed towards them. This is a compelling explanation if one considers that aversive racism research has shown white liberals to be highly motivated to avoid any race-related experiences that could mobilise feelings of shame and guilt (Dovidio & Gaertner, 2004), and it suggests that many of the psychologists traditionally drawn to this topic are themselves white liberals.

references to the civil rights leader Dr Martin Luther King with the following statement: "Dr King's dream began to be realised when President Lyndon Johnson passed the Civil Rights Act of 1964. It took a president to get it done" (Reid, 2008). This comment dramatically underplays the determination, sacrifice, and profound courage displayed by Martin Luther King, and it ascribes all real power and meaningful action to the hands of a white American president. It perhaps reflects the feeling that, because whites in the USA inflicted much suffering on black people through racist practices and beliefs, it will ultimately be whites who liberate them from the scourge of racism. What this ostensibly liberal attitude does, however, is maintain the power imbalance that exists in racial relations in the USA. A similar issue has confronted women in their pursuit of equal rights and status in society. They have had to decide whether they can rely on men to provide them with the status and opportunities they require, or whether it is necessary for women to empower *themselves* and aggressively pursue positions in society that allow them to effect change. Abigail Adams embodies the former position, and was famously quoted in a letter to her politician husband John Adams in March 1776: "...remember the Ladies, and be more generous and favourable to them than your ancestors. Do not put such unlimited power into the hands of the Husbands. Remember all Men would be tyrants if they could" (Noble, 2007). This contrasts radically with the position adopted by many later feminists such as Germaine Greer (1971), who insisted that women exert power and ensure their own equal status in society rather than rely on men to furnish it for them. What this historical anecdote suggests is that the most powerful and important research on racial prejudice will not merely teach white people the importance of preventing their racial attitudes from compromising the health and well-being of black people. The most important research will most likely provide

knowledge, insight and impetus that can be constructively used by black people to exert power and claim the services, material resources and respect that is due to them.

Although it has been many years since Sheldon (2000) alerted the research community to the problems of ignoring the attitudes of black research participants, there is still a great deal of research that is needed before this imbalance can be rectified. In terms of the present research, it has been decided that to capture the full flavour of racial dynamics in South Africa, it is necessary to include a range of race groups as participants in the study. This would hopefully yield interesting information about the attitudes and behaviour of a wide spectrum of South African society. Fortunately, most psychology classes in the university where sampling took place are racially mixed. This means that participants made their legal decisions in the company of people from many race groups, a situation which Sommers & Ellsworth (2000) have suggested is common in most courtrooms, and which offers more ecological validity than would be achieved by asking individuals to complete the decision making process while in a cubicle or at home.

2.4.2 Crime type and evidence

The specific crimes selected for use in mock legal decision making studies are potentially important moderating variables. Research has shown that the severity and type of crime (Surmafrank & Fontes, 1983), as well as the strength of evidence presented (Kerr, Hymes, Anderson, & Weathers, 1995), can significantly influence the attributions and decisions that participants make.

There have been a number of recommendations in the literature that there should be more research investigating the degree to which legal judgements can be swayed by perceptions of whether a crime is race stereotypic or race non-stereotypic (Gordon & Anderson, 1995; Knight, Giuliano & Sanchez-Ross, 2001; Sommers & Ellsworth, 2000). Early research on the role and effect of stereotypes in legal decision making revealed the existence of strong crime-related racial stereotypes. For instance, a study by Surmafrank and Fontes (1983) demonstrated that participants perceived the white-collar crime of embezzlement as race stereotypic for white defendants, and the blue-collar crime of assault as race stereotypic for black defendants. A number of studies presenting mock judges and juries with mock crimes have found that defendants who are judged as having committed race-stereotypic crimes receive significantly longer jail sentences than those defendants who committed non race-stereotypic crimes (Gordon, Bindrim, McNicholas & Walden, 1988; Gordon, 1990; Gordon & Anderson, 1995). Although important, much of the research in this area has been focused on the formation, use and accessibility of stereotypes for making decisions in mock jury trials. The current study will be differentiated from earlier work based on the fact that: a) it will not be explicitly interested in stereotype formation or the use of these stereotypes, b) it will focus on the decision making processes of participants from several race groups, and c) the findings will be interpreted through the lens of aversive racism theory. The benefit of using race-stereotypical and non race-stereotypical crimes in this study is that it will enable us to measure the generality of the aversive racism effect. If the racially biased behaviour is evident in both race stereotypical and non-stereotypical conditions, it would suggest that participants are demonstrating a global racial animosity rather than difficulties suppressing a stereotype.

3 AIMS AND HYPOTHESES

The aim of the present study was to investigate the impact of modern forms of racism on the mock legal decision making of university students. Some of our specific aims are listed below:

- We were interested in gaining a better understanding of whether or not aversive racism is likely to be operating in the context of legal decision-making in South Africa.
- We wanted to identify and describe some of the most important variables and moderating factors that make racial bias in legal decision making more or less likely to occur in any given situation.
- If racial bias was found, we wanted to be able to specify if it was the result of difficult suppressing a stereotype, or the result of a global racial hostility.
- We wanted to design a study that uses a methodology that breaks with past practice in the aversive racism field, and which treats black participants as more than just “passive receivers” of white influence and/or prejudice.

This experimental study was designed to test the effect(s) of aversive racism on mock legal decision making in a South African student sample. Participants – randomly assigned into experimental conditions – were required to make judgments about the guilt or innocence of defendants who are either black or white, and were asked to recommend appropriate sentences should the defendant(s) be found guilty. The Independent Variables (IV) include the race of the defendant (black vs. white), the race of the research participant (black, white, Indian or coloured), the strength of evidence provided (strong, weak or ambiguous), and the ideological nature of the crime that is

committed (race-stereotypical vs. non race-stereotypical). The Dependant Variables (DV) are 1) a ranking of the guilt or innocence of the defendant as judged by students evaluating the case (on a scale from 0-10), and 2) a suggested punishment for the defendant (ranging from a R200 fine to a ten-year jail term).

Participants were each given two separate cases to evaluate and judge. One quarter of participants were given a case involving a white defendant, followed by a case involving black defendants. One-quarter were given a case with black defendants, after which they judged a case involving a white defendant. One-quarter were given two cases in which both the defendants were white, and a quarter were given two cases in which all the defendants were black. The cases were fictitious but realistic, and the legal scenarios included black stereotype and white stereotype crime. Low evidence, ambiguous evidence, and high evidence conditions of the cases were presented. For a summary of all 12 of the possible experimental conditions, see table 1.

Table 1: The twelve possible combinations of conditions used in the experiment.

	<i>Defendant Race</i>	<i>Evidence Quality</i>	<i>Stereotype Crime</i>		<i>Defendant Race</i>	<i>Evidence Quality</i>	<i>Stereotype Crime</i>
1	Black	Low	Black	7	White	Low	White
2	Black	Ambiguous	Black	8	White	Ambiguous	White
3	Black	High	Black	9	White	High	White
4	Black	Low	White	10	White	Low	Black
5	Black	Ambiguous	White	11	White	Ambiguous	Black
6	Black	High	White	12	White	High	Black

Counterbalancing was used to ensure that all possible orders for the independent variables of defendant race, evidence quality, and stereotype crime were presented. The

questionnaires were randomly assigned to participants by mechanically shuffling the counterbalanced vignettes and handing them out in lecture theatres.

3.1.1 Hypothesis One

We predicted that the classic aversive racism effect would be demonstrated in this research. We expected to find racial bias in the mock legal decision making of white participants only in the ambiguous evidence conditions. This stems from Dovidio and Gaertner's (2001) findings that aversive racists' implicit prejudice only becomes evident in situations where a) bias can be rationalized on the basis of a factor other than race, or b) cues for egalitarianism are weak (Dovidio, 2001). The ambiguous evidence condition clearly constitutes a situation in which participants could rationalise biased legal decisions as not being reflective of racial prejudice, but rather as being a function of the quality of the evidence presented to them.

3.1.2 Hypothesis Two

A second hypothesis is that the classic aversive racism effect goes across race groups. Previous research in the aversive racism tradition has failed to treat black participants as active perceivers who are capable of influencing intergroup dynamics (Shelton, 2000). As such, we do not know whether or not aversive racism is a phenomenon that is confined to white liberals. This research will contribute to rectifying this imbalance in our understanding of the operation of aversive racism in real-world contexts by including white, black and Indian participants.

3.1.3 Hypothesis Three

A third hypothesis concerns the influence that the ideological nature of the crime has on the expression of racial bias in our sample. If found that racial bias only operates under those conditions where the crime committed is race stereotypical, it would suggest that the prejudice measured would be related to an inability to suppress a stereotype. If, however, racial bias can also be detected in the non-stereotypic crime conditions, it suggests that there is a global racial animosity that is responsible for the racial bias in decision making. This provides important information concerning the generality of the aversive racism effect. Our prediction is that racial bias will be evident from all race groups under both race stereotypical and non race stereotypical crime conditions.

4. Pilots One and Two

Two pilot experiments were used to test and fine-tune the questionnaires designed for this research. The questionnaires needed to fulfill a number of requirements. They needed to be judged by participants as realistic, and they had to be quick to complete with instructions and content that was easy to understand and unambiguous. Most importantly, we needed to ensure that the vignettes clearly represented low evidence, ambiguous evidence, and high evidence conditions.

4.1 Construction and content of the vignettes

Using vignettes has been shown to be a popular and effective means of collecting data on racial prejudice and legal decision making (Gordon & Anderson, 1995; Johnson, Whitestone, Jackson, & Gatto, 1995; Knight, Giuliano & Sanchez-Ross, 2001; Sommers & Ellsworth, 2000). No existing vignettes or questionnaires were found that were suitable for this study. Each questionnaire used in this study included one vignette representing black stereotype crime, and one representing white stereotype crime. The white stereotypic and black stereotypic crimes were selected using a range of informal methods, which included discussions with registered psychologists in the school of psychology at the university where testing took place, informal surveys with university students, and through gathering feedback from participants who took part in the two pilot studies. It was important that all vignettes were the same length and used a similar narrative structure. The format of the vignettes was kept identical for all of the conditions, and very minor adjustments were made to the content of the vignettes in order to create low evidence, ambiguous evidence, and high evidence conditions. The race of the defendant(s) was referenced indirectly by introducing the name(s) of the suspects in the case description. The final vignettes used can be seen in Appendix A.

4.2 Method

4.2.1 Participants

The samples for pilot one and pilot two both consisted of forty participants each. Participants were recruited by convenience sampling from the general population.

Care was taken to ensure that none of the individuals who took part in pilot one were used in pilot two. Both samples consisted of 17 males and 23 females. The sample for pilot one included 30 white, 1 coloured, 1 Indian, and 8 black respondents. The mean age of participants was 27, $SD = 11.08$. Pilot two was made up of 33 white, 5 black, and 2 Indian respondents. The mean age of participants was 40, $SD = 8.14$.

Sampling decisions were not deemed critical for the pilot experiments because the data collected was not going to be used to make bold generalisations about groups of people, but would merely guide the creation of materials. Participation was voluntary and no incentives were offered for taking part in the experiment. Questionnaires were handed out to students and lecturers sitting on the steps outside the university cafeteria. It is a widely used public space that attracts people from a wide range of academic departments. Questionnaires were also given to post-graduate students in the department of psychology, and to teachers and students at a private high school in Pietermaritzburg. None of the participants knew the purpose of the questionnaire beyond what was explained to them in the informed consent section.

4.2.2 Materials

A three-page questionnaire was used for both pilot studies. The first page requested participants to give their demographic information and informed consent. The two remaining pages each had a legal vignette printed on them which participants were asked to evaluate. Directly under each vignette were two scales that participants used to rate the presumed guilt or innocence of the defendant, as well as the punishment they felt the defendant deserved if they were found guilty by a court of law. Pilot two included minor changes in the vignettes that rectified problems that

were discovered in the running of the first pilot. It also included an additional section printed on the back of page two and three. This section asked participants whether or not they felt that the case they had just read and judged was a real-life case. A rating scale from 0 (not real case) to 10 (real case) appeared below each question.

4.3.3 Procedure and Analysis

Participants were approached and asked if they were willing to complete a questionnaire. There were only five people who declined to take part in the pilot experiments. The researcher always remained close to participants completing the questionnaire so that they could ask questions or make observations, and in order to prevent them from conferring with others. The qualitative data obtained from listening to people's impressions and questions as they completed the questionnaire was important in helping to refashion the instrument later. A between subjects design was used, and the data was analysed using ANOVA.

4.3.4 Results for Pilot One

Pilot one showed that our manipulations of the legal vignettes representing black stereotype crime were reasonably successful in creating low evidence, ambiguous evidence, and high evidence conditions. The means are plotted in figure 1. High evidence conditions ($\bar{X} = 8$; $SD = 1.710$) yielded significantly higher guilt ratings from participants than those of ambiguous evidence scenarios ($\bar{X} = 5.36$; $SD = 1.646$), which in turn acquired higher guilt ratings than low evidence conditions ($\bar{X} = 4$; $SD = 2.380$); [$F(2, 74) = 31.130$, $p < .01$]. The mean for the ambiguous evidence vignettes

lies almost exactly in the middle of the scale, which is where it was hoped the mean would lie ($\bar{X} = 5.36$; $SD = 1.646$).

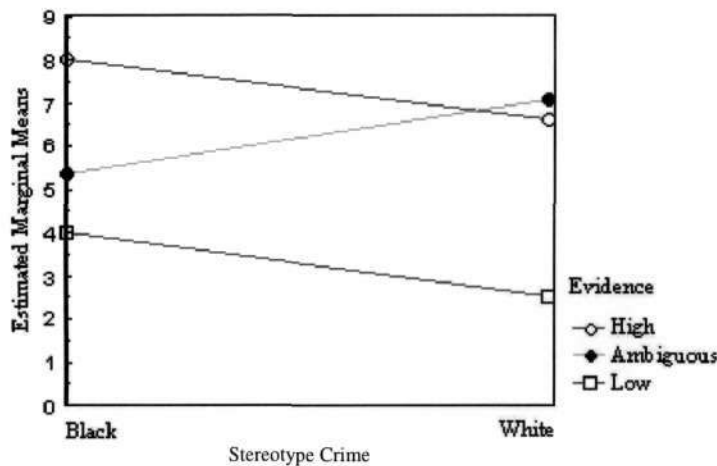


Figure 1. Plot of stereotype crime by evidence condition interaction for pilot one.

We were unsuccessful in our first attempt at manipulating the evidence conditions for white stereotypic crime. Pilot one clearly showed problems with the ambiguous evidence condition for the white stereotype crime vignette. The ambiguous evidence condition yielded the highest guilt ratings ($\bar{X} = 7.09$; $SD = 2.023$), followed by the high evidence condition ($\bar{X} = 6.62$; $SD = 1.850$). The low evidence condition was successful in attracting low guilt ratings from participants ($\bar{X} = 2.53$; $SD = 2.100$). Minor adjustments were necessary to the ambiguous evidence vignettes to make them sit near the middle of the scale between the high and low evidence conditions.

