

1998

## Behavioural contexts for the expression of modern racism: The simulated juror paradigm

Murray Riggs  
*Edith Cowan University*

Follow this and additional works at: [https://ro.ecu.edu.au/theses\\_hons](https://ro.ecu.edu.au/theses_hons)



Part of the [Race and Ethnicity Commons](#)

---

### Recommended Citation

Riggs, M. (1998). *Behavioural contexts for the expression of modern racism: The simulated juror paradigm*. Edith Cowan University. [https://ro.ecu.edu.au/theses\\_hons/474](https://ro.ecu.edu.au/theses_hons/474)

This Thesis is posted at Research Online.  
[https://ro.ecu.edu.au/theses\\_hons/474](https://ro.ecu.edu.au/theses_hons/474)

# Edith Cowan University

## Copyright Warning

You may print or download ONE copy of this document for the purpose of your own research or study.

The University does not authorize you to copy, communicate or otherwise make available electronically to any other person any copyright material contained on this site.

You are reminded of the following:

- Copyright owners are entitled to take legal action against persons who infringe their copyright.
- A reproduction of material that is protected by copyright may be a copyright infringement. Where the reproduction of such material is done without attribution of authorship, with false attribution of authorship or the authorship is treated in a derogatory manner, this may be a breach of the author's moral rights contained in Part IX of the Copyright Act 1968 (Cth).
- Courts have the power to impose a wide range of civil and criminal sanctions for infringement of copyright, infringement of moral rights and other offences under the Copyright Act 1968 (Cth). Higher penalties may apply, and higher damages may be awarded, for offences and infringements involving the conversion of material into digital or electronic form.

Behavioural Contexts for the Expression of Modern Racism: The Simulated Juror  
Paradigm

Murray Riggs

A report submitted as a partial requirement for the degree of Bachelor of Arts with  
Honours in Psychology at Edith Cowan University

Submitted December 1998

I declare that this written assignment is my own work and does not include:

- (i) material from published sources used without proper acknowledgement; or
- (ii) material copied from the work of other students.

Signature\_

## USE OF THESIS

The Use of Thesis statement is not included in this version of the thesis.

## Behavioural Contexts for the Expression of Modern Racism: The Simulated Juror Paradigm

### Abstract

The central tenet of modern racism theory is that, although overt prejudice seems to have declined, subtle forms of prejudice are still pervasive. The theory predicts that members of a majority racial group will discriminate against members of a minority racial group only when they feel that they can do so without appearing to be prejudiced. Thus, the occurrence of discrimination depends upon the nature of the behavioural context. The purpose of the present study was to explore the implications of modern racism theory in the behavioural domain by employing the simulated juror paradigm. The participants, 338 randomly selected residents of the city of Perth, read one of six versions of a hypothetical criminal case (burglary) varying the race of the defendant (Aboriginal or Caucasian) and type of jury instructions (none, "evidence" instructions, or "non-prejudice" instructions) and then made individual judgments about the defendant's guilt. The 2 X 3 design was analysed using log-linear (guilty/not guilty as a dichotomous dependant variable) and ANOVA (continuous measures of confidence in guilt judgment and personal opinion of guilt as dependant variables) analytical procedures. Analysis was also carried out on qualitative data ("why did you judge the defendant to be guilty / not guilty?"). The results indicated that race of the defendant and type of instructions had no effect on the judgments made by participants. The discussion raises the issue of variability in the salience of race and the social desirability for egalitarianism across social contexts, and explores possible limitations of modern racism theory as it is presently defined.

Author: Murray Riggs  
 Supervisors: Dr Greg Dear  
 Dr Jeff Pfeifer  
 Submitted: December 1998

## Acknowledgements

I would like to acknowledge the contributions of the following:

The staff and fellow students at Edith Cowan University for their support;

Dr Greg Dear and Dr Jeffrey Pfeifer for their supervision;

Rob Gulley for his advice and encouragement;

All who participated in the study.

