

## **RACE, SOCIOECONOMIC STATUS, AND PERCEIVED SIMILARITY AS DETERMINANTS OF JUDGMENTS BY SIMULATED JURORS**

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Eighty-four simulated jurors judged a defendant on trial for armed robbery after reading trial transcripts and other background information in a 2 x 2 factorial design which varied the defendant's race and socioeconomic status (SES). Higher SES (middle class) defendants were judged less guilty and assigned fewer years in prison than low SES defendants regardless of race. A race x SES interaction on attributed blameworthiness of the defendant, which was inversely related to the jurors' judgments of the defendant's similarity to them, was also found. Theoretical and methodological implications of these findings for jury simulation studies are discussed.

*Keywords:* determinants of judgments, jurors, jury, race, socioeconomic status, perceived similarity.

Recently social psychologists have become increasingly concerned with legal processes in general and the effects on juridic decision-making of defendants' personal characteristics in particular. This interest has been prompted both by concerns about the real world and by the fruitfulness of jury simulations for testing social psychological theories.

In the present study we raise, document, and discuss the implications of some problems inherent in such research which could serve to weaken the meaningfulness of jury simulation studies with regard to both real world as well as social psychological concerns.

The first of these problems centers on the judgmental influence of the variables of race and socioeconomic status (SES) of the hypothetical defendants. Based on demographic studies, it has become increasingly clear that blacks not only have a higher probability of being convicted of a given crime than whites but also that the sentencing for blacks is more severe than for whites (Bullock, 1961; Judson et al., 1969; Thornberry, 1973; Wolfgang & Riedel, 1973). The issue raised by the demographic data is: Are the sentencing and conviction inequities a function solely of race, of socioeconomic status, or of a combination of both variables? Since previously laboratory research has tended to be based on the assumption that race and socioeconomic status covary, a full factorial investigation is necessary in order to attempt to disentangle these two potentially separate factors.

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The authors thank Stuart S. Kressel for his assistance.

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The second problem involves the nature of the dependent variables utilized in such research. There are two plausible types of questions which can be asked of participants in jury simulation research. The first set of questions deals with issues of guilt, sentencing, and punishment, and possesses at least face validity with regard to the real world jury process. The second set of questions is more typical of social psychological research in the tradition of attribution of responsibility (e.g., Shaver, 1970; Walster, 1966) and focuses on the issues of blame and responsibility for the action or actions of an individual. This second set of questions relates to the issue of moral rather than legal responsibility; it is possible that these two types of judgments are not necessarily similar. There already exists in the literature some indication that the legality or illegality of an action does not have any significant bearing upon moral judgments (Walker & Argyle, 1964).

In order to examine the effects of these two types of judgments, the dependent variables in the present experiment included both questions assessing guilt, sentencing, and punishment (legal judgments) on the one hand, and blameworthiness (moral judgments) on the other hand in an effort to see if these judgments are similar. To provide evidence regarding the process potentially determining the above judgments, an item assessing participants' perceptions of the likelihood that they could find themselves in a similar situation was also included. Similar questions have been found in the past to mediate participants' judgments of blameworthiness and responsibility (Lund et al., 1973).

Basically, then, the present experiment represents an attempt to (1) examine in full factorial fashion the effects of defendants' race and SES on the judgments of simulated jurors, and (2) to see if the social psychological dependent measures (i.e., blameworthiness, responsibility) are comparable to the "legal" dependent measures. Based on previous findings (e.g., Rokeach, 1968), we predicted that, when race and SES are separated out, the major determinant of participants' judgments of guilt would be the defendant's SES. It was further predicted that these two types of dependent measures would not give strictly comparable results.

## METHOD

### PARTICIPANTS AND OVERVIEW

Participants were 84 male students, who participated in order to partially fulfill a course requirement. Participants were run in group sessions which varied in size from 19 to 25 students. All experimental conditions were represented in each group. Participants were given experimental materials (assigned to conditions) on a random basis. Factors comprising the 2 x 2 experimental design were: (a) Race of the defendant – black versus white, and (b) the defendant's socioeconomic status – lower class versus middle class.

**PROCEDURE**

Participants were seated at well separated desks in a large classroom, given instructions about the study, and handed the experimental booklets which included: (1) Summarized police files on the background of the defendant which manipulated the socioeconomic status and race variables, (2) a summary of testimony from the fictitious case, and (3) the dependent measures questionnaire.