4.3.5 Results for Pilot two

The second pilot study was run after making minor changes to the legal vignettes representing the white stereotype condition. Figure two plots the results from this study.

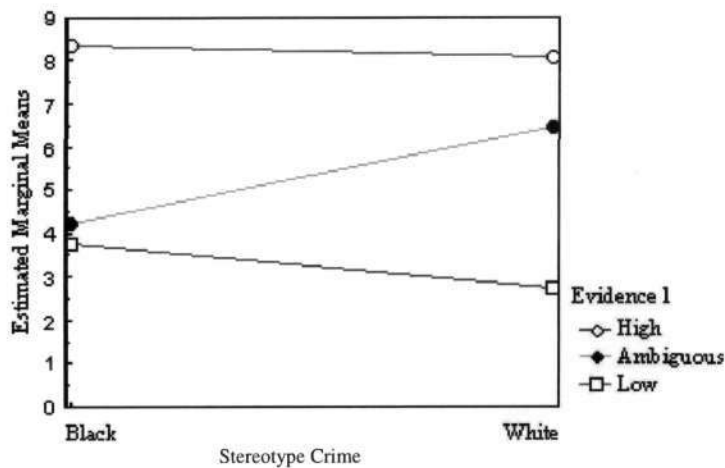


Figure 2. Plot of stereotype crime by evidence condition interaction for pilot two.

There was a significant main effect for evidence, $F(2, 74) = 35.106, p < .01$, as well as a significant interaction between evidence and crime stereotype, $F(2, 74) = 3.937, p < .05$. Tukey multiple comparisons showed that that high evidence attracted ($\bar{X} = 8.23$; $SD = 1.73$) significantly higher guilt ratings than ambiguous evidence conditions ($\bar{X} = 5.23$; $SD = 1.850$), which in turn attracted significantly higher guilt ratings than low evidence conditions ($\bar{X} = 3.17$; $SD = 2.09$). On visual inspection of figure two, it is evident that there is a problem specifically with black stereotype crime and the poor differentiation between low evidence and ambiguous evidence conditions. Although it could have been useful to further manipulate the vignettes and run additional pilot studies, it was felt that the materials would be adequate for the purposes of eliciting the aversive racism effect. This decision is supported by the fact that in Pilot one there was sufficient differentiation of low evidence and ambiguous evidence conditions, and this used an identical crime scenario to that used in pilot two.

5. EXPERIMENT

5.1 Method

5.1.1 *Participants*

767 undergraduate psychology students participated in the experiment. The sample included 342 black, 199 white, 186 Indian and 40 coloured participants. The mean age of participants was 19.25 (SD = 2.878). The sample included 589 woman and 195 men. No incentive was offered for taking part in the experiment, but chocolate and sweets were handed out to participants after completion of the questionnaires as a token of appreciation for their time. Participants were debriefed after testing was complete, and they were asked not to discuss the experiment with other students who had not yet had an opportunity to take part.

5.1.2 *Procedure and Materials*

Participants were tested in large lecture halls where they are taught psychology. They were first asked to read the instructions and give their informed consent. The class was then told that they would be reading legal documents based on actual legal cases, and that they would be asked to act as judges and answer some questions requiring them to a) decide on the guilt or innocence of a defendant, and b) to recommend a sentence that they felt fit the crime should the defendants be found guilty by a court of law. Participants were asked to work alone and not discuss the cases with any of their friends. Special care was taken by the experimenter to ensure that participants did not discuss the cases.

Each participant received three stapled pages, two of which were double-sided. These materials were created and fine-tuned with the help of the pilot studies discussed earlier. The title on the first page was 'Research on Legal Decision Making', and it was followed by a request for informed consent and demographic information. The second and third pages both had legal vignettes printed on them, and on the reverse side it asked participants to judge how realistic they felt the cases were on a ten-point scale. Each participant received two cases to judge, one involving white stereotypic crime and one with black stereotypic crime. Approximately one-quarter of participants had white defendants in both their vignettes, about one-quarter had black defendants in both, and the remaining half of participants had one white and one black defendant. Counterbalancing was used to prevent order effects from occurring. The vignettes can be viewed in Appendix A.

5.1.3 *Ethics*

Ethical concerns were considered from an early stage in the design of this experiment. Research participants were assured of confidentiality and anonymity by our request that they not write their names on the questionnaire they completed. This ensured that there was no way of linking a specific individual with a particular questionnaire. The autonomy of participants was protected through the use of an informed consent section, which among other things clearly explained that participation was voluntary and that respondents were free to withdraw from the research at any stage. Although we could not state the exact nature and purposes of the research in the informed consent form, we did share with participants that we were

running a study designed to aid our understand of the legal decision making process. The research was given ethics approval by the Humanities and Social Sciences Research Ethics Committee at the University of Kwazulu-Natal.

5.1.4 Data Analysis

The data was submitted to a three factor multivariate analysis of variance (MANOVA): Crime stereotype (black or white) x Evidence quality (low, ambiguous, or high) x Race (black, white, Indian or coloured). The large number of factors and the complexity of the design means we will not be interested in understanding or reporting all of the interactions that are produced. Specific interactions will be chosen based on their relevance to our original questions and the literature in this area.

The full SPSS 15.0.0 output for the MANOVA can be viewed in Appendix B. Tukey's HSD *post hoc* tests were requested of SPSS, along with Levene's test for homogeneity of variances. Levene's test was significant for both guilt, $F(47,1486) = 1.927, p < .01$, and sentence, $F(47, 1486) = 3.4782, p > .01$, indicating heterogeneity of variances. This finding led us to choose Pillai's Trace as our test statistic. This statistic has been shown to be more robust than other statistics to violations of the assumptions underlying MANOVA, and it has sufficient power to be useful for this experiment (Hair, Anderson, Tatham & Beck, 1998; Olson, 1974). Some of the test statistics were calculated using the 'exact method'. This procedure is used for conditions in which the data fail to meet the assumptions necessary for reliable use of the asymptotic method. Significance values produced using the exact method are always reliable regardless of any problems there may be with the balance, size or distribution of the data (SPSS, 2006).

6. RESULTS

6.1 Descriptive Statistics and Summary

The mean guilt ratings and sentences chosen by participants are plotted in Figure three and four respectively. The variables included in the figures include evidence type (low, ambiguous and high), defendant race (black or white), crime stereotype (black or white), and participant race (black, white, Indian and coloured).

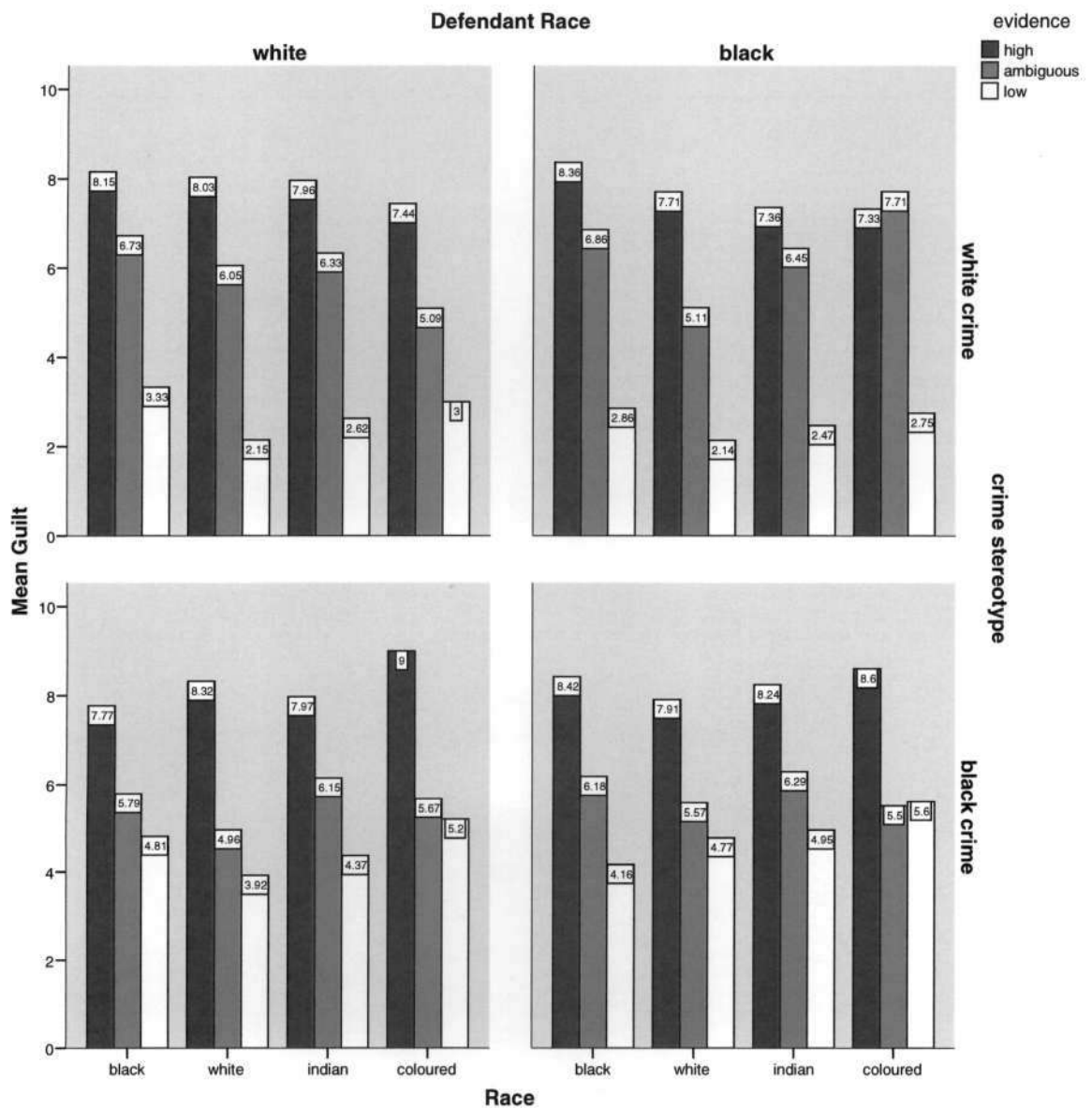


Figure 3. Mean guilt ratings given by black, white, Indian and coloured participants under different conditions of the independent variables evidence type, crime stereotype, and defendant race.

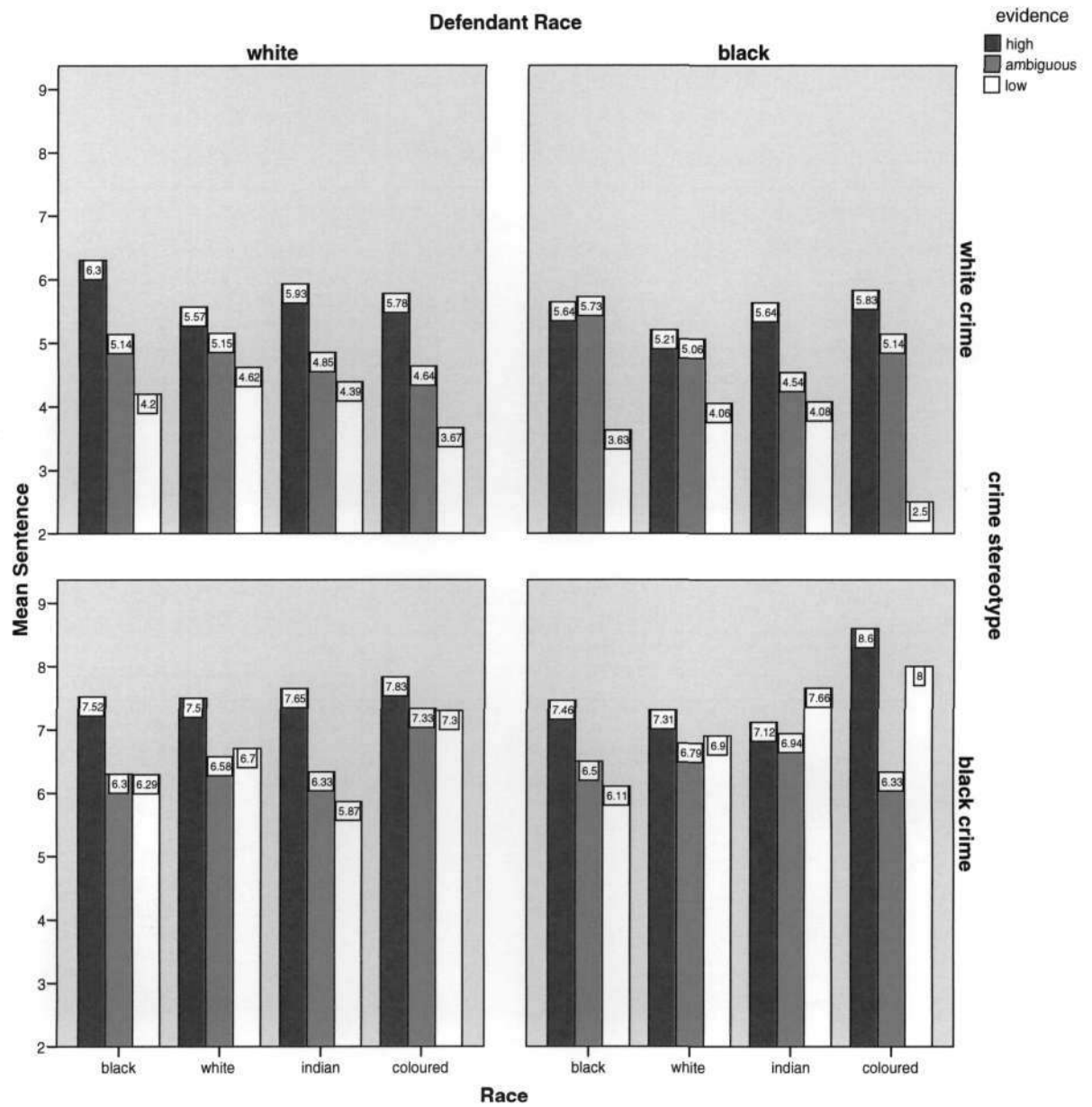


Figure 4. Mean sentences given by black, white, Indian and coloured participants under different conditions of the independent variables evidence type, crime stereotype, and defendant race.