## Table of Contents

Title Page	i
Abstract	ii
Acknowledgements	iii
Table of Contents	iv
List of Tables	vi
Introduction	1
Modern Racism	1
Empirical Evidence for Modern Racism Effects	5
The ambivalent nature of modern racism	9
Generalisability of the Theory of Modern Racism: The Australian Context	11
The Juror Task: A Behavioural Context For the Expression of Modern Racism?	15
The simulated juror task	17
The nullifying effects of jury instructions	18
Implications of the nature of the crime in jury studies	18
Implications of the ambivalent nature of modern racism for the juror task	20
Jury instructions: How do they work?	21
Australian Aborigines and the Legal System	24
Purpose and Rationale of the Present Study	25
The study	26
Method	30
Participants	30
Sampling procedure	30
The Sample	31
Ethical Considerations	33
Materials	33
The presentation of the facts	34

Judge's instructions to the jurors	36
Photographs of the defendant	38
Procedure	40
Results	42
Discussion	49
Modern Racism and the Australian Context	53
Salience of race	54
Social desirability for egalitarianism	55
Modern Racism Theory: Possible Limitations	56
Structured tasks	56
An intergroup discrimination perspective	59
Implications for Aborigines in Australian Courts-of-Law	59
Generalising from simulated juror studies	60
Aborigines and the legal system	61
Conclusion: Implications For Modern Racism Theory	62
References	64
Appendices	70
Appendix A	Sampling Procedure
Appendix B	Sample Demographics
Appendix C	Study Questionnaire
Appendix D	Debriefing Information
Appendix E	Development of Trial Summary
Appendix F	"Instructions" Pilot Study
Appendix G	Rating Survey
Appendix H	Photographs of Defendants
Appendix I	Qualitative Classification Guide
Appendix J	Computer Printouts of Statistical Analyses



## List of Tables

Table 1	<i>Sample Demographics</i>	32
Table 2	<i>Mean Ratings of Attractiveness, Likability, and Age Assigned to Photographic Stimuli (Defendants)</i>	40
Table 3	<i>The Frequencies and % of Guilty / Not Guilty Judgments for Aboriginal and Caucasian Defendants by Type of Instruction</i>	43
Table 4	<i>Mean Confidence Ratings of Guilty Judgments for Aboriginal and Caucasian Defendants by Type of Instruction</i>	43
Table 5	<i>Mean Confidence Ratings of Not Guilty Judgments for Aboriginal and Caucasian Defendants by Type of Instruction</i>	44
Table 6	<i>Mean Likelihood Ratings of Guilty Judgments for Aboriginal and Caucasian Defendants by Type of Instruction</i>	44
Table 7	<i>Mean Likelihood Ratings of Not Guilty Judgments for Aboriginal and Caucasian Defendants by Type of Instruction</i>	45
Table 8	<i>Means and Frequencies of Participants Who Listed Evidence to Justify Guilty Judgments for Aboriginal and Caucasian Defendants by Type of Instruction</i>	46
Table 9	<i>Frequencies of Participants Who Listed Speculations to Justify Guilty Judgments for Aboriginal and Caucasian Defendants by Type of Instruction</i>	47
Table 10	<i>Frequencies of Participants Who Listed Weak Points to Justify Not Guilty Judgments for Aboriginal and Caucasian Defendants by Type of Instruction</i>	48

## Introduction

A number of authors in the United States have reported that there has been a steady decline in the belief in familiar negative stereotypes for blacks (Dovidio & Gaertner, 1986; Katz, Wackenhut, & Huss, 1986; Kinder & Sears, 1981; McConahay & Hough, 1976). Although this could be seen to indicate a quantitative change in the *degree* of racism, these authors have attributed this to a qualitative change in the *nature* of racism. Katz, et al. have referred to a “fundamental duality” in attitudes to blacks, an inconsistency between an overwhelming endorsement of egalitarian principles on the one hand, and a general lack of support for concrete applications such as racial quotas in hiring on the other hand. The general conclusion has been that, although overt prejudice seems to have declined, subtle forms of prejudice are still pervasive (Wolfe & Spencer, 1996) and “reach into even the most fundamental social institutions” (Dovidio & Gaertner, 1986, p.27). Such inconsistencies shown toward blacks are said to reflect a new, more complex, form of prejudice variously called symbolic racism (Kinder & Sears), modern racism (McConahay), ambivalent racism (Katz, et al.), and aversive racism (Gaertner & Dovidio). Researchers in Australia have reached similar conclusions regarding attitudes toward Australian Aborigines (see Pederson & Walker, 1997).