In the "white-middle class" defendant condition, the summary police file of the defendant read as follows:

**SUMMARY OF POLICE FILES ON BACKGROUND OF THE DEFENDANT**

NAME:	Thayer, Thomas
AGE:	30 years
HEIGHT:	6 feet, 4 inches
WEIGHT:	180 lb.
BIRTH DATE:	March 3, 1940
BIRTH PLACE:	Omaha, Nebraska
MARITAL STATUS:	Divorced
NUMBER OF CHILDREN:	0
OTHER DEPENDENTS:	0
RACE:	Caucasian
HAIR:	Brown
TEXTURE:	Straight
SKIN:	Sallow
DISTINCTIVE FEATURES:	None
BIRTH MARKS:	None visible
HIGHEST LEVEL OF EDUCATION:	Bachelor of Arts, University of Nebraska
OCCUPATION:	Assistant manager - Omaha Branch Office
EMPLOYER:	Merrill, Lynch, Pierce, Fenner, and Smith
INCOME:	\$15,000 per year
CRIMINAL RECORD:	None

In the "black" defendant conditions the summary police files were altered such that the defendant's race was listed as "Negro", with "black", "curly" hair, and "dark brown" skin color. All references to the defendant's being "white" or "Caucasian" in the summary of testimony were changed to "black" and "Negro".

For the "lower class" defendant conditions the summary police files were changed so that the defendant's listed highest level of education was "tenth grade in high school", his occupation was "Janitor", with an income of "\$5,000 per year".

After reading the experimental materials, all participants responded to a brief questionnaire at the end of their booklets. They were asked to make a series of judgments about: (1) The potential guilt of the defendant, (2) the amount of jail sentence he should be given, assuming the defendant had definitely been found guilty, (3) the amount of blame he should be assigned, (4) how harshly he should be treated, and (5) the likelihood of someday finding themselves in

<sup>1</sup>The "summary of testimony" materials used in the present study were based upon those used by Jurow (1971). Participants were told that the names used were fictitious but not that the case itself was made up.

circumstances similar to those of the defendant. All of these questions utilized 7-point bipolar adjective scales except (2); on this question participants had to respond with the number of years to be served in prison. There was also an open-ended question to assess participants' awareness of the true purposes of the experiment.

After participants completed their responses to the questionnaire they were debriefed, thanked for their participation, and asked not to discuss the study outside of the experimental room.

## RESULTS

The first question of interest was whether race, SES, or a combination was the major determinant of simulated jurors' judgments of guilt and sentencing. This general question was tapped by three items on the dependent measures questionnaire. The results on questions of how guilty the defendant was, how harshly he should be treated, and years he should be sentenced to serve all indicated that, for this sample of simulated jurors, the major determinant was the SES of the defendants. On the guilt question, high SES defendants regardless of race were judged less guilty than low SES defendants ( $M = 4.17$  and  $M = 2.88$ , respectively, where 1 = *guilty* and 7 = *not guilty*); these differences are reflected in the ANOVA, which indicated that the main effect for defendants' SES was highly significant ( $F = 10.91, p < .005$ ) and that there were no other significant effects.

On the leniency question the data once again reflected a main effect for defendants' SES ( $F = 7.57, p < .01$ ). Participants indicated that the middle class defendant, regardless of race, should be treated more leniently than the lower-class defendant ( $M = 5.10$  and  $M = 4.14$ , respectively, where 1 = *harsh* and 7 = *lenient*). The number of years in prison to which the defendant was "sentenced" paralleled the preceding findings; low SES defendants were "sentenced" to more years in jail ( $M = 11.73$ ) than the high SES defendants ( $M = 7.99$ ).

These findings support our initial hypothesis that, when race and SES are separated out, the major determinant of participants' judgments of guilt and punishment would be the defendants' SES.

The second issue addressed by the study was that of social psychological versus "legal" dependent variables. The participants' judgments of blameworthiness of the defendant were not comparable to judgments of his guilt. Our simulated jurors adjudged the middle-class black defendants and the lower-class white defendants to be less blameworthy ( $M = 4.14$  and  $M = 3.85$ , respectively, where 1 = *completely to blame* and 7 = *not at all to blame*) while both the middle-class white and lower-class black defendants were judged more blameworthy ( $M = 3.28$  and  $M = 3.09$ , respectively). These judgments were sufficiently discrepant to generate a significant interaction ( $F = 3.97, p < .05$ ). This differential pattern of responding on blameworthiness questions supports our second hypothesis that judgments of guilt and judgments of blameworthiness are not necessarily comparable.

We expected that the judgments of blameworthiness might well be a function of simulated jurors' judgments of the likelihood that they might someday find themselves in similar circum-

stances. This expectation also was confirmed. The results for judgments of potential situational similarity are in the form of a significant interaction ( $F = 5.58, p < .05$ ) which is the mirror image of the blameworthiness responses: in those conditions where participants judged the possibility of being in the defendant's situation as low they assigned more blame than when they assessed the possibility (the potential situational similarity) as being higher.