Figure three and four show that our manipulations of the legal cases to produce a set of low evidence, ambiguous evidence and high evidence conditions for the vignettes were largely successful. The quality of the evidence presented to participants (high, ambiguous and low) had a significant impact both on how they rated the guilt of defendants, $F(2, 1486) = 175.595, p < .01, \eta^2 = .191$, and on the sentences they chose, $F(2, 1486) = 26.842, p < .01, \eta^2 = .035$. Post-hoc Tukey tests indicated that the high evidence condition ($\bar{X} = 8.05; SD = 2.093$) attracted significantly higher guilt ratings than the ambiguous evidence condition ($\bar{X} = 6.08; SD = 2.525$), which in turn attracted significantly higher guilt ratings than the low evidence condition ($\bar{X} = 3.73; SD = 2.831$). These points were widely dispersed over the levels of the dependant variables. It is, however, noticeable on visual inspection of figure three and four that the low evidence condition for black stereotypic crime is not sufficiently low to clearly differentiate it from the ambiguous evidence condition. If future research is conducted using these vignettes, they will need some adjustment to more clearly differentiate the low and ambiguous evidence vignettes for black stereotypic crime.

Further inspection of the means in figure three and four reveals an interesting pattern in the responses of participants. Although none of these results reach significance, $F(6, 1486) < 1$, Indian participants gave more severe sentences to black participants in the black stereotypic crime condition when the evidence was of low quality than when the evidence quality was of high quality or ambiguous. Similarly,

coloured respondents gave black participants in the black stereotypic crime condition more severe sentences when the evidence quality was low than when it was ambiguous. This pattern does not occur when white defendants are said to have committed a black stereotypic crime, and it does not appear when participants have to rate the guilt of defendants. It could be argued that this pattern is a sign of aversive racism in our sample, and that the low evidence condition was acting as an ambiguous evidence condition in this particular context. A more likely way of accounting for this pattern, however, is that these results stem from asking participants in the sentencing component of the questionnaires to suggest a sentence should the defendant(s) be found guilty by a court of law. Asking participants to sentence participants that have already been found guilty by a court of law means that the evidence provided for rating guilt is not needed, and it is therefore understandable that one would get sentence recommendations that do not always appear to reflect the quality of the evidence provided.

There is a clear difference between black stereotypic and white stereotypic crime in the guilt ratings and sentences chosen by participants, $F(2, 1486) = 106.169$, $p < .01$, $\eta^2 = .125$. This significant finding is very noticeable in figure three and four. This finding is accounted for by the fact that the black stereotypic crime used in the vignettes would generally be regarded as being of a more serious nature, and would tend to attract a higher guilt rating and sentence than the white stereotypic crime used in this study.

6.2 Hypothesis One

Our prediction that white participants would give racially biased guilt ratings and sentences only where the evidence provided was ambiguous and the defendant was black has been shown to be false in this particular study, $F(12, 2972) = 1.332$, $p > .05$, $\eta^2 = .005$. There is no evidence to suggest that aversive racism has influenced the decision making of white participants in this research. The relationship between evidence quality, defendant race, and participant race in terms of mean guilt ratings is plotted in figure 5. The equivalent graph for mean sentence is shown in figure 6. The means and interactions plotted in figure five and figure six show that the guilt ratings and sentences that white participants give have not been influenced by the race of the defendant.

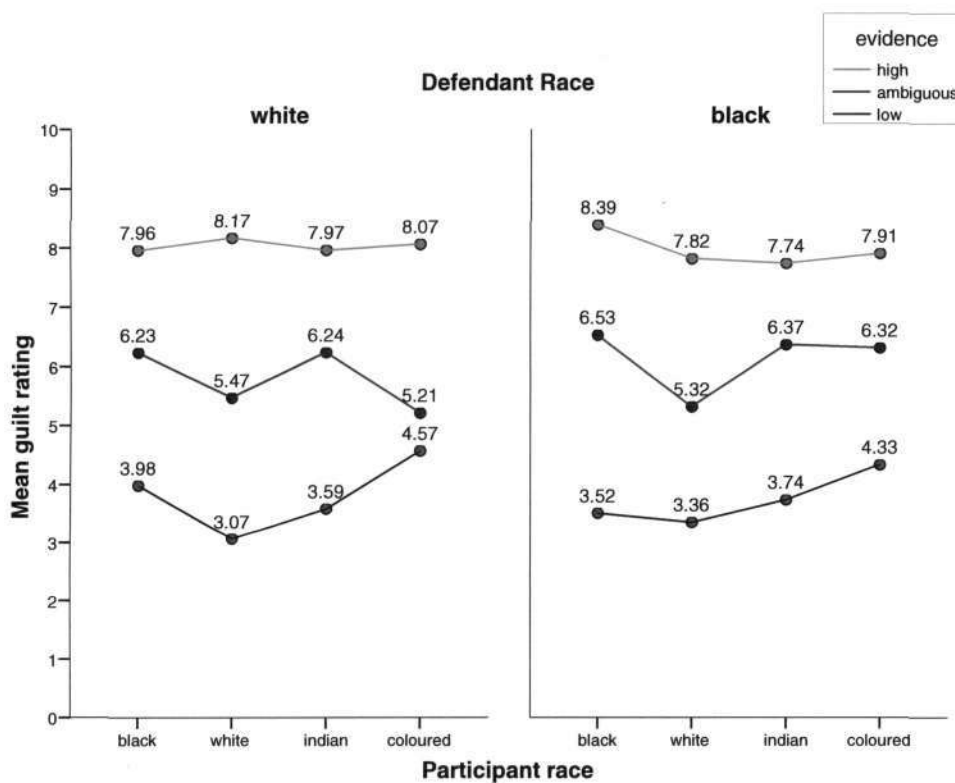


Figure 5. A plot of the relationship between participant race, defendant race, and evidence quality for the dependant variable of guilt.

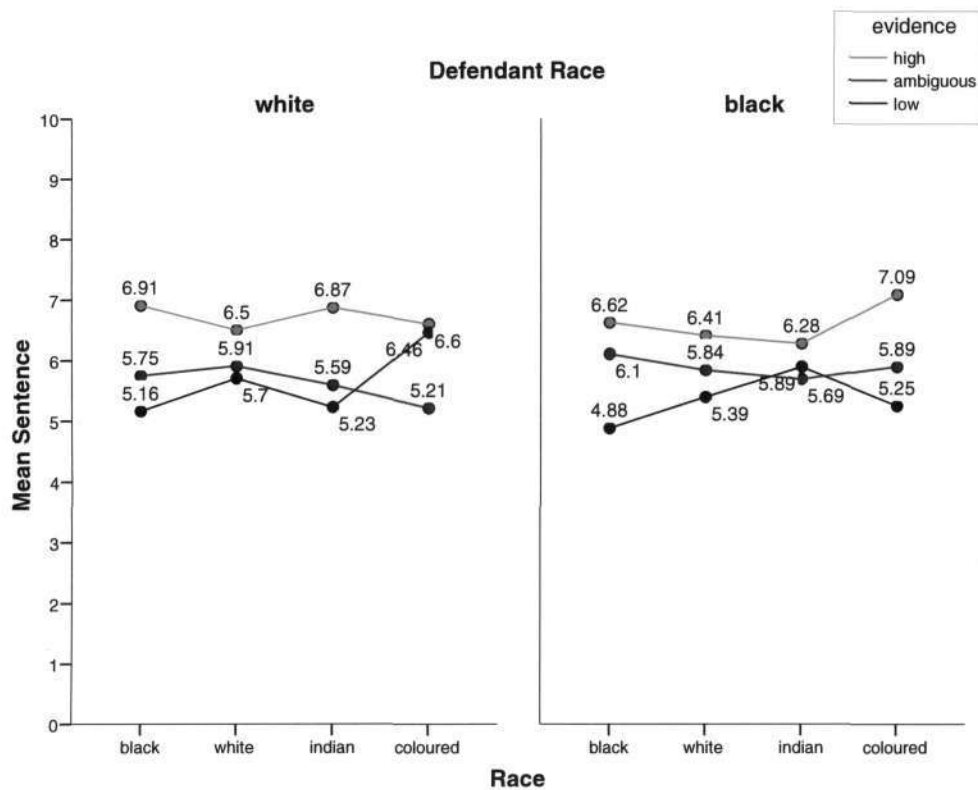


Figure 6. A plot of the relationship between participant race, defendant race, and evidence quality for the dependant variable of sentence.

6.3 Hypothesis Two

Our prediction that the aversive racism effect would go across race groups is not supported by this research. There is no evidence of aversive racism in the decision making of black, Indian or coloured participants in this study, $F(12, 2972) = 1.332, p > .05, \eta^2 = .005$.

6.4 Hypothesis Three

We predicted that racial bias would be evident from all race groups under both race stereotypical and non race-stereotypical crime conditions. This study found that whether the crime committed was race-stereotypical or not did not make the race of

the defendant any more or less important to participants in their decision making, $F(6, 2972) = .592, p > .05, \eta^2 = .001$. We must therefore accept the null hypothesis for this hypothesis.

6.5 Defendant Race

The race of the defendant made no difference to the guilt ratings or sentence recommendations made by participants, $F(2, 1486) < 1$. This means that this research has found no evidence of any racial bias in the mock legal decisions made by our participants. It is important to note that this does not mean that none of the participants in the sample hold racist views or are aversive racists, but it means that in the context of this experiment these attitudes did not significantly influence the mock legal decision making of participants.

6.6 Participant Race

There were significant differences between race groups in the manner that participants rated the guilt of defendants, $F(3, 1486) = 5.646, p < .01, \eta^2 = .011$. Post-hoc Tukey tests indicated that white participants ($\bar{X} = 5.51; SD = 2.91$) gave significantly lower guilt ratings to defendants than black participants ($\bar{X} = 6.20; SD = 3.11$), coloured participants ($\bar{X} = 6.13; SD = 2.84$) or Indian participants ($\bar{X} = 5.92; SD = 3.03$). Indian participants gave significantly lower guilt ratings than Black participants, but coloured and black participants did not differ from one another in their rating of defendant guilt. The race of the participant made no difference to the sentences given to defendants, $F(3, 1486) < 1$.

6.7 Re-analysis

There was a concern that using two legal vignettes for each participant may have interfered with the aversive racism effect. To explore this possibility, we re-analysed the data using only the vignettes that appeared first in the questionnaires. A three-way ANOVA: Crime Stereotype (black or white) x Evidence quality (low, ambiguous or high) x Race (black, white, Indian or coloured) was run for the dependant variable of guilt. Confining the analysis to the first vignettes did not produce any important changes in the significant values or findings generated by the first analysis, which suggests that including two vignettes in each questionnaire does not interfere with the aversive racism effect. The SPSS output for this re-analysis can be found in Appendix C.

7. Discussion

Our prediction that the classic aversive racism effect would be evident in the legal decision making of our participants has not been supported by this research. Not only did we find no evidence of aversive racism, but we also found no sign of any racial bias in the guilt ratings or sentences given by the participants in the study. These findings differ markedly from existing research in this area. For example, Hodson et al. (2005) found that when white participants were given the opportunity to rationalise their bias as being the result of non-racial factors, they rated black defendants as more

guilty, recommended longer sentences and perceived the likelihood of re-offending to be significantly higher than for white defendants.

Sommers & Ellsworth (2000) found in two related experiments that black mock jurors' gave white defendants higher guilt ratings and recommended they receive longer prison sentences. This finding was consistent across both race-salient and non race-salient trial conditions. Sommers & Ellsworth (2000) also found that white defendants received significantly higher guilt ratings than black defendants. Neither of these findings were replicated in the current research. Neither black, Indian nor coloured participants gave white participants longer sentences or higher guilt ratings than those that were given to white participants; and white defendants did not receive significantly higher guilt ratings than black defendants. Whether these differences in results stem from using a South African, as opposed to a North American, sample is not clear, although further mock legal decision experiments run using South African samples may help to shed light on this interesting finding.

Sommers & Ellsworth's (2000) second study may help to explain why there is no evidence of aversive racism in the mock legal decisions of white defendants in the current research. In their first study, Sommers & Ellsworth (2000) found that white mock jurors did not differ in their sentence recommendations for black and white defendants, and they tended to give equal attributions to both black and white defendants. Their explanation for this was that race was considered salient under all conditions of the first experiment, which according to aversive racism theory would have prompted white participants to carefully monitor their decision making to

prevent any accusations of racially biased responses. In the second experiment, however, the salience of racial issues was operationalised to create a 'more salient' and 'less salient' trial scenario. When race salient trial material was used, the guilt ratings given by white participants were not affected by the race of the defendant. When the trial material was less race-salient, however, white mock jurors gave black defendants significantly higher guilt ratings than white defendants. Our findings for white participants in the current research are similar to those of Sommers and Ellsworth (2000) in their first experiment, and in the race salient version of their second experiment. It could be that providing ambiguous evidence for some of the vignettes is not enough to create the conditions necessary for the expression of aversive racism in our sample, and perhaps a design that cleverly operationalises race salience is required to prevent white participants from monitoring their responses so carefully that it is impossible to measure implicit attitudes.

7.1 Accounting for the Results

In this research we provided conditions that typically elicit the classic aversive racism response. We did this by creating a range of ambiguous evidence legal scenarios specifically designed to provide participants with the opportunity to rationalise racially biased decisions as being the result of non-racial factors, namely the indeterminacy of the evidence provided. This manipulation failed to elicit the classic aversive racist response, and one of the questions that naturally emerges from this finding is whether or not aversive racism in South Africa is as common and insidious as it appears to be in the USA (Dovidio, & Gaertner, 2004), or if it is just methodological problems that have made it difficult to detect in this particular study.

We will now turn to look at some possible explanations for the findings of this research.

7.1 Tired of crime

One possible explanation for the lack of racial bias evident in participants' mock legal decisions can be drawn from an early study by Sherif & Sherif (1953). In the first of a series of experiments, the last of which came to be known as the Robbers Cave experiment, Sherif & Sherif (1953) found that after producing a state of friction between two artificially created in-groups, they were able to end this state of intergroup conflict by appealing to a common enemy.⁵ Having something that both groups could oppose was important in fostering inter-group co-operation and sharing. The relevance of this finding to the present study stems from the fact that for a large cross-section of South African society there is a common enemy, and that is crime.

Numerous commentators and surveys have noted the extremely high levels of violent crime in South Africa (Allen, 2002; Burger, 2007; Mattes, 2006; Shaw, 2002), with some arguing that South Africa ranks among the most violent societies in the world (Marsh, 1999). The direct and indirect effects of crime on individual citizens is significant. In a recent Afrobarometer survey, just less than one half of all South Africans interviewed reported that "they had feared crime in their own homes at least once in the previous 12 months" (Mattes, 2006, p. 18).⁶ In terms of direct exposure to crime, 31% of respondents reported that they or someone in their family had

⁵ This approach to reducing conflict between groups was dropped as a useful option because it merely widens the area of conflict.