### *Modern Racism*

McConahay and Hough (1976) reported their most concise definition of symbolic racism (McConahay later preferred the term “modern racism”, see, e.g., McConahay, 1983) as: “the expression in terms of abstract ideological symbols and symbolic behaviours of the feeling that blacks are violating cherished values and making illegitimate demands for changes in the racial status quo.” Essentially, McConahay and Hough proposed that the modern racist does not believe that blacks

are biologically inferior, but does believe that blacks violate values associated with what McConahay and Hough call "American civil Protestantism" – a value system derived from the secularised versions of the Protestant work ethic. Individuals who hold such a value system believe in hard work, individualism, and delay of gratification (McConahay & Hough, 1976). McConahay and Hough suggested that modern racists express their anti-black prejudice by claiming that blacks are demanding too much in terms of affirmative action policies, and that they are not prepared to work to improve their social status. Thus, the perceived behaviour of blacks violates the whites' values of hard work, individualism (that is, blacks are not self-sufficient), and delay of gratification (blacks are not prepared to work toward long term goals). A theory of racism which is based upon values is not an entirely novel concept: Biernat, Vescio, Theno, and Crandall (1996) noted that this aspect of modern racism is consistent with Rokeach's theory of belief congruence, which suggests that prejudice is based upon the assumption that members of outgroups (i.e., minority groups) hold beliefs (attitudes and values) that differ from one's own.

The view of Katz et al. (1986) of this new form of racism emphasises the existence of two, distinct, value-attitude structures existing simultaneously within individuals: one, the Protestant work ethic, and the other, a humanitarian-egalitarian ideal. Katz and Hass (1988) found an association between egalitarian values and pro-black attitudes, and also found an association between Protestant work ethic values and anti-black attitudes. Katz and Hass suggested that these two value orientations contribute to the expression of prejudice in either a facilitating (Protestant work ethic) or inhibiting (humanitarian-egalitarian) manner. This notion of two, incongruous, value systems operating within individuals led Katz and Hass to refer to this subtle variant of racism as "ambivalent racism."

Gaertner and Dovidio (1986) also consider this new form of racism to be ambivalent<sup>1</sup> in that it includes the simultaneous existence (within an individual) of both positive and negative feelings (the “fundamental duality” referred to by Katz, et al., 1986) towards blacks. Gaertner and Dovidio have suggested that this new form of racism is expressed by those with strong egalitarian values<sup>2</sup>, and that the ambivalence stems from a conflict between, on the one hand, feelings and beliefs associated with an egalitarian value system and, on the other hand, unacknowledged negative feelings and beliefs concerning blacks. Gaertner and Dovidio proposed that, because these people are concerned about maintaining a non-prejudiced self image, the negative component is often manifested in subtle and rationalisable ways. That is, a modern racist will use non-racial factors to justify a behaviour that is biased against blacks. For example, an employment officer might decline to hire a black job applicant (for unstated racial reasons) and justify the decision by claiming that the black applicant is under-qualified – because to justify his/her behaviour along racial lines (i.e., “because he is black”) would be socially unacceptable (and/or incongruent with the employment officer’s self concept as an egalitarian person). Naturally, in order for the employment officer to be able to discriminate against a black person and not be liable for accusations of prejudice or racism, the context must be such that the criteria used for *not* hiring the black person is not directly comparable to criteria that has been used to hire a white person (McConahay, 1983). For example, if an employment officer was to evaluate a black applicant *after*

---

<sup>1</sup> Note that Katz, et al, (1986) labeled this new form of racism “ambivalent” racism, while Gaertner and Dovidio (1986) referred to it as “aversive” racism. In spite of the different labels, all these authors (including McConahay, 1986) have emphasised the ambivalent nature of the new form of racism. For the purposes of this discussion, the new form of racism will be referred to as “modern racism”. Where relevant the subtle distinctions between the different perspectives will be highlighted.

<sup>2</sup> Note that it is generally presumed that the endorsement of egalitarian values is the current social norm, and that even those who do not hold strong egalitarian values will tend to be strongly motivated by social desirability factors to display egalitarian values to others (see Dovidio & Gaertner, 1986).

responding favourably to a similarly or less qualified white applicant, they would not (according to modern racism theory) be expected to discriminate against the black applicant (McConahay).

Like Gaertner and Dovidio (1986), McConahay (1986) has also proposed that the attitudes of whites toward blacks include anti-black feelings/affect. In a survey of a general population, McConahay and Hough (1976) found that participants expressed moral outrage at what blacks were doing and demanding as a group. Content analyses and multiple regression analyses performed on the survey data indicated that an important root for the anger expressed toward blacks was negative feelings (McConahay & Hough). McConahay proposed that, although expressed racist attitudes have declined, there has only been a modest decline in these negative feelings toward blacks. Studies on racism socialisation (see McConahay & Hough) have indicated that the affective component of racist attitudes is acquired early, is predominately nonverbal, and is very resistant to change by later experiences. Thus, values which develop later in an individual's social maturation process - such as egalitarian values - develop after anti-black feelings, and are not necessarily able to over-ride the earlier developed, resistant, negative feelings. McConahay, also proposed that these lingering negative feelings influence the cognitive and conative components of whites' racist attitudes when they (i.e. whites) are called upon to engage in such activities as voting, giving opinions to survey interviewers, serving on juries, or interacting with blacks on a day-to-day basis (McConahay).