## DISCUSSION

What are the implications of this study for the real world and for jury simulation research? First it appears clear that at least in jury simulation research a major influence on judgments of guilt, harshness of punishment, and severity of sentencing is the SES of the defendant. To the extent that low SES can be interpreted as an achieved rather than an ascribed status and thus, unlike race, as a reflection on the character of the defendant, our results parallel those of Landy and Aronson (1969) and Sigall and Landy (1972) who also used experimental jury simulations.

In addition, Jurow (1971), using New York City industrial workers as participants to approximate the demographic make-up of the jury rolls (and whom, it was decided on the basis of biographical data, would be eligible for jury duty), found results similar to some subsidiary findings of the present investigation which utilized "student" participants. He found that participants favoring the "death penalty" were more "conviction-prone" in making judgments similar to those called for in the present research (legal decisions). We found that our participants who indicated that they favored the death penalty were also more severe in sentencing the defendant ( $M = 14.19$  years) than were those opposed ( $M = 7.21$  years) ( $t = 2.85, p < .005$ , one-tailed); as well as being more conviction-prone ( $M = 3.19$  and  $3.96$ , respectively, where  $1 = guilty$  and  $7 = not guilty$ ) ( $t = 1.84, p < .05$ , one-tailed).

That our findings might be descriptive of the state of affairs in "real world" situations is also suggested by the results of a correlational study of the juvenile courts by Thornberry (1973) in which lower-class defendants were given heavier sentences.

The second major purpose of this study was to examine the relationship between the "social psychological" and "juridic" dependent variables. As is clear from the results, judgments on these two types of questions are not identical. For the purposes of future jury simulation research, it indeed makes a difference whether one asks (1) how much is the defendant to be blamed or (2) how many years in jail should the defendant be sentenced to. While the methodological implications for future studies in the area of jury simulation are clear and important, the more interesting aspect of this finding is the evidence pertaining to how judgments of blame are made. Participants' judgments of responsibility are related to their perceptions of how likely it is that they could find themselves in situations similar to that of the defendant. When they conceive of such a situation as possible, they respond with increased judgments of blame

(averaged within-cell correlation,  $r = 0.33$ ,  $p = .01$ ). This finding replicates some prior research in assignment of responsibility (Lund et al., 1973) as well as providing further evidence about the necessity for researchers in jury simulation studies to be cautious with regard to the selection of their dependent variables.

The fact that the participants' judgments of potentially finding themselves in a "similar situation" does not affect the traditional "juridic" measures tends to support Walker and Argyle's (1964) data indicating a separation between illegality of an action and moral judgments, as well as exerting a potential caution with regard to the legal strategy of attempting to convince jurors that they, too, could be caught up in a similar web of circumstantial evidence.

## REFERENCES

- Bullock, H. A. (1961). Significance of the racial factor in the length of prison sentences. *Journal of Criminal Law and Criminology*, *52*, 411-415.
- Judson, C., Pandell, J., Owens, J. B., McIntosh, J. L., & Matschullat, D. L. (1969). A study of the California penalty jury in first degree murder cases. *Stanford Law Review*, *21*, 1297-1497.
- Juror, G. L. (1971). New data on the effect of a "death qualified" jury on the guilt determination process. *Harvard Law Review*, *84*, 567-611.
- Landy, D., & Aronson, E. (1969). The influence of the character of the criminal and his victim on the decisions of simulated jurors. *Journal of Experimental Social Psychology*, *5*, 141-152.
- Lund, A. K., Lewis, S. A., & Harris, V. A. (1973). Inferential sets, order effects and the judgement of persons. *Bulletin of the Psychonomic Society*, *3*, 16-18.
- Rokeach, M. (1968). *Beliefs, attitudes, and values*. San Francisco, CA: Jossey-Bass.
- Shaver, K. (1970). Defensive attribution. Effects of severity and relevance on the responsibility assigned for an accident. *Journal of Personality and Social Psychology*, *14*, 101-113.
- Sigall, H., & Landy, D. (1972). Effects of the defendant's character and suffering on juridic judgement. A replication and clarification. *Journal of Social Psychology*, *88*, 149-150.
- Thornberry, T. P. (1973). Race, socioeconomic status and sentencing in the juvenile justice system. *Journal of Criminal Law and Criminology*, *64*, 90-98.
- Walker, N., & Argyle, M. (1964). Does the law affect moral judgements? *British Journal of Criminology*, *4*, 570-81.
- Walster, E. (1966). Assignment of responsibility for an accident. *Journal of Personality and Social Psychology*, *3*, 73-79.
- Wolfgang, M. E., & Riedel, M. (1973). Race, judicial discretion, and the death penalty. *Annals of the American Academy of Political and Social Science*, *407*, 119-133.