⁶ Afrobarometer runs regular surveys in 18 African countries to measure public attitudes toward governance, democracy and economics. The purpose of this particular survey was to assess the extent to which people have been either directly or indirectly affected by crime, and the affect this has on their attitudes towards government and democracy.

possessions stolen from their house in the last 12 months, and 16% reported that they or someone in their family had been “physically attacked” in the previous year (Mattes, 2006a). South Africans of all races have consistently cited crime as one of the top five problems facing the country and needing urgent attention, and this despite a wide range of other pressing social problems to choose from (Mattes, 2006b). Could the significant fear of crime (FOC) that many South African citizens live with have temporarily overshadowed the racial stereotypes and prejudice that might typically be activated in a range of other contexts? To put it even more simply, could it be that South Africans are sufficiently tired of crime that their frustration with crime and criminals is more powerfully activated in this decision making context than their racial prejudice. If this were true, the strong emotional reaction to criminals could easily mask the subtle racial bias that we set out to find.

7.2 Vulnerability to crime

It is unclear why white participants gave significantly lower guilt ratings than black, Indian and coloured participants. One way of accounting for this finding is by looking at vulnerability to crime as an explanatory factor. Large-scale victim surveys conducted by the Institute for Security Studies (ISS) have consistently found that coloureds and blacks are significantly more likely to be victims of violent crime than Indians or whites (Shaw & Louw, 1998). One of the historical legacies of *apartheid* is that both blacks and coloureds tend to live in poorer communities with less access to resources and social services, and evidence suggests that it is the poor that bear the brunt of the high crime rate in South Africa (Marsh, 1999). Not only does living in a wealthy household make a person less likely to be the victim of violent crime (Schönteich, 2001), but it also means they are in a better position to access the

resources needed to deal with any psychological, economic and health-related repercussions typically followed by violent crime.

It is possible that their increased vulnerability to violent crime has led black and coloured participants to offer higher guilt ratings as a way of protecting themselves and their communities from victimization. This hypothesis is plausible in the light of Shaw & Louw's (1998) identification of a trend in ISS research up until 1998. They suggest that "whites are increasingly likely to see solutions to crime as locally based and community driven, while Africans are more likely to see national government interventions and better policing as solutions" (1998, p.4). This would explain why a 2007 Markinor opinion poll found that while only a quarter of white South Africans (28%) have done nothing about crime, the majority of black (70%), coloured (58%) and Indian (61%) respondents have done nothing to actively protect themselves and their communities (Harris, & Radeaelli, 2007). While the vulnerability to crime explanation could account for the significantly more lenient guilt ratings and sentences that white participants gave to defendants, an equally plausible alternative explanation is that white participants may feel uneasy participating in research that appears to be about race, and so may globally depress the guilt ratings and sentences they give out as a way of protecting themselves from any insinuations of racism. If white participants did have these concerns, however, we would have expected a pattern of responses that more closely resembles the findings of other research on aversive racism. Ultimately it is only further research that can clarify these questions.

8. Conclusion

This aim of this research was to extend existing work on aversive racism and legal decision making. We did this by using a multi-racial South African sample that approximately reflects the racial demographics of South African society, and by heeding Sheldon's (2000) warning that researchers must stop confining themselves to studying prejudice from the perspective of whites. Presenting participants with black stereotype and white stereotype crime follows the recommendations made by a number of past studies (Gordon & Anderson, 1995; Knight, Giuliano & Sanchez-Ross, 2001; Sommers & Ellsworth, 2000), and producing and piloting vignettes specifically for the South African context has provided a useful tool that could be adapted or re-used by other researchers in this field. Our attention will now turn to identifying limitations of the current study, and recommendations for future research.

8.1 Limitations of This Study

The student sample used in this study is not ideal for research on legal decision making. It would have been better to use judges, magistrates or lawyers as participants, since they are routinely engaged in making real legal decisions and are trained in law. The problem is that these individuals are difficult to access, their time is extremely valuable, and it would be very difficult to obtain a large enough sample to achieve sufficient statistical power to detect significant results. These factors have meant that research on aversive racism and legal decision typically use student participants (Gordon, 1990; Hodson et al., 2005), or participants sampled from the general population (Sommers & Ellsworth, 2000). It is therefore wise to stress that one should not generalise the results from this research to real legal decision making contexts without a great deal of caution and care.

Whenever using a complex research design that includes a number of dependant and independent variables, there is always a danger that unexpected results will be difficult to interpret. In this research, the relatively small literature on aversive racism in the legal decision making sphere has meant that some of the findings have been difficult to account for. The useful thing about trying to interpret results from complex designs in poorly explored areas, however, is that the process of questioning and hypothesising that this process inevitably involves can point to possibilities for interesting future research.

There are a number of methodological limitations and problems that merit discussion. Requiring participants to self-report their race prior to completing the questionnaire may have orientated participants to the importance of race in the experimental context. This may have made the questionnaires highly race salient under all conditions and participants, which could have interfered with our attempts to operationalise race salience by adjusting the quality of evidence that participants received and the race of the defendants being judged. Future research may benefit from asking participants to report their race after having completed the questionnaire.

Minor confounds that may have interfered with the experimental effect are the fact that a) the number of defendants differed in the two vignettes, and b) race is directly referenced in the white-stereotypic vignette and indirectly in the black-stereotypic vignette. It is possible that individual crimes may be judged differently to crimes committed by groups. More attention should have been spent on standardising the materials, and future research interested in using the vignettes produced for this study should adjust them in order to minimise possible confounds.

The pilot studies were essential for developing the materials used in this research, but there were methodological problems that could be rectified in future research intent on using and fine-tuning the questionnaires. In both pilot studies the quality of evidence was inferred from guilt ratings provided by participants. It would have been far more effective and valid to have directly measured participants' perceptions of the quality of the evidence presented by asking them for their impressions of the information they had been given. For instance, one could ask participants if they need more information in order to make a competent judgement about the guilt of the defendant. This may have provided more useful and pertinent information than that provided by guilt ratings. Future research should consider emphasising qualitative differences in information in order to create a high, ambiguous and low evidence condition. The present research perhaps relied too heavily on quantitative differences in information in order to produce low, ambiguous and high evidence conditions.

8.2 Recommendations for Future Research

Future research on aversive racism and legal decision making in South Africa could benefit from creating research designs that enable the researcher to operationalise race salience. This could significantly increase the likelihood of participants' expressing their implicit attitudes in their decision making. It may also be wise, considering the huge role that race plays in many aspects of South African society and politics, to reduce the threshold at which we might describe an experimental condition as race salient. South Africans are likely to be extremely sensitive to cues that a study is about race, and to create less race salient scenarios may be a significant challenge.

There is a need for future research on aversive racism in South Africa. This is not only because of the difficulties associated with applying international research findings to the local context, but also because South Africa is an interesting multicultural society that has recently undergone an enormous and relatively peaceful shift from having a racist white minority government to having a black majority government. This large shift makes the socio-political climate of South Africa rather unique, and it also means that there are many opportunities for innovative researchers to study the racial attitudes, experiences and behaviours that this unique context fosters. There is already a large body of literature dedicated to understanding the racial attitudes and behaviours of white people living in developed countries with white majority governments, but whether or not these findings can be generalized to 3rd world environments with extremely different demographic patterns is unclear. More research is needed to answer this question, and to explore the social dynamics of race relations in South Africa.

It would be interesting for future researchers to set up qualitative group discussions to see how participants explain and justify their legal decision making to their peers. Asking participants to defend their mock legal decisions in front of a group could be a valuable exercise, because the process of creating persuasive arguments to defend an action is such a socially and intellectually demanding task that implicit attitudes are difficult to hide in the discourse used (Billig, 1987). An additional reason for using this approach is that the rhetoric of persuasion often entails the use of category arguments, which typically offer a great insight into how a person constructs their social world (Reicher & Hopkins, 2001). Qualitative work such as this could be a

great adjunct to the large-scale mock legal decision making experiments, and ultimately may give us a better understanding of how to best combat racial bias in the legal sphere.

9. References

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APPENDIX A:

Stimuli: Legal Vignettes for race stereotypical and non race-stereotypical crime

The following six pages show six of the twelve legal vignettes used in the research (p.71-77). Six vignettes are omitted from this appendix because they are exactly the same as those included below, but merely have different names inserted for the defendants. The final page (p.77) shows the rating scale that was printed on the back of each vignette asking for an assessment of how realistic participants found each case. The format of the vignettes have been very slightly altered in order to fit them in this document. They are shown in the order listed below:

<i>Black Stereotype Crime: High Evidence Condition: Black Defendants.....</i>	<i>71</i>
<i>Black Stereotype Crime: Ambiguous Evidence Condition: Black defendants.....</i>	<i>72</i>
<i>Black Stereotype Crime: Low Evidence Condition: Black defendants.....</i>	<i>73</i>
<i>White Stereotype Crime: High Evidence Condition: White defendant</i>	<i>74</i>
<i>White Stereotype Crime: Ambiguous Evidence Condition: White defendant</i>	<i>75</i>
<i>White Stereotype Crime: Low Evidence Condition: White defendant</i>	<i>76</i>
<i>Rating scale that appeared on the back page of each vignette.....</i>	<i>77</i>

Investigating Officer's Report:

On Wednesday, 15 July at 11:45 am, my partner and I responded to a cash in transit heist taking place at ***** shopping centre. We were informed that the suspects had got away in a BMW 318i. On our way to the scene we saw a white BMW driving recklessly at high speed. We turned on the siren and gave chase, but the BMW would not pull over. The car eventually skidded off the road after a 10-minute chase. There were four occupants in the car. The occupants' names are Jabulani Sithole, Dumisani Gwala, Siyanda Mchunu and Lazarus Ndlovu. While waiting for backup we searched the suspects' motor vehicle. One unlicensed AK47 assault rifle was found in the vehicle together with a portable safe full of cash.

Jabulani Sithole, Dumisani Gwala, Siyanda Mchunu and Lazarus Ndlovu are being charged with: ARMED ROBBERY.

After reading the above statement(s), how guilty do **you** feel the defendants are of armed robbery on a scale of 0 to 10? A rating of 0 means that you are certain they are not guilty. A rating of 10 means you are absolutely certain the defendants are guilty. A rating of 5 means you are not sure of the defendants' level of guilt. Please circle the number that you personally believe most accurately reflects the defendants' level of guilt:

Not guilty	0	1	2	3	4	5	6	7	8	9	10	Guilty
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If Jabulani Sithole, Dumisani Gwala, Siyanda Mchunu and Lazarus Ndlovu were found guilty of armed robbery by a court of law, and you had to choose the sentence, what sentence would you give them? Please make a large bold cross over the box that you feel is a suitable punishment for this person:

- R200 fine**
- R500 fine**
- 70 hours community service**
- R500 fine and 70 hours community service**
- 3 months prison**
- 6 months prison**
- 1 year prison**
- 5 years prison**
- 10 years prison**

Investigating Officer's Report:

On Wednesday, 15 July at 11:45 am, my partner and I responded to a cash in transit heist taking place at ***** shopping centre. We were informed that the suspects had got away in a BMW 318i. On our way to the scene we saw a white BMW driving recklessly at high speed. We turned on the siren and gave chase, but the BMW would not pull over. The car eventually skidded off the road after a 10-minute chase. There were four occupants in the car. The occupants' names are Jabulani Sithole, Dumisani Gwala, Siyanda Mchunu and Lazarus Ndlovu. While waiting for backup we searched the suspects' motor vehicle. One unlicensed firearm was found, but there was no cash.

Jabulani Sithole, Dumisani Gwala, Siyanda Mchunu and Lazarus Ndlovu are being charged with: ARMED ROBBERY.

After reading the above statement(s), how guilty do **you** feel the defendants are of armed robbery on a scale of 0 to 10? A rating of 0 means that you are certain they are not guilty. A rating of 10 means you are absolutely certain the defendants are guilty. A rating of 5 means you are not sure of the defendants' level of guilt. Please circle the number that you personally believe most accurately reflects the defendants' level of guilt:

Not guilty	0	1	2	3	4	5	6	7	8	9	10	Guilty
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If Jabulani Sithole, Dumisani Gwala, Siyanda Mchunu and Lazarus Ndlovu were found guilty of armed robbery by a court of law, and you had to choose the sentence, what sentence would you give them? Please make a large bold cross over the box that you feel is a suitable punishment for this person:

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- 5 years prison**
- 10 years prison**

Investigating Officer's Report:

On Wednesday, 15 July at 11:45 am, my partner and I responded to a cash in transit heist taking place at ***** shopping centre. We were informed that the suspects had got away in a BMW 318i. On our way to the scene we saw a white BMW driving recklessly at high speed. We turned on the siren and gave chase, but the BMW would not pull over. The car eventually skidded off the road after a 10-minute chase. There were four occupants in the car. The occupants' names are Jabulani Sithole, Dumisani Gwala, Siyanda Mchunu and Lazarus Ndlovu. While waiting for backup we searched the suspects' motor vehicle. There was no cash or weapons found in the vehicle.

Jabulani Sithole, Dumisani Gwala, Siyanda Mchunu and Lazarus Ndlovu are being charged with: ARMED ROBBERY.

After reading the above statement(s), how guilty do **you** feel the defendants are of armed robbery on a scale of 0 to 10? A rating of 0 means that you are certain they are not guilty. A rating of 10 means you are absolutely certain the defendants are guilty. A rating of 5 means you are not sure of the defendants' level of guilt. Please circle the number that you personally believe most accurately reflects the defendants' level of guilt:

Not guilty	0	1	2	3	4	5	6	7	8	9	10	Guilty
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If Jabulani Sithole, Dumisani Gwala, Siyanda Mchunu and Lazarus Ndlovu were found guilty of armed robbery by a court of law, and you had to choose the sentence, what sentence would you give them? Please make a large bold cross over the box that you feel is a suitable punishment for this person:

- R200 fine
- R500 fine
- 70 hours community service
- R500 fine and 70 hours community service
- 3 months prison
- 6 months prison
- 1 year prison
- 5 years prison
- 10 years prison

Investigating Officer's Report:

I received a call to go to the business premises of ***** Plumbing because of reports of a disturbance there. On arrival I saw a middle aged black man and white woman on the pavement outside the business, and the man was pacing up and down. He showed me a large gash on his head. The man gave his name as Siyabonga Zondi. He told me that his employer Peter Smit had attacked him with a sjambok minutes before I arrived, and that he had been fired from his job after the beating. He also alleged that his boss had called him a "stupid lazy bastard". The man claims to have worked for his employer for 2 months. He told me that his boss was still inside the building. I entered ***** Plumbing and spoke to the owner and asked him if he would allow me to search the premises. He agreed to the request. I searched the business premises and found a sjambok with fresh blood on it.

I took a statement from the woman who was a witness at the scene. Her name is **** *.