In summary, the modern racism perspective has developed from the general perception that there has been a reduction in overt prejudice, but not subtle prejudice. The modern racist attitude is said to stem from two, discrete, value

orientations in contemporary American society, the Protestant work ethic and a humanitarian-egalitarian ideal. The Protestant work ethic has an emphasis on self-reliance and self-discipline, while the humanitarian-egalitarian value has an emphasis on equality. As a result of these two conflicting value systems, individuals are motivated to be (or appear to be) non-prejudiced, but are nevertheless influenced by anti-black feelings associated with the Protestant work ethic. Although modern racism theory has had its critics (see Wood, 1994, for a summary of the relevant issues) it has had a major influence on the perspectives taken by researchers of racism – and prejudice in general – since the early 1970's.

### *Empirical Evidence for Modern Racism Effects*

Given that a fundamental tenet of modern racism theory is that individuals are influenced by conflicting value systems to have both positive and negative attitudes toward blacks, the question is “which attitude is likely to dominate?” Furthermore, although McConahay (1986) has consistently found evidence of negative attitudes toward blacks, it cannot be assumed that negative attitudes will necessarily lead to discriminatory behaviours (see Ajzen & Fishbein, 1977, for a discussion on the distinction between attitudes<sup>3</sup> and behaviours). Thus, a critical issue in the application of the theory of modern racism is the behavioural contexts in which racist effects might be expected to be found. A number of studies have been conducted to examine the potential for racial discrimination in behaviours such as job applicant selection, helping behaviours, and the administration of punishment in

---

<sup>3</sup> This distinction is further complicated by the confusing use of the word “attitudes”; at times it is used to refer to beliefs about an attitude object, and at other times it is used to refer to discriminatory behaviours shown toward an attitude object. Indeed, the tripartite model of attitudes suggests that attitudes include three components: beliefs, behaviours – and affect (Breckler, 1984). For the purposes of this discussion, the term “discrimination” will be used to refer to behaviours and the term “attitudes” will be used to refer to beliefs. When referring to the expressed ideas of other authors and it is unclear whether they are referring to an attitude or a behaviour, their original terminology will be retained.

learning situations (essentially these were laboratory studies on aggression) (Crosby, Bromley & Saxe, 1980).

In a study which examined the potential for racial discrimination in job applicant selection, McConahay (1983) found that participants were more likely to select a white candidate over a black candidate, but demonstrated a reverse discrimination (i.e., rated black candidates higher than white candidates) when norms for behaviour were established. McConahay's procedure of establishing norms for behaviour was to have a participant rate a white applicant (a photograph of the job candidate was included in the job application viewed by participants) before rating a black job applicant with similar qualifications. McConahay concluded that once norms for behaviour were established (i.e., once a participant had rated a white job applicant), participants were unable to discriminate against blacks without appearing to be prejudiced and that the reverse discrimination was the result of participants overcompensating in an effort to ensure that they did not appear to be prejudiced. As a result of this finding, McConahay proposed a general tenet of modern racism: that one might only expect racial discrimination to occur when norms for behaviour have not been established.

Another context for the behavioural expression of modern racism that researchers have explored is the area of helping behaviours (Gaertner & Dovidio, 1986). In these studies, participants are typically presented with the opportunity to aid another individual (often a confederate of the experimenter) who is either black or white. The dependent variable is the differential amount of aid given to whites and blacks. It is concluded that discrimination exists when individuals from one group (e.g., whites) receive significantly more help than individuals from the other group (e.g., blacks). From the analysis of a series of such studies, Gaertner and

Dovidio concluded that white participants were more likely to help whites than blacks – but only when the experimental situation was such that participants felt that they could do so without appearing to be prejudiced. For example, Gaertner and Dovidio (1977) found that when a subject was alerted to the need for help by either a black or white confederate (of the experimenter) and the subject was aware of the presence of other bystanders, the subject was much less likely to help a black victim than a white victim. Thus, the subject is able to claim that he/she did not help the black victim – not because the victim was black, but because the subject assumed somebody else was going to help. In this instance, the opportunity to diffuse responsibility for intervening could be used by the participant as a nonracial factor to justify his/her racist behaviour and allow the participant to maintain a non-prejudiced image.

Another study by Gaertner and Dovidio (1986) found that more help was given to a black confederate than to a white confederate when a request for assistance was issued by a disinterested (white) third party rather than by the potential recipient. They concluded that a request for help from a third party influences a participant's normative beliefs about the appropriateness of helping. That is, when a third party issues the request, the participant believes that the socially acceptable thing to do is to give assistance. If the participant does not give assistance (when the person in need of help is black), he/she could be perceived as being racist. Once again, Gaertner and Dovidio concluded that the critical determinant for the participant's helping behaviour was the threat to the participant's non-prejudiced self image, and that when this self image is threatened, participants overcompensate in an effort to appear non-prejudiced.



This conclusion by Dovidio and Gaertner (1986) was supported by findings of Katz, et al. (1986). Katz et al. found that when participants were asked if they would give some assistance to a confederate (either black or white) of the experimenter, they gave significantly more assistance to a white confederate than to a black confederate. However, when, in the same study, participants were led to believe that they had upset the confederate, Katz, et al. found that participants gave significantly more assistance to a black confederate than to a white confederate. Like McConahay, Katz et al. concluded that the reverse discrimination was a result of participants overcompensating in an effort to appear non-prejudiced.

The subtle nature of modern racism (it is often described as a *subtle form of racism* when contrasted with *overt*, or old fashioned, prejudice, see, e.g., Dovidio & Gaertner, 1986) was demonstrated in a series of studies on aggression by Donnerstein & Donnerstein (1973; Donnerstien, Donnerstein, Simon & Ditricks, 1972). These studies followed the same general procedure. The participant, who was led to believe that he/she was participating in an experiment on learning, was assigned to the role of *teacher* while a confederate of the experimenter was assigned to the role of *learner*. The participant's task was to administer an electrical shock (unbeknown to the participant, no actual shock was delivered to the confederate) to the learner each time the learner made a mistake on the learning task. The participant was free to select the level of the intensity of the shock (represented by a dial on the "shock machine") and the duration of the shock (the amount of time the participant depressed the "shock button"). The independent variables (other than race) in these studies were retaliation (the participant was led to believe that he/she would be exchanging roles with the confederate, Donnerstein, Donnerstein, Simon, & Ditricks, 1972), censure (the participant was led to believe that his/her responses

would be recorded, Donnerstein & Donnerstein, 1973), and anonymity (the participant was led to believe that his/her responses would be anonymous, Donnerstein & Donnerstein; Donnerstein, et al.).

The interaction effects in these studies revealed subtle discriminatory behaviours against blacks. In the retaliation condition (i.e., when the participants believed that they would be exchanging places with the *learner*), the participants tended to give shocks of lower intensity but longer duration to the learner – but only when the learner was black (Donnerstein et al., 1972). A similar pattern of results was found in the censure condition, (Donnerstein & Donnerstein, 1973). No such effects were found when the *learner* was white. It was suggested that this demonstrated a *subtle* negative response to the black confederate (Donnerstein et al., 1972). That is, the intensity of the shock (shown on the dial) was explicit – both to the participant and to any observer – but the duration of the shock was not explicit and may even have been outside of the participant's awareness. The overall conclusion was that aggression against blacks (by whites) tends to occur when there is little chance of being noticed, that is, when there is little chance of being perceived as being prejudiced (Donnerstein & Donnerstein; Donnerstein, et al.).

The general conclusion from the above studies was that individuals are highly motivated to appear non-prejudiced, and that they are therefore only likely to discriminate against blacks when there are non-racial factors available to justify their behaviour and when norms for behaviour (for the specific behavioural context) have not been established (McConahay, 1986).

*The ambivalent nature of modern racism.*

An aspect of modern racism theory demonstrated in the above studies is the phenomenon of extreme responses (i.e., either an anti-black bias – or a pro-black