Witness 1 Statement

I was walking past ***** Plumbers on my way to the salon when I heard shouting coming from inside the building. I was really scared and did not know what to do. At one stage I heard somebody inside the building scream "please don't hurt me". At that stage I ran into a neighbouring shop and phoned the police. When I returned a black man with a gash on his head was standing outside the plumbers. I waited with him for the police.

Peter Smit is being charged with assaulting Siyabonga Zondi:

After reading the above statement(s), how guilty do **you** feel the defendant is of assault on a scale of 0 to 10? A rating of 0 means that you are certain the he is not guilty, whilst 10 means you are absolutely certain he is guilty. A rating of 5 means you are not sure of the defendant's level of guilt. Please circle the number that you personally believe most accurately reflects the defendant's level of guilt:

Not guilty	0	1	2	3	4	5	6	7	8	9	10	Guilty
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If Peter Smit was found guilty by court of law of assaulting Siyabonga Zondi, and you had to choose the sentence, what sentence would you give him? Please make a large bold cross over the box that you feel is a suitable punishment for this person:

- R200 fine
- R500 fine
- 70 hours community service
- R500 fine and 70 hours community service
- 3 months prison
- 6 months prison
- 1 year prison
- 5 years prison
- 10 years prison

Investigating Officer's Report:

I received a call to go to the business premises of ***** Plumbers because of reports of a disturbance there. On arrival I saw a middle aged black man and white woman on the pavement outside the business, and the man was pacing up and down. He showed me a large gash on his head. The man gave his name as Siyabonga Zondi. He told me that his employer Peter Smit had attacked him with a sjambok minutes before I arrived, and that he had been fired from his job after the beating. He also alleged that his boss had called him a "stupid lazy bastard". The man claims to have worked for his employer for 2 months. He told me that his boss was still inside the building. I entered ***** Plumbers and spoke to the owner who denied that Siyabonga had ever worked for him. Two employees of ***** Plumbers were spoken to separately and both denied they had ever seen him. I asked the owner if he would allow me to search the premises. He agreed to the request. I searched the business premises and found a sjambok. The sjambok had no blood on it.

I took a statement from the woman who was a witness at the scene. Her name is ***** *****.

Witness 1 Statement

I was walking past ***** Plumbers on my way to the salon when I heard shouting coming from inside the building. I was really scared and did not know what to do. At one stage I heard somebody inside the building scream "please don't hurt me". At that stage I ran into a neighbouring shop and phoned the police. When I returned a black man with a gash on his head was standing outside the plumbers. I waited with him for the police.

Peter Smit is being charged with assaulting Siyabonga Zondi:

After reading the above statement(s), how guilty do **you** feel the defendant is of assault on a scale of 0 to 10? A rating of 0 means that you are certain the he is not guilty, whilst 10 means you are absolutely certain he is guilty. A rating of 5 means you are not sure of the defendant's level of guilt. Please circle the number that you personally believe most accurately reflects the defendant's level of guilt:

Not guilty	0	1	2	3	4	5	6	7	8	9	10	Guilty
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If Peter Smit was found guilty by court of law of assaulting Siyabonga Zondi, and you had to choose the sentence, what sentence would you give him? Please make a large bold cross over the box that you feel is a suitable punishment for this person:

- R200 fine
- R500 fine
- 70 hours community service
- R500 fine and 70 hours community service
- 3 months prison
- 6 months prison
- 1 year prison
- 5 years prison
- 10 years prison

Investigating Officer's Report:

I received a call to go to the business premises of ***** Plumbers because of reports of a disturbance there. On arrival I saw a middle aged black man outside the business pacing up and down. The man gave his name as Siyabonga Zondi. He told me that his employer Peter Smit had attacked him with a sjambok minutes before I arrived, and that he had been fired from his job after the beating. He also alleged that his boss had called him a "stupid lazy bastard". The man claims to have worked for his employer for 2 months. There appeared to be no sign of any physical harm to the person, and he was not able to show me any marks on his body that could have been caused by a sjambok.

I entered the shop and spoke to the owner, who denied that Siyabonga had ever worked for him. Two employees of ***** Plumbers were spoken to separately and both denied they had ever seen him. A search of the premises revealed no sjambok. There were no witnesses to the alleged assault.

Peter Smit is being charged with assaulting Siyabonga Zondi:

After reading the above statement(s), how guilty do **you** feel the defendant is of assault on a scale of 0 to 10? A rating of 0 means that you are certain the he is not guilty, whilst 10 means you are absolutely certain he is guilty. A rating of 5 means you are not sure of the defendant's level of guilt. Please circle the number that you personally believe most accurately reflects the defendant's level of guilt:

Not guilty	0	1	2	3	4	5	6	7	8	9	10	Guilty
------------	---	---	---	---	---	---	---	---	---	---	----	--------

If Peter Smit was found guilty by court of law of assaulting Siyabonga Zondi, and you had to choose the sentence, what sentence would you give him? Please make a large bold cross over the box that you feel is a suitable punishment for this person:

- R200 fine
- R500 fine
- 70 hours community service
- R500 fine and 70 hours community service
- 3 months prison
- 6 months prison
- 1 year prison
- 5 years prison
- 10 years prison

Do you think this is a real life case?

Do you believe that the case you have just read and judged is a real-life case? A rating of 0 means that you are certain it is **not a real case**. A rating of 10 means you are absolutely certain **the case is real**. A rating of 5 means you are **not sure** if the case is real or not. Please circle the number that reflects how real you think the case is:

NOT REAL CASE	0	1	2	3	4	5	6	7	8	9	10	REAL CASE
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APPENDIX B:

MANOVA output for main experiment

General Linear Model

Between-Subjects Factors

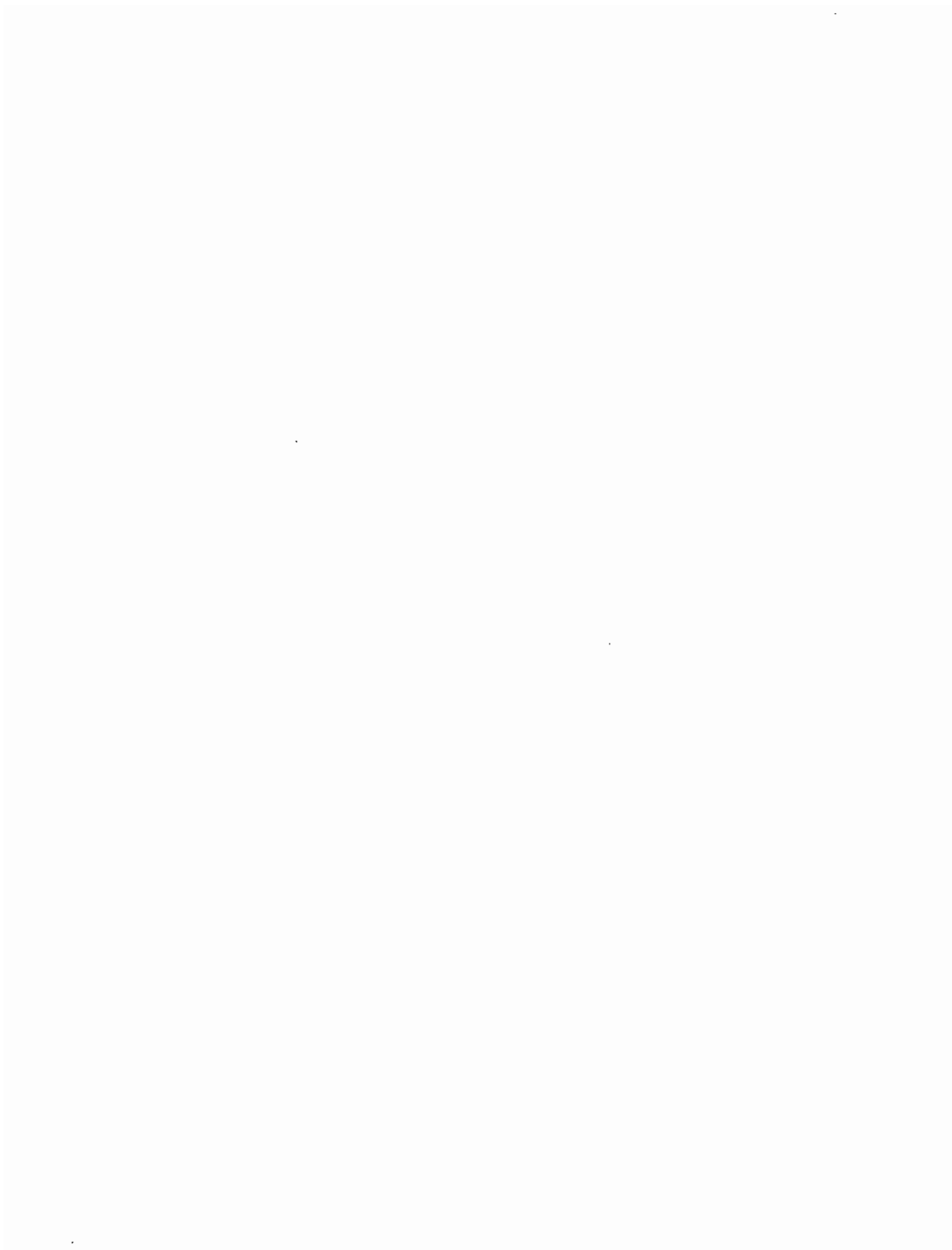
	Value Label	N
sus_race	1.00 white	774
	2.00 black	760
evidence	1.00 high	518
	2.00 ambiguous	527
	3.00 low	489
crime stereotype	1.00 white crime	761
	2.00 black crime	773
Race	1 black	684
	2 white	398
	3 indian	372
	4 coloured	80

Descriptive Statistics

	sus_race	evidence	crime stereotype	Race	Mean	Std. Deviation	N
Guilt	white	high	white crime	black	8.15	2.114	66
				white	8.03	1.810	30
				indian	7.96	1.972	28

	coloured	7.44	3.167	9
	Total	8.04	2.087	133
black crime	black	7.77	2.396	65
	white	8.32	1.786	28
	indian	7.97	2.222	34
	coloured	9.00	2.000	6
	Total	7.99	2.217	133
Total	black	7.96	2.258	131
	white	8.17	1.788	58
	indian	7.97	2.096	62
	coloured	8.07	2.789	15
	Total	8.02	2.149	266
ambiguous	black	6.73	2.906	51
	white	6.05	1.934	40
	indian	6.33	2.402	27
	coloured	5.09	3.081	11
	Total	6.29	2.563	129
black crime	black	5.79	2.839	56
	white	4.96	2.256	45
	indian	6.15	2.461	27
	coloured	5.67	4.041	3
	Total	5.57	2.611	131
Total	black	6.23	2.896	107
	white	5.47	2.169	85
	indian	6.24	2.410	54

		coloured	5.21	3.142	14
		Total	5.93	2.607	260
low	white crime	black	3.63	2.946	60
		white	2.15	1.861	34
		indian	2.74	3.078	23
		coloured	3.33	2.887	3
		Total	3.03	2.753	120
	black crime	black	5.00	3.137	51
		white	3.92	2.253	37
		indian	4.37	2.593	30
		coloured	5.20	2.440	10
	Total	Total	4.55	2.740	128
		black	4.26	3.098	111
		white	3.07	2.245	71
		indian	3.66	2.902	53
		coloured	4.77	2.555	13
	Total	Total	3.82	2.845	248
	white crime	black	6.21	3.273	177
		white	5.35	3.020	104
		indian	5.86	3.258	78
		coloured	5.78	3.302	23
	Total	Total	5.88	3.212	382
	black crime	black	6.30	3.005	172
		white	5.46	2.745	110
		indian	6.24	2.834	91



			coloured	6.47	3.007	19
		Total	Total	6.06	2.908	392
		black	black	6.26	3.140	349
		white	white	5.41	2.876	214
		indian	indian	6.07	3.034	169
		coloured	coloured	6.10	3.153	42
		Total	Total	5.97	3.061	774
black		black	black	8.36	2.108	58
high		white	white	7.71	1.967	24
white crime		indian	indian	7.36	2.409	33
		coloured	coloured	7.33	2.503	6
		Total	Total	7.91	2.206	121
black crime		black	black	8.42	1.794	69
		white	white	7.91	2.038	32
		indian	indian	8.24	1.855	25
		coloured	coloured	8.60	1.673	5
		Total	Total	8.27	1.856	131
	Total	black	black	8.39	1.936	127
		white	white	7.82	1.992	56
		indian	indian	7.74	2.213	58
		coloured	coloured	7.91	2.166	11
		Total	Total	8.10	2.035	252
ambiguous		black	black	6.86	2.576	59
white crime		white	white	5.12	2.422	34
		indian	indian	6.57	2.375	37

	coloured	7.71	1.799	7
	Total	6.39	2.548	137
black crime	black	6.18	2.289	56
	white	5.57	2.395	28
	indian	6.47	2.390	34
	coloured	5.50	1.931	12
	Total	6.06	2.312	130
Total	black	6.53	2.454	115
	white	5.32	2.401	62
	indian	6.52	2.366	71
	coloured	6.32	2.136	19
	Total	6.23	2.437	267
low	black	2.93	2.516	46
white crime	white	2.17	1.917	35
	indian	2.47	2.624	36
	coloured	2.75	2.217	4
	Total	2.57	2.376	121
black crime	black	4.43	3.229	47
	white	4.77	2.617	31
	indian	4.95	2.620	38
	coloured	5.75	.957	4
	Total	4.73	2.828	120
Total	black	3.69	2.978	93
	white	3.39	2.607	66
	indian	3.74	2.886	74

			coloured	4.25	2.252	8
		Total	Total	3.64	2.821	241
	Total	white crime	black	6.29	3.248	163
			white	4.68	3.047	93
			indian	5.42	3.260	106
			coloured	6.41	2.917	17
		Total	Total	5.66	3.247	379
		black crime	black	6.60	2.909	172
			white	6.12	2.699	91
			indian	6.33	2.680	97
			coloured	6.29	2.125	21
		Total	Total	6.40	2.761	381
		black	black	6.45	3.078	335
		white	white	5.39	2.962	184
		indian	indian	5.86	3.024	203
		coloured	coloured	6.34	2.474	38
		Total	Total	6.03	3.034	760
	Total	white crime	black	8.25	2.105	124
			white	7.89	1.870	54
			indian	7.64	2.221	61
			coloured	7.40	2.823	15
		Total	Total	7.98	2.141	254
		black crime	black	8.10	2.125	134
			white	8.10	1.920	60
			indian	8.08	2.062	59

		coloured	8.82	1.779	11
		Total	8.13	2.047	264
	Total	black	8.17	2.113	258
		white	8.00	1.891	114
		indian	7.86	2.147	120
		coloured	8.00	2.498	26
		Total	8.05	2.093	518
	ambiguous	black	6.80	2.722	110
		white	5.62	2.206	74
		indian	6.47	2.370	64
		coloured	6.11	2.908	18
		Total	6.35	2.551	266
	black crime	black	5.98	2.575	112
		white	5.19	2.313	73
		indian	6.33	2.406	61
		coloured	5.53	2.295	15
		Total	5.82	2.474	261
	Total	black	6.39	2.674	222
		white	5.41	2.263	147
		indian	6.40	2.379	125
		coloured	5.85	2.623	33
		Total	6.08	2.525	527
	low	black	3.33	2.777	106
		white	2.16	1.876	69
		indian	2.58	2.787	59

	coloured	3.00	2.309	7
	Total	2.80	2.576	241
black crime	black	4.72	3.178	98
	white	4.31	2.445	68
	indian	4.69	2.605	68
	coloured	5.36	2.098	14
	Total	4.64	2.779	248
Total	black	4.00	3.050	204
	white	3.23	2.422	137
	indian	3.71	2.882	127
	coloured	4.57	2.399	21
	Total	3.73	2.831	489
Total	black	6.25	3.257	340
	white	5.03	3.044	197
	indian	5.61	3.257	184
	coloured	6.05	3.121	40
	Total	5.77	3.229	761
black crime	black	6.45	2.957	344
	white	5.76	2.737	201
	indian	6.29	2.748	188
	coloured	6.38	2.549	40
	Total	6.23	2.840	773
Total	black	6.35	3.109	684
	white	5.40	2.912	398
	indian	5.95	3.026	372