bias) to racial situations depending upon the context of the interpersonal interaction. For example, McConahay (1986) did not find that biases disappeared when norms for behaviour were established – but found that participants demonstrated a bias toward the favouritism of blacks. In the study on helping behaviours by Gaertner and Dovidio (1986) cited above – in which participants who were aware of the presence of other bystanders helped black victims much less than they helped white victims – participants who thought that they were the *only* witness of the victim's plight, helped black victims more often than they helped white victims. As noted above, the opportunity to diffuse responsibility for intervening could be used by the participant as a nonracial factor to justify his/her racist behaviour. Thus, the determining factor for whether pro-black or anti-black discrimination would occur in these two studies is the availability (to the participant) of non-racial factors which can be used to justify discriminatory behaviours against blacks. If non-racial factors are available, the participants either do not perceive that their behaviours are prejudiced – or believe that their behaviours will not be perceived by others as being prejudiced. If non-racial factors are not available (because, e.g., norms for behaviour have been clearly established) participants discriminate in favour of blacks as a result of overcompensating in an effort to appear non-prejudiced (Gaertner & Dovidio; McConahay). These polarised responses are considered to be a result of the proposed ambivalent nature of modern racism (Katz et al, 1986; Gaertner & Dovidio; McConahay). As noted above, the term ambivalent (in modern racism theory) refers to the fact that whilst a modern racist's attitudes and behaviours can be determined by anti-black feelings (associated with values based upon the

Protestant work ethic) – they can also be moderated by strong egalitarian values.<sup>4</sup>

The findings from these studies led McConahay (1986) to conclude that the specific contexts necessary for the expression of negative racial attitudes and behaviours are those contexts which allow for a plausible, nonprejudiced explanation for what might be considered prejudiced behaviour. Conversely, positive or overly positive behaviour, McConahay concluded, is likely to be exhibited under conditions which maximise the likelihood that a negative behaviour will bring a self – or other – generated attribution of prejudice. That is, situations low in ambiguity, where the norms are clear, social comparisons are possible, responsibility cannot be diffused, race is salient, or where nonracial attributions are not readily available (McConahay). (Although McConahay was not explicit on this point, it should be noted that these conditions are not mutually exclusive. For example, social comparisons can clarify norms and reduce the ambiguity of the situation – thereby removing the availability of nonracial attributions.)

#### *Generalisability of the Theory of Modern Racism: The Australian Context*

Modern racism theory, as outlined above, is based upon the work of researchers who have focused upon the relationship between the dominant white and the minority black (African American) social groups in the United States. How generalisable are the tenets of this theory, then, to other racial/national contexts? Is modern racism a phenomenon peculiar to the United States?

From a series of experiments in intergroup discrimination, Tajfel (1970,

---

<sup>4</sup> It should be noted that Katz et al. (1986) believed that the egalitarian values are associated with legitimate positive feelings and sympathy for blacks, while McConahay (1986) and Gaertner and Dovidio (1986) believed that some individuals are motivated by strongly held egalitarian values to appear non-prejudiced to themselves, and other individuals are motivated to appear to be non-prejudiced to others because of social desirability factors. For the purposes of the present discussion, the position taken by the author is that it is reasonable to assume that individual variation exists: that is, a few individuals have legitimate positive feelings and sympathy for blacks, a few people are concerned *only* with appearing non-prejudiced to others, but the majority of individuals are motivated to appear non-prejudiced both to themselves *and* to others.

p.96) concluded that “*attitudes of prejudice toward outgroups and the behaviour of discrimination against outgroups clearly display a set of common characteristics.*” Tajfel’s conclusion suggests that modern racism theory would provide a legitimate perspective for the study of racial prejudice and discrimination in contexts other than the United States – and, indeed, researchers in both Europe and South Africa have taken this position. Stuart (1993), for example, identified modern racism as the basis for racial discrimination in Britain. Pettigrew and Meertens (1995), from the data gathered from 3,810 European respondents across four nations, found evidence for the cross-national importance of the distinction between blatant and subtle prejudice. In South Africa, Duckitt (1991) noted that the overt expression or endorsement of openly racist sentiments had become less socially acceptable and suggested that the theory of modern racism was applicable to the study of racial attitudes of white South Africans toward black South Africans. Indeed, it has also been suggested that many of the premises of modern racism can be used to understand prejudices shown toward a variety of minority groups – such as women (Swim, Aikin, Hall, & Hunter, 1995), homosexuals and fat people (Biernat, Vescio, Theno, & Crandall, 1996).

In Australia, too, researchers have recognised that the modern racism perspective provides an appropriate theoretical framework for understanding racial discrimination shown toward Australian Aborigines by the dominant white, Anglo-Saxon, population (Augoustinos, Ahrens, & Innes, 1994; Locke, MacLeod, & Walker, 1994; Pedersen, Contos, Bishop, & Walker, 1997; Pedersen & Walker, 1997; Walker, 1994). There are, of course, fundamental differences between the social histories of Australian Aborigines and African Americans and their relationships with their respective dominant white cultures. For instance, African Americans were taken to the Americas as slaves, while Aborigines are the

indigenous population of Australia. Also, since Aborigines are few in absolute numbers (about 2% of the total population) and are largely unemployed, they do not provide the economic competition that African Americans (about 10% of the total population) do in the United States (Ray, 1981). Nevertheless, as with African Americans in the United States, attitudes shown towards Aborigines by the dominant white culture appear to be the most perennial and political racial issue in Australia (Ray) – and there is considerable evidence to suggest that attitudes toward Australian Aborigines fits the modern racism paradigm of the United States.

As in the United States, researchers in Australia have noted a decline in the expression of overt prejudices toward Aborigines (Beswick & Hills, 1972; Pedersen & Walker, 1997), but not in the expression of subtle prejudices (Pedersen et al., 1997; Pedersen & Walker). Pedersen and Walker concluded that it has become increasingly more socially unacceptable to express explicitly negative attitudes about Australian Aborigines. This conclusion is in line with conclusions drawn by modern racism theorists in the United States with respect to the attitudes of white Americans toward African Americans (see, e.g., Dovidio & Gaertner, 1986), and is an indication that, as in the United States, a belief in an egalitarian ideal is the prevailing norm in contemporary Australian society.

As noted above, one of the fundamental aspects of modern racism noted by North American researchers is the existence of two distinct value-attitude structures existing simultaneously within individuals: a belief in an egalitarian ideal - and a belief in the Protestant work ethic (see, e.g., Dovidio & Gaertner, 1986). Evidence for the existence of these two value-attitude structures (with respect to Aborigines) has been found by Australian researchers. For example, it has been found that white Australians believe that Aborigines are asking for too much in terms of financial

assistance from the government (Augoustinos, et al., 1994). That is, white Australians believe that Aborigines are not prepared to work in order to take responsibility for improving their socio-economic status. (As noted above, individuals who believe in the Protestant work ethic believe in hard work, individualism, and delay of gratification, McConahay & Hough, 1976). Larsen (1981, p.117), commenting on the data he had gathered in a survey of a community's (the town of Townsville, Queensland) attitudes toward Aborigines, noted that "nearly all of the comments listed referred to *perceived* [italics added] Aboriginal refusal to conform to white community standards of behaviour." Even more poignantly, from the results of a study on stereotypes of Aborigines, Marjoribanks and Jordan (1986) concluded that many unfavourable attitudes toward Aborigines stem from the perception of white Australians that Aborigines do not embrace white values about work, thrift and self-reliance. These studies offer compelling evidence to support the proposition that negative attitudes toward Australian Aborigines are associated with values which stem from the Protestant work ethic.

In summary, studies which have examined the nature of whites' attitudes toward Aborigines in Australia have indicated that there is a striking similarity between a number of aspects of the attitudes expressed about Australian Aborigines and the attitudes expressed about African Americans – aspects which have been identified by North American researchers as the defining characteristics of modern racism. Thus, it is not surprising that a number of Australian researchers have concluded (as have European and South African researchers) that modern racism is not a phenomenon peculiar to the United States.

It is important to note that the vast majority of racism research in Australia to date has focused upon the measurement of attitudes (Beswick & Hills, 1969, 1972;

Larsen, 1978; Ray, 1981; Walker, 1994), the nature of stereotypes (Augoustinos, et al. 1994; Locke et al., 1994; Marjoribanks & Jordan, 1986) or the identification of associated constructs (e.g., individualism-collectivism, authoritarianism, group relative deprivation, see Larsen, 1981; Pedersen & Walker, 1997) rather than upon the nature and extent of discriminatory behaviours. As shown by the modern racism studies reported above, varying situational contexts can lead to variation in the discriminatory behaviour shown towards members of a minority racial group *within an individual*. This has obvious implications for the limitations of predictions of discriminatory behaviours that are made from measures of attitudes which give only a single, generalised attitude toward Aborigines. As noted by Duckitt (1992), the available evidence suggests that discriminatory intergroup behavior is co-determined by both prejudice (i.e., attitude) *and* situational factors. It is therefore apparent that there needs to be further research (using experimental designs) on the specific contexts in which discriminatory behaviours toward Australian Aboriginals occur.