Sentence	white	high	white crime	coloured
			black	6.21
			white	2.836
			indian	6.00
			coloured	3.047
			Total	1534
			black	6.30
			white	2.000
			indian	5.57
			coloured	1.794
			Total	30
			black crime	5.93
			white	1.676
			indian	5.78
			coloured	1.202
			Total	9
			black	6.02
			white	1.852
			indian	1.371
			coloured	1.371
			Total	65
			black crime	7.52
			white	7.50
			indian	1.599
			coloured	1.368
			Total	34
			black	7.65
			white	7.83
			indian	.408
			coloured	7.83
			Total	6
			black	7.56
			white	1.384
			indian	1.816
			coloured	1.816
			Total	133
			black	6.91
			white	1.949
			indian	1.732
			coloured	1.732
			Total	62
			black	6.60
			white	1.404
			indian	1.404
			coloured	1.404
			Total	15
			black	6.79
			white	1.805
			indian	1.805
			coloured	1.805
			Total	266
			black	5.14
			white	1.939
			indian	1.939
			coloured	1.939
			Total	51
			black	5.15
			white	1.748
			indian	1.748
			coloured	1.748
			Total	40
			black	4.85
			white	1.994
			indian	1.994
			coloured	1.994
			Total	27
			black	4.64
			white	1.502
			indian	1.502
			coloured	1.502
			Total	11
			black	5.04
			white	1.847
			indian	1.847
			coloured	1.847
			Total	129
			black	6.30
			white	2.215
			indian	2.215
			coloured	2.215
			Total	56
			black	6.58
			white	1.948
			indian	1.948
			coloured	1.948
			Total	45
			black	6.33
			white	2.304
			indian	2.304
			coloured	2.304
			Total	27

		coloured	7.33	2.082	3
		Total	6.43	2.127	131
	Total	black	5.75	2.159	107
		white	5.91	1.980	85
		indian	5.59	2.261	54
		coloured	5.21	1.929	14
		Total	5.74	2.107	260
low		black	4.20	2.283	60
	white crime	white	4.62	2.229	34
		indian	4.39	2.407	23
		coloured	3.67	2.887	3
		Total	4.34	2.284	120
	black crime	black	6.29	2.752	51
		white	6.70	2.120	37
		indian	5.87	2.285	30
		coloured	7.30	2.003	10
		Total	6.39	2.428	128
	Total	black	5.16	2.709	111
		white	5.70	2.399	71
		indian	5.23	2.431	53
		coloured	6.46	2.634	13
		Total	5.40	2.568	248
Total	white crime	black	5.25	2.256	177
		white	5.10	1.948	104
		indian	5.10	2.099	78

			coloured	4.96	1.692	23
		Total	Total	5.16	2.107	382
		black crime	black	6.76	2.202	172
			white	6.85	1.948	110
			indian	6.67	2.124	91
			coloured	7.47	1.611	19
		Total	Total	6.80	2.089	392
		Total	black	6.00	2.351	349
			white	6.00	2.134	214
			indian	5.95	2.247	169
			coloured	6.10	2.070	42
		Total	Total	5.99	2.251	774
	black	white crime	black	5.72	2.353	58
	high		white	5.21	1.693	24
			indian	5.64	1.950	33
			coloured	5.83	2.401	6
		Total	Total	5.60	2.115	121
		black crime	black	7.46	1.623	69
			white	7.31	1.712	32
			indian	7.12	1.536	25
			coloured	8.60	.894	5
		Total	Total	7.40	1.616	131
			black	6.67	2.164	127
			white	6.41	1.989	56
			indian	6.28	1.918	58



		coloured	7.09	2.300	11
		Total	6.54	2.075	252
ambiguous	white crime	black	5.73	2.100	59
		white	5.06	1.575	34
		indian	4.54	1.609	37
		coloured	5.14	1.864	7
		Total	5.21	1.888	137
	black crime	black	6.50	2.207	56
		white	6.79	1.792	28
		indian	6.94	1.757	34
		coloured	6.33	1.969	12
		Total	6.66	1.979	130
	Total	black	6.10	2.178	115
		white	5.84	1.875	62
		indian	5.69	2.060	71
		coloured	5.89	1.969	19
		Total	5.92	2.061	267
low	white crime	black	3.63	2.101	46
		white	4.06	1.798	35
		indian	4.08	1.713	36
		coloured	2.50	1.732	4
		Total	3.85	1.900	121
	black crime	black	6.11	2.452	47
		white	6.90	2.150	31
		indian	7.66	1.564	38

			coloured	8.00	.816	4
		Total	Total	6.87	2.177	120
			black	4.88	2.591	93
		Total	white	5.39	2.423	66
			indian	5.92	2.426	74
			coloured	5.25	3.196	8
		Total	Total	5.35	2.537	241
	Total	white crime	black	5.13	2.377	163
			white	4.72	1.753	93
			indian	4.73	1.854	106
			coloured	4.76	2.333	17
		Total	Total	4.90	2.096	379
		black crime	black	6.78	2.138	172
			white	7.01	1.889	91
			indian	7.27	1.643	97
			coloured	7.19	1.861	21
		Total	Total	6.98	1.951	381
		Total	black	5.98	2.399	335
			white	5.85	2.149	184
			indian	5.94	2.166	203
			coloured	6.11	2.391	38
		Total	Total	5.94	2.275	760
	Total	high	black	6.03	2.182	124
		white crime	white	5.41	1.743	54
			indian	5.77	1.820	61

	coloured	5.80	1.699	15
	Total	5.82	1.989	254
black crime	black	7.49	1.501	134
	white	7.40	1.649	60
	indian	7.42	1.453	59
	coloured	8.18	.751	11
	Total	7.48	1.503	264
Total	black	6.79	1.995	258
	white	6.46	1.960	114
	indian	6.58	1.841	120
	coloured	6.81	1.812	26
	Total	6.67	1.943	518
ambiguous	black	5.45	2.039	110
	white	5.11	1.660	74
	indian	4.67	1.773	64
	coloured	4.83	1.618	18
	Total	5.13	1.867	266
black crime	black	6.40	2.203	112
	white	6.66	1.880	73
	indian	6.67	2.023	61
	coloured	6.53	1.959	15
	Total	6.54	2.054	261
Total	black	5.93	2.171	222
	white	5.88	1.930	147
	indian	5.65	2.141	125

		coloured	5.61	1.952	33
		Total	5.83	2.084	527
	low	black	3.95	2.214	106
		white	4.33	2.027	69
		indian	4.20	1.998	59
		coloured	3.00	2.160	7
		Total	4.10	2.110	241
	black crime	black	6.20	2.600	98
		white	6.79	2.120	68
		indian	6.87	2.101	68
		coloured	7.50	1.743	14
		Total	6.62	2.317	248
	Total	black	5.03	2.653	204
		white	5.55	2.407	137
		indian	5.63	2.442	127
		coloured	6.00	2.846	21
		Total	5.38	2.551	489
	Total	black	5.20	2.312	340
	white crime	white	4.92	1.864	197
		indian	4.89	1.965	184
		coloured	4.88	1.964	40
		Total	5.03	2.105	761
	black crime	black	6.77	2.167	344
		white	6.93	1.918	201
		indian	6.98	1.910	188

	coloured	7.33	1.730	40
Total	Total	6.89	2.023	773
	black	5.99	2.373	684
	white	5.93	2.139	398
	indian	5.94	2.200	372
	coloured	6.10	2.214	80
Total	Total	5.97	2.263	1534

Box's Test of Equality of Covariance Matrices(a)

Box's M	256.715
F	1.746
df1	138
df2	18553.851
Sig.	.000

Tests the null hypothesis that the observed covariance matrices of the dependent variables are equal across groups.
 a Design: Intercept+sus_race+evidence+ccrmstyp+Race+sus_race * evidence+sus_race * ccrmstyp+evidence * ccrmstyp+sus_race * evidence * ccrmstyp+sus_race * Race+evidence * Race+evidence * ccrmstyp * Race+sus_race * evidence * ccrmstyp * Race

Multivariate Tests(d)

Effect	Value	F	Hypothesis df	Error df	Sig.	Partial Eta Squared	Noncent. Parameter	Observed Power(a)
Intercept	.856	4416.370(b)	2.000	1485.000	.000	.856	8832.739	1.000
	Wilks' Lambda	.144	4416.370(b)	2.000	1485.000	.000	8832.739	1.000

	Hotelling's Trace	5.948	4416.370(b)	2.000	1485.000	.000	.856	8832.739	1.000
	Roy's Largest Root	5.948	4416.370(b)	2.000	1485.000	.000	.856	8832.739	1.000
sus_race	Pillai's Trace	.000	.198(b)	2.000	1485.000	.821	.000	.395	.081
	Wilks' Lambda	1.000	.198(b)	2.000	1485.000	.821	.000	.395	.081
	Hotelling's Trace	.000	.198(b)	2.000	1485.000	.821	.000	.395	.081
	Roy's Largest Root	.000	.198(b)	2.000	1485.000	.821	.000	.395	.081
evidence	Pillai's Trace	.196	80.819	4.000	2972.000	.000	.098	323.274	1.000
	Wilks' Lambda	.804	85.509(b)	4.000	2970.000	.000	.103	342.035	1.000
	Hotelling's Trace	.243	90.220	4.000	2968.000	.000	.108	360.879	1.000
	Roy's Largest Root	.241	179.424(c)	2.000	1486.000	.000	.195	358.848	1.000
ccrmstyp	Pillai's Trace	.125	106.169(b)	2.000	1485.000	.000	.125	212.338	1.000
	Wilks' Lambda	.875	106.169(b)	2.000	1485.000	.000	.125	212.338	1.000
	Hotelling's Trace	.143	106.169(b)	2.000	1485.000	.000	.125	212.338	1.000
	Roy's Largest Root	.143	106.169(b)	2.000	1485.000	.000	.125	212.338	1.000
Race	Pillai's Trace	.013	3.161	6.000	2972.000	.004	.006	18.966	.926
	Wilks' Lambda	.987	3.168(b)	6.000	2970.000	.004	.006	19.008	.926
	Hotelling's Trace	.013	3.175	6.000	2968.000	.004	.006	19.051	.927
	Roy's Largest Root	.013	6.217(c)	3.000	1486.000	.000	.012	18.650	.965
sus_race * evidence	Pillai's Trace	.001	.437	4.000	2972.000	.782	.001	1.747	.154
	Wilks' Lambda	.999	.437(b)	4.000	2970.000	.782	.001	1.746	.154
	Hotelling's Trace	.001	.436	4.000	2968.000	.782	.001	1.745	.154
	Roy's Largest Root	.001	.834(c)	2.000	1486.000	.434	.001	1.668	.194
sus_race * ccrmstyp	Pillai's Trace	.002	1.298(b)	2.000	1485.000	.273	.002	2.595	.282
	Wilks' Lambda	.998	1.298(b)	2.000	1485.000	.273	.002	2.595	.282
	Hotelling's Trace	.002	1.298(b)	2.000	1485.000	.273	.002	2.595	.282

evidence * ccrnstyp	Roy's Largest Root	.002	1.298(b)	2.000	1485.000	.273	.002	2.595	.282
	Pillai's Trace	.025	9.530	4.000	2972.000	.000	.013	38.120	1.000
	Wilks' Lambda	.975	9.581(b)	4.000	2970.000	.000	.013	38.324	1.000
sus_race * evidence *	Hotelling's Trace	.026	9.632	4.000	2968.000	.000	.013	38.529	1.000
	Roy's Largest Root	.026	18.957(c)	2.000	1486.000	.000	.025	37.914	1.000
	Pillai's Trace	.003	1.079	4.000	2972.000	.365	.001	4.317	.344
ccrnstyp	Wilks' Lambda	.997	1.079(b)	4.000	2970.000	.365	.001	4.317	.344
	Hotelling's Trace	.003	1.079	4.000	2968.000	.365	.001	4.317	.344
	Roy's Largest Root	.003	2.142(c)	2.000	1486.000	.118	.003	4.284	.440
sus_race * Race	Pillai's Trace	.001	.259	6.000	2972.000	.956	.001	1.553	.122
	Wilks' Lambda	.999	.259(b)	6.000	2970.000	.956	.001	1.552	.121
	Hotelling's Trace	.001	.259	6.000	2968.000	.956	.001	1.552	.121
evidence * Race	Roy's Largest Root	.001	.436(c)	3.000	1486.000	.728	.001	1.307	.138
	Pillai's Trace	.015	1.894	12.000	2972.000	.031	.008	22.728	.913
	Wilks' Lambda	.985	1.896(b)	12.000	2970.000	.030	.008	22.757	.913
sus_race * evidence * Race	Hotelling's Trace	.015	1.899	12.000	2968.000	.030	.008	22.786	.913
	Roy's Largest Root	.013	3.260(c)	6.000	1486.000	.003	.013	19.561	.934
	Pillai's Trace	.011	1.332	12.000	2972.000	.193	.005	15.985	.756
ccrnstyp * Race	Wilks' Lambda	.989	1.331(b)	12.000	2970.000	.193	.005	15.974	.756
	Hotelling's Trace	.011	1.330	12.000	2968.000	.194	.005	15.964	.756
	Roy's Largest Root	.006	1.485(c)	6.000	1486.000	.180	.006	8.910	.582
evidence * Race	Pillai's Trace	.009	2.226	6.000	2972.000	.038	.004	13.359	.790
	Wilks' Lambda	.991	2.229(b)	6.000	2970.000	.038	.004	13.371	.790
	Hotelling's Trace	.009	2.231	6.000	2968.000	.038	.004	13.383	.791
Roy's Largest Root	.008	4.114(c)	3.000	1486.000	.006	.008	12.342	.850	

sus_race * ccrnstyp * Race	Pillai's Trace	.002	.592	6.000	2972.000	.737	.001	3.551	.240
	Wilks' Lambda	.998	.591(b)	6.000	2970.000	.737	.001	3.549	.240
	Hotelling's Trace	.002	.591	6.000	2968.000	.738	.001	3.547	.240
	Roy's Largest Root	.002	.759(c)	3.000	1486.000	.517	.002	2.276	.214
evidence * ccrnstyp * Race	Pillai's Trace	.004	.526	12.000	2972.000	.899	.002	6.312	.312
	Wilks' Lambda	.996	.526(b)	12.000	2970.000	.899	.002	6.310	.312
	Hotelling's Trace	.004	.526	12.000	2968.000	.900	.002	6.307	.311
	Roy's Largest Root	.003	.790(c)	6.000	1486.000	.578	.003	4.741	.318
sus_race * evidence *	Pillai's Trace	.007	.817	12.000	2972.000	.634	.003	9.798	.493
ccrnstyp * Race	Wilks' Lambda	.993	.816(b)	12.000	2970.000	.634	.003	9.793	.493
	Hotelling's Trace	.007	.816	12.000	2968.000	.635	.003	9.787	.492
	Roy's Largest Root	.004	1.008(c)	6.000	1486.000	.418	.004	6.049	.404

a Computed using alpha = .05

b Exact statistic

c The statistic is an upper bound on F that yields a lower bound on the significance level.

d Design: Intercept+sus_race+evidence+ccrnstyp+Race+sus_race * evidence+sus_race * ccrnstyp+evidence * ccrnstyp+sus_race * evidence * ccrnstyp+sus_race * Race+evidence * Race+evidence * ccrnstyp * Race+sus_race * evidence * ccrnstyp * Race

Levene's Test of Equality of Error Variances(a)

	F	df1	df2	Sig.
Guilt	1.927	47	1486	.000
Sentence	3.478	47	1486	.000

Tests the null hypothesis that the error variance of the dependent variable is equal across groups.

a Design: Intercept+sus_race+evidence+ccrnstyp+Race+sus_race * evidence+sus_race * ccrnstyp+evidence * ccrnstyp+sus_race * evidence * ccrnstyp+sus_race * Race+evidence * Race+evidence * ccrnstyp * Race+sus_race * evidence * ccrnstyp * Race+evidence * ccrnstyp * Race

Race+sus_race * evidence * ccmstyp * Race

Tests of Between-Subjects Effects

Source	Dependent Variable	Type III Sum of Squares	df	Mean Square	F	Sig.	Partial Eta Squared	Noncent. Parameter	Observed Power(a)
Corrected Model	Guilt	5499.580(b)	47	117.012	19.910	.000	.386	935.759	1.000
	Sentence	2054.906(c)	47	43.721	11.214	.000	.262	527.063	1.000
Intercept	Guilt	25458.829	1	25458.829	4331.845	.000	.745	4331.845	1.000
	Sentence	25533.187	1	25533.187	6549.014	.000	.815	6549.014	1.000
sus_race	Guilt	1.786	1	1.786	.304	.581	.000	.304	.085
	Sentence	.103	1	.103	.026	.871	.000	.026	.053
evidence	Guilt	2063.985	2	1031.993	175.595	.000	.191	351.189	1.000
	Sentence	209.304	2	104.652	26.842	.000	.035	53.684	1.000
ccmstyp	Guilt	78.560	1	78.560	13.367	.000	.009	13.367	.955
	Sentence	828.299	1	828.299	212.451	.000	.125	212.451	1.000
Race	Guilt	99.552	3	33.184	5.646	.001	.011	16.939	.947
	Sentence	2.009	3	.670	.172	.916	.000	.515	.082
sus_race * evidence	Guilt	9.099	2	4.550	.774	.461	.001	1.548	.183
	Sentence	1.839	2	.920	.236	.790	.000	.472	.087
sus_race * ccmstyp	Guilt	2.743	1	2.743	.467	.495	.000	.467	.105
	Sentence	9.740	1	9.740	2.498	.114	.002	2.498	.352
evidence * ccmstyp	Guilt	187.117	2	93.558	15.919	.000	.021	31.838	1.000
	Sentence	56.805	2	28.403	7.285	.001	.010	14.570	.937
sus_race * evidence * ccmstyp	Guilt	6.626	2	3.313	.564	.569	.001	1.127	.144

ccrmstyp	Sentence	15.355	2	7.677	1.969	.140	.003	3.938	.409
sus_race * Race	Guilt	2.013	3	.671	.114	.952	.000	.342	.071
	Sentence	5.078	3	1.693	.434	.729	.001	1.302	.138
evidence * Race	Guilt	46.455	6	7.743	1.317	.246	.005	7.904	.523
	Sentence	43.246	6	7.208	1.849	.086	.007	11.092	.696
sus_race * evidence * Race	Guilt	52.223	6	8.704	1.481	.181	.006	8.886	.581
	Sentence	27.704	6	4.617	1.184	.312	.005	7.106	.473
ccrmstyp * Race	Guilt	35.895	3	11.965	2.036	.107	.004	6.107	.525
	Sentence	38.331	3	12.777	3.277	.020	.007	9.832	.752
sus_race * ccrmstyp * Race	Guilt	9.084	3	3.028	.515	.672	.001	1.546	.156
	Sentence	8.521	3	2.840	.729	.535	.001	2.186	.207
evidence * ccrmstyp * Race	Guilt	9.360	6	1.560	.265	.953	.001	1.593	.123
	Sentence	17.281	6	2.880	.739	.618	.003	4.432	.297
sus_race * evidence *	Guilt	24.585	6	4.098	.697	.652	.003	4.183	.281
ccrmstyp * Race	Sentence	23.206	6	3.868	.992	.429	.004	5.952	.398
Error	Guilt	8733.420	1486	5.877					
	Sentence	5793.592	1486	3.899					
Total	Guilt	69445.000	1534						
	Sentence	62498.000	1534						
Corrected Total	Guilt	14232.999	1533						
	Sentence	7848.498	1533						

a Computed using alpha = .05

b R Squared = .386 (Adjusted R Squared = .367)

c R Squared = .262 (Adjusted R Squared = .238)

Post Hoc Tests

evidence

Multiple Comparisons

Tukey HSD

Dependent Variable	(I) evidence	(J) evidence	Mean Difference (I-J)		Sig.	95% Confidence Interval	
			Lower Bound	Upper Bound		Lower Bound	Upper Bound
Guilt	high	ambiguous	1.97(*)	.150	.000	1.62	2.32
		low	4.32(*)	.153	.000	3.96	4.68
	ambiguous	high	-1.97(*)	.150	.000	-2.32	-1.62
		low	2.35(*)	.152	.000	1.99	2.71
	low	high	-4.32(*)	.153	.000	-4.68	-3.96
		ambiguous	-2.35(*)	.152	.000	-2.71	-1.99
Sentence	high	ambiguous	.84(*)	.122	.000	.55	1.13
		low	1.29(*)	.124	.000	1.00	1.59
	ambiguous	high	-.84(*)	.122	.000	-1.13	-.55
		low	.45(*)	.124	.001	.16	.74
	low	high	-1.29(*)	.124	.000	-1.59	-1.00
		ambiguous	-.45(*)	.124	.001	-.74	-.16

Based on observed means.

* The mean difference is significant at the .05 level.

Homogeneous Subsets

Guilt

Tukey HSD

evidence	N			Subset		
	1	2	3	1	2	3
low	489	3.73				
ambiguous	527		6.08			
high	518			8.05		
Sig.	1.000	1.000	1.000	1.000	1.000	1.000

Means for groups in homogeneous subsets are displayed.

Based on Type III Sum of Squares

The error term is Mean Square(Error) = 5.877.

a Uses Harmonic Mean Sample Size = 510.810.

b Alpha = .05.

Sentence

Tukey HSD

evidence	N			Subset		
	1	2	3	1	2	3
low	489	5.38				
ambiguous	527		5.83			
high	518			6.67		
Sig.	1.000	1.000	1.000	1.000	1.000	1.000

Means for groups in homogeneous subsets are displayed.

Based on Type III Sum of Squares

The error term is Mean Square(Error) = 3.899.

a Uses Harmonic Mean Sample Size = 510.810.

b Alpha = .05.

Race

Multiple Comparisons

Tukey HSD		Mean Difference (I-J)		Std. Error	Sig.	95% Confidence Interval	
Dependent Variable	(I) Race	(J) Race	Lower Bound			Upper Bound	Lower Bound
Guilt	black	white	.95(*)	.153	.000	.56	1.34
		indian	.40	.156	.053	.00	.80
	white	coloured	.14	.286	.964	-.60	.87
		black	-.95(*)	.153	.000	-1.34	-.56
	indian	coloured	-.55(*)	.175	.009	-1.00	-.10
		black	-.81(*)	.297	.032	-1.58	-.05
	black	coloured	-.40	.156	.053	-.80	.00
		white	.55(*)	.175	.009	.10	1.00
	coloured	black	-.26	.299	.819	-1.03	.51
		white	-.14	.286	.964	-.87	.60
	white	indian	.81(*)	.297	.032	.05	1.58
		black	.26	.299	.819	-.51	1.03
Sentence	black	white	.06	.124	.969	-.26	.38
		indian	.04	.127	.985	-.28	.37
white	coloured	-.11	.233	.964	-.71	.49	
	black	-.06	.124	.969	-.38	.26	
indian	coloured	-.01	.142	1.000	-.38	.35	
	black						

	coloured						
indian	black	-04	.127	.985	-.37	.28	
	white	.01	.142	1.000	-.35	.38	
	coloured	-.16	.243	.918	-.78	.47	
coloured	black	.11	.233	.964	-.49	.71	
	white	.17	.242	.900	-.45	.79	
	indian	.16	.243	.918	-.47	.78	

Based on observed means.

* The mean difference is significant at the .05 level.

Homogeneous Subsets

Guilt

Tukey HSD	
Race	N
	Subset
	1 2 1
white	398 5.40
indian	372 5.95 5.95
coloured	80 6.21
black	684 6.35
Sig.	.092 .337

Means for groups in homogeneous subsets are displayed.
Based on Type III Sum of Squares

The error term is Mean Square(Error) = 5.877.

a Uses Harmonic Mean Sample Size = 208.739.

b Alpha = .05.

Sentence

Tukey HSD

Race	N	
	1	Substet
white	398	5.93
indian	372	5.94
black	684	5.99
coloured	80	6.10
Sig.		.821

Means for groups in homogeneous subsets are displayed.

Based on Type III Sum of Squares

The error term is Mean Square(Error) = 3.899.

a. Uses Harmonic Mean Sample Size = 208.739.

b. Alpha = .05.

Means

Notes

Output Created

03-APR-2008 09:34:15

Comments

Input

Data

C:\Documents and Settings\Owner\Desktop\Working Draft
Diss July 2007\DISSER DATA\FINAL
DATA FOR ANALYSIS WITH NEW
VARIABLE.sav

Active Dataset	DataSet1
Filter	<none>
Weight	<none>
Split File	<none>
N of Rows in Working Data File	1570
Missing Value Handling	Definition of Missing For each dependent variable in a table, user-defined missing values for the dependent and all grouping variables are treated as missing.
Cases Used	Cases used for each table have no missing values in any independent variable, and not all dependent variables have missing values.
Syntax	MEANS TABLES=Sentence BY evidence ccrmstyp sus race Race /CELLS MEAN COUNT STDDEV .
Resources	Elapsed Time
Processor Time	0:00:00.02

[DataSet1] C:\Documents and Settings\Owner\Desktop\Working Draft Diss July 2007\DISSER DATA\FINAL DATA FOR ANALYSIS WITH NEW VARIABLE.sav

Case Processing Summary

	Cases					
	Included		Excluded		Total	
	N	Percent	N	Percent	N	Percent
Sentence * evidence	1547	98.5%	23	1.5%	1570	100.0%
Sentence * crime stereotype	1547	98.5%	23	1.5%	1570	100.0%
Sentence * sus_race	1547	98.5%	23	1.5%	1570	100.0%
Sentence * Race	1536	97.8%	34	2.2%	1570	100.0%

Sentence * evidence

evidence	Mean	N	Std. Deviation
high	6.67	525	1.959
ambiguous	5.84	530	2.086
low	5.38	492	2.546
Total	5.97	1547	2.265

Sentence * crime stereotype

Sentence	Mean	N	Std. Deviation
crime stereotype	5.04	768	2.113
white crime	6.90	779	2.019
black crime	5.97	1547	2.265

Sentence * sus_race

Sentence			
sus_race	Mean	N	Std. Deviation
white	6.00	779	2.252
black	5.95	768	2.280
Total	5.97	1547	2.265

Sentence * Race

Sentence			
Race	Mean	N	Std. Deviation
black	5.98	685	2.379
white	5.93	398	2.139
indian	5.94	373	2.199
coloured	6.10	80	2.214
Total	5.96	1536	2.265

APPENDIX C:

Univariate ANOVA output for the Re-analysis

General Linear Model

		Notes
Output Created		02-APR-2008 23:43:44
Comments		
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	N of Rows in Working Data File	1570
Missing Value Handling	Definition of Missing	User-defined missing values are treated as missing.
	Cases Used	Statistics are based on all cases with valid data for all variables in the model.
Syntax	GLM Guilt Sentence BY Race ccrmstyp evidence sus_race /METHOD = SSTYPE(3) /INTERCEPT = INCLUDE /POSTHOC = Race evidence (TUKEY) /PRINT = ETASQ OPOWER HOMOGENEITY /CRITERIA = ALPHA(.05) /DESIGN = Race ccrmstyp evidence sus_race Race*ccrmstyp Race*evidence ccrmstyp*evidence Race*ccrmstyp*evidence Race*sus_race ccrmstyp*sus_race Race*ccrmstyp*sus_race evidence*sus_race Race*evidence*sus_race ccrmstyp *evidence*sus_race Race*ccrmstyp*evidence*sus_race .	
Resources	Elapsed Time	0:00:00.30
	Processor Time	0:00:00.30

Between-Subjects Factors			
		Value Label	N
Race	1	black	341
	2	white	199
	3	indian	185
	4	coloured	40
crime stereotype	1.00	white crime	348
	2.00	black crime	417
evidence	1.00	high	253

evidence	Pillai's Trace	.163	31.918	4.000	1436.000	.000	.082	127.672	1.000
	Wilks' Lambda	.837	33.412(b)	4.000	1434.000	.000	.085	133.649	1.000
	Hotelling's Trace	.195	34.909	4.000	1432.000	.000	.089	139.634	1.000
	Roy's Largest Root	.195	69.888(c)	2.000	718.000	.000	.163	139.776	1.000
sus_race	Pillai's Trace	.000	.056(b)	2.000	717.000	.945	.000	.113	.059
	Wilks' Lambda	1.000	.056(b)	2.000	717.000	.945	.000	.113	.059
	Hotelling's Trace	.000	.056(b)	2.000	717.000	.945	.000	.113	.059
	Roy's Largest Root	.000	.056(b)	2.000	717.000	.945	.000	.113	.059
Race * ccrmstyp	Pillai's Trace	.030	3.599	6.000	1436.000	.002	.015	21.593	.956
	Wilks' Lambda	.970	3.620(b)	6.000	1434.000	.001	.015	21.721	.957
	Hotelling's Trace	.031	3.642	6.000	1432.000	.001	.015	21.849	.959
	Roy's Largest Root	.030	7.238(c)	3.000	718.000	.000	.029	21.713	.983
Race * evidence	Pillai's Trace	.031	1.909	12.000	1436.000	.029	.016	22.912	.914
	Wilks' Lambda	.969	1.914(b)	12.000	1434.000	.029	.016	22.974	.915
	Hotelling's Trace	.032	1.920	12.000	1432.000	.028	.016	23.035	.916
	Roy's Largest Root	.028	3.305(c)	6.000	718.000	.003	.027	19.830	.936
ccrmstyp * evidence	Pillai's Trace	.027	4.927	4.000	1436.000	.001	.014	19.708	.961
	Wilks' Lambda	.973	4.954(b)	4.000	1434.000	.001	.014	19.816	.962
	Hotelling's Trace	.028	4.981	4.000	1432.000	.001	.014	19.924	.963
	Roy's Largest Root	.028	9.968(c)	2.000	718.000	.000	.027	19.936	.985
Race * ccrmstyp * evidence	Pillai's Trace	.009	.560	12.000	1436.000	.875	.005	6.720	.332
	Wilks' Lambda	.991	.559(b)	12.000	1434.000	.876	.005	6.712	.331
	Hotelling's Trace	.009	.559	12.000	1432.000	.876	.005	6.704	.331

	Roy's Largest Root	.006	.731(c)	6.000	718.000	.625	.006	4.388	.293
Race * sus_race	Pillai's Trace	.006	.767	6.000	1436.000	.596	.003	4.600	.308
	Wilks' Lambda	.994	.767(b)	6.000	1434.000	.596	.003	4.600	.308
	Hotelling's Trace	.006	.767	6.000	1432.000	.596	.003	4.600	.308
	Roy's Largest Root	.006	1.481(c)	3.000	718.000	.218	.006	4.444	.393
ccrmstyp * sus_race	Pillai's Trace	.001	.380(b)	2.000	717.000	.684	.001	.761	.111
	Wilks' Lambda	.999	.380(b)	2.000	717.000	.684	.001	.761	.111
	Hotelling's Trace	.001	.380(b)	2.000	717.000	.684	.001	.761	.111
	Roy's Largest Root	.001	.380(b)	2.000	717.000	.684	.001	.761	.111
Race * ccrmstyp * sus_race	Pillai's Trace	.001	.178	6.000	1436.000	.983	.001	1.065	.097
	Wilks' Lambda	.999	.177(b)	6.000	1434.000	.983	.001	1.064	.096
	Hotelling's Trace	.001	.177	6.000	1432.000	.983	.001	1.063	.096
	Roy's Largest Root	.001	.322(c)	3.000	718.000	.809	.001	.966	.113
evidence * sus_race	Pillai's Trace	.008	1.522	4.000	1436.000	.193	.004	6.088	.475
	Wilks' Lambda	.992	1.522(b)	4.000	1434.000	.193	.004	6.086	.475
	Hotelling's Trace	.008	1.521	4.000	1432.000	.194	.004	6.085	.475
	Roy's Largest Root	.007	2.660(c)	2.000	718.000	.071	.007	5.321	.529
Race * evidence * sus_race	Pillai's Trace	.017	1.031	12.000	1436.000	.417	.009	12.375	.614
	Wilks' Lambda	.983	1.032(b)	12.000	1434.000	.416	.009	12.382	.614
	Hotelling's Trace	.017	1.032	12.000	1432.000	.416	.009	12.388	.614
	Roy's Largest Root	.014	1.725(c)	6.000	718.000	.112	.014	10.349	.657
ccrmstyp * evidence *	Pillai's Trace	.010	1.796	4.000	1436.000	.127	.005	7.183	.551
	Wilks' Lambda	.990	1.796(b)	4.000	1434.000	.127	.005	7.184	.551

sus_race	Hotelling's Trace	.010	1.796	4.000	1432.000	.127	.005	7.185	.551
	Roy's Largest Root	.009	3.212(c)	2.000	718.000	.041	.009	6.424	.613
Race * ccrmstyp * evidence * sus_race	Pillai's Trace	.019	1.343	10.000	1436.000	.202	.009	13.429	.698
	Wilks' Lambda	.982	1.343(b)	10.000	1434.000	.202	.009	13.429	.698
	Hotelling's Trace	.019	1.343	10.000	1432.000	.202	.009	13.428	.698
	Roy's Largest Root	.014	2.076(c)	5.000	718.000	.066	.014	10.380	.693

a Computed using alpha = .05

b Exact statistic

c The statistic is an upper bound on F that yields a lower bound on the significance level.

d Design: Intercept+Race+ccrmstyp+evidence+sus_race+Race * ccrmstyp+Race * evidence+ccrmstyp * evidence+Race * ccrmstyp * evidence+Race * sus_race+ccrmstyp * sus_race+Race * ccrmstyp * sus_race+evidence * sus_race+Race * evidence * sus_race+ccrmstyp * evidence * sus_race+Race * ccrmstyp * evidence * sus_race

Levene's Test of Equality of Error Variances(a)

	F	df1	df2	Sig.
Guilt	1.297	46	718	.094
Sentence	2.948	46	718	.000

Tests the null hypothesis that the error variance of the dependent variable is equal across groups.

a Design: Intercept+Race+ccrmstyp+evidence+sus_race+Race * ccrmstyp+Race * evidence+ccrmstyp * evidence+Race * ccrmstyp * evidence+Race * sus_race+ccrmstyp * sus_race+Race * ccrmstyp * sus_race+evidence * sus_race+Race * evidence * sus_race+ccrmstyp * evidence * sus_race+Race * ccrmstyp * evidence * sus_race

Tests of Between-Subjects Effects

Source	Dependent Variable	Type III Sum of Squares	df	Mean Square	F	Sig.	Partial Eta Squared	Noncent. Parameter	Observed Power(a)
Corrected Model	Guilt	2370.822(b)	46	51.540	9.082	.000	.368	417.789	1.000
	Sentence	1219.534(c)	46	26.512	7.224	.000	.316	332.316	1.000
Intercept	Guilt	9267.867	1	9267.867	1633.193	.000	.695	1633.193	1.000
	Sentence	10110.470	1	10110.470	2755.048	.000	.793	2755.048	1.000
Race	Guilt	76.762	3	25.587	4.509	.004	.018	13.527	.883
	Sentence	1.605	3	.535	.146	.932	.001	.437	.077
ccrmstyp	Guilt	28.043	1	28.043	4.942	.027	.007	4.942	.603
	Sentence	437.756	1	437.756	119.286	.000	.142	119.286	1.000
evidence	Guilt	746.519	2	373.260	65.776	.000	.155	131.552	1.000
	Sentence	91.681	2	45.841	12.491	.000	.034	24.983	.996
sus_race	Guilt	.539	1	.539	.095	.758	.000	.095	.061

	Sentence	.020	1	.020	.006	.941	.000	.006	.051
Race * ccrmstyp	Guilt	28.259	3	9.420	1.660	.174	.007	4.980	.437
	Sentence	72.715	3	24.238	6.605	.000	.027	19.815	.973
Race * evidence	Guilt	36.090	6	6.015	1.060	.385	.009	6.360	.423
	Sentence	68.836	6	11.473	3.126	.005	.025	18.757	.921
ccrmstyp * evidence	Guilt	94.616	2	47.308	8.337	.000	.023	16.673	.963
	Sentence	23.867	2	11.933	3.252	.039	.009	6.504	.619
Race * ccrmstyp * evidence	Guilt	13.588	6	2.265	.399	.880	.003	2.394	.168
	Sentence	16.099	6	2.683	.731	.625	.006	4.387	.293
Race * sus_race	Guilt	1.430	3	.477	.084	.969	.000	.252	.065
	Sentence	16.273	3	5.424	1.478	.219	.006	4.434	.393
ccrmstyp * sus_race	Guilt	.215	1	.215	.038	.846	.000	.038	.054
	Sentence	2.342	1	2.342	.638	.425	.001	.638	.126
Race * ccrmstyp * sus_race	Guilt	4.847	3	1.616	.285	.836	.001	.854	.105
	Sentence	.466	3	.155	.042	.988	.000	.127	.058
evidence * sus_race	Guilt	25.730	2	12.865	2.267	.104	.006	4.534	.462
	Sentence	8.471	2	4.235	1.154	.316	.003	2.308	.254
Race * evidence * sus_race	Guilt	58.586	6	9.764	1.721	.113	.014	10.324	.656
	Sentence	8.152	6	1.359	.370	.898	.003	2.221	.158
ccrmstyp * evidence * sus_race	Guilt	4.813	2	2.407	.424	.655	.001	.848	.119
	Sentence	23.439	2	11.720	3.194	.042	.009	6.387	.611
Race * ccrmstyp * evidence * sus_race	Guilt	23.113	5	4.623	.815	.539	.006	4.073	.295
	Sentence	37.163	5	7.433	2.025	.073	.014	10.127	.680
Error	Guilt	4074.428	718	5.675					
	Sentence	2634.915	718	3.670					
Total	Guilt	31500.000	765						
	Sentence	30691.000	765						
Corrected Total	Guilt	6445.250	764						
	Sentence	3854.450	764						

a Computed using alpha = .05

b R Squared = .368 (Adjusted R Squared = .327)

c R Squared = .316 (Adjusted R Squared = .273)

Post Hoc Tests

Race

Multiple Comparisons Tukey HSD							
Dependent Variable	(I) Race	(J) Race	Mean Difference (I-J)	Std. Error	Sig.	95% Confidence Interval	
			Lower Bound	Upper Bound	Lower Bound	Upper Bound	Lower Bound
Guilt	black	white	1.25(*)	.213	.000	.71	1.80
		indian	.45	.218	.164	-.11	1.01
		coloured	.01	.398	1.000	-1.02	1.03
	white	black	-1.25(*)	.213	.000	-1.80	-.71
		indian	-.80(*)	.243	.006	-1.43	-.18
		coloured	-1.25(*)	.413	.014	-2.31	-.18
	indian	black	-.45	.218	.164	-1.01	.11
		white	.80(*)	.243	.006	.18	1.43
		coloured	-.44	.415	.712	-1.51	.63
	coloured	black	-.01	.398	1.000	-1.03	1.02
		white	1.25(*)	.413	.014	.18	2.31
		indian	.44	.415	.712	-.63	1.51
Sentence	black	white	.28	.171	.352	-.16	.72
		indian	.20	.175	.647	-.25	.65
		coloured	-.48	.320	.439	-1.30	.34
	white	black	-.28	.171	.352	-.72	.16
		indian	-.08	.196	.979	-.58	.43
		coloured	-.76	.332	.100	-1.62	.09
	indian	black	-.20	.175	.647	-.65	.25
		white	.08	.196	.979	-.43	.58
		coloured	-.68	.334	.172	-1.54	.18
	coloured	black	.48	.320	.439	-.34	1.30
		white	.76	.332	.100	-.09	1.62
		indian	.68	.334	.172	-.18	1.54
Based on observed means.							
* The mean difference is significant at the .05 level.							

Homogeneous Subsets

Guilt			
Tukey HSD			
Race	N	Subset	
	1	2	1
white	199	4.90	
indian	185	5.71	5.71
coloured	40		6.15
black	341		6.16
Sig.		.071	.522
Means for groups in homogeneous subsets are displayed. Based on Type III Sum of Squares The error term is Mean Square(Error) = 5.675.			
a Uses Harmonic Mean Sample Size = 104.267.			
b Alpha = .05.			

Sentence			
Tukey HSD			
Race	N	Subset	
	1	2	1
white	199	5.74	
indian	185	5.82	
black	341	6.02	6.02
coloured	40		6.50
Sig.		.713	.271
Means for groups in homogeneous subsets are displayed. Based on Type III Sum of Squares The error term is Mean Square(Error) = 3.670.			
a Uses Harmonic Mean Sample Size = 104.267.			
b Alpha = .05.			

evidence

Multiple Comparisons							
Tukey HSD							
Dependent Variable	(I) evidence	(J) evidence	Mean Difference (I-J)	Std. Error	Sig.	95% Confidence Interval	
			Lower Bound	Upper Bound	Lower Bound	Upper Bound	Lower Bound
Guilt	high	ambiguous	1.94(*)	.209	.000	1.45	2.43
		low	3.95(*)	.214	.000	3.44	4.45
	ambiguous	high	-1.94(*)	.209	.000	-2.43	-1.45
		low	2.01(*)	.211	.000	1.52	2.51

	low	high	-3.95(*)	.214	.000	-4.45	-3.44
		ambiguous	-2.01(*)	.211	.000	-2.51	-1.52
Sentence	high	ambiguous	.89(*)	.168	.000	.50	1.29
		low	1.30(*)	.172	.000	.89	1.70
	ambiguous	high	-.89(*)	.168	.000	-1.29	-.50
		low	.41(*)	.170	.045	.01	.80
	low	high	-1.30(*)	.172	.000	-1.70	-.89
		ambiguous	-.41(*)	.170	.045	-.80	-.01

Based on observed means.

* The mean difference is significant at the .05 level.

Homogeneous Subsets

Guilt Tukey HSD				
evidence	N	Subset		
	1	2	3	1
low	244	3.71		
ambiguous	268		5.72	
high	253			7.66
Sig.		1.000	1.000	1.000
Means for groups in homogeneous subsets are displayed. Based on Type III Sum of Squares The error term is Mean Square(Error) = 5.675.				
a Uses Harmonic Mean Sample Size = 254.620.				
b Alpha = .05.				

Sentence Tukey HSD				
evidence	N	Subset		
	1	2	3	1
low	244	5.35		
ambiguous	268		5.76	
high	253			6.65
Sig.		1.000	1.000	1.000
Means for groups in homogeneous subsets are displayed. Based on Type III Sum of Squares The error term is Mean Square(Error) = 3.670.				
a Uses Harmonic Mean Sample Size = 254.620.				
b Alpha = .05.				