*The Juror Task: A Behavioural Context For the Expression of Modern Racism?*

The findings of discriminatory behaviours in favour of blacks discussed above (e.g., Katz et al., 1986; Gaertner and Dovidio, 1977; Gaertner & Dovidio, 1986; McConahay, 1983) led Gaertner and Dovidio (1986, p. 85) to conclude that “techniques directed at revealing the negative components of aversive [see footnote<sup>1</sup>] racists’ attitudes would probably only produce reverse discrimination or a token reaction that would permit aversive racists to deny their anti-black feelings.” The implication of this conclusion by Gaertner and Dovidio is that techniques (i.e., techniques designed to alert an individual to the potential prejudicial nature of their responses) which are derived from the principles of the theory of modern racism may not effectively eliminate bias, but rather, may produce unreliable behavioural



effects. Indeed, the findings of the studies cited above would lead one to expect that the utilisation of such techniques might well result in discriminatory behaviours in favour of blacks. This assertion by Gaertner and Dovidio has obvious implications for the decision making task of jurors – a behavioural context nominated by McConahay (1986) as being susceptible to the effects of modern racism. For instance: Are jurors able to put aside any generic prejudices they might have and make a judgment based solely on the *evidence* presented in court? If jurors do make a commitment to putting aside their generic prejudices, will they overcompensate and discriminate in favour of black defendants?

Wrightsmen (1987) noted that the courts make implicit assumptions about the psychological nature and behaviour of jurors, that is, that jurors can respond in a way that is free from bias. This assumption has been questioned by researchers in psychology. Nickerson, Mayo, and Smith (1986), for example, suggested that racist attitudes can affect judicial decisions blatantly, or more likely, in the subtle ways suggested by modern racism theory. The theory of modern racism predicts that, in cases where the evidence is balanced (in the sense that any potential juror is as likely to convict as to acquit when no confounding variables such as race are included), white jurors will be free to make biased judgments against blacks because they can point to the evidence to justify their decision. That is, they can point to non-racial factors to justify a behaviour that is biased against blacks. For example, take the hypothetical case where a group of mock jurors are presented with a trial summary with balanced evidence and the majority of the mock jurors judge a black defendant guilty. Any one of the majority of jurors who judge the black defendant guilty can quite legitimately defend their judgment by claiming that the evidence is strong enough to convict any defendant - regardless of race. Thus, the egalitarian self-

concept (or egalitarian public image) of such a juror would not be directly threatened.

Although from an examination of modern racism theory one would expect the decision-making task of jurors to be susceptible to racial biases, Duckitt (1992), in a discussion which explored the situational determinants of discrimination, implied that this might not be the case. From a review of a range of studies looking at discrimination, Duckitt (p. 297) concluded that discrimination tends to occur in situations which involve informal social interaction – and tends *not* to occur in situations which involve “structured tasks with relatively clear-cut goals and procedures” and have an expectation of “equity, objectivity, and fairness.” This appears to be a fairly accurate description of the decision-making task of jurors. However, in his review, Duckitt does not include any of the simulated juror studies – many of which *have* found effects of racial discrimination (Mazzella & Feingold, 1994).

*The simulated juror task.*

The simulated juror task is a research paradigm in which participants are presented with a trial summary with balanced evidence as defined above (see Mazzella & Feingold, 1994, for an extensive analysis of over 80 such studies). From the findings of a meta-analysis of 41 simulated juror studies on race, Mazzella and Feingold concluded that, depending on the circumstances (the specific nature of which it is difficult to discern due to the inevitable varying methodologies of the various studies), the judgments of mock jurors are sometimes biased in favour of blacks, and at other times are biased against blacks. This conclusion of Mazzella and Feingold seems to lend some support for the proposed ambivalent nature of modern racism (McConahay, 1986; Katz, et al, 1986; Gaertner & Dovidio, 1986).

*The nullifying effects of jury instructions.*

One study which used the simulated juror task to examine discriminatory behaviour from a modern racism perspective presented participants with a trial summary in which the defendant was charged with rape (Pfeifer & Ogloff, 1991). Pfeifer and Ogloff found an effect for race (i.e., a black defendant was more likely to be found guilty than a white defendant) but found that when they included jury instructions which specified the need to be free from "sympathy or prejudice" and the conditions required to find a defendant guilty, black defendants were no longer more likely to be found guilty than white defendants. Pfeifer and Ogloff (p. 1713) concluded that jury instructions might "serve to dissipate juror's overt prejudices." With reference to modern racism theory, Pfeifer and Ogloff (p.1715) referred to Dovidio and Gaertner's suggestion that the apparent decline in overt prejudice may be the result of a change to a more subtle form of racism that does not directly challenge abstract principles of egalitarianism. That is, in the current social climate, racial biases are only likely to occur when race is not perceived to be an issue. Thus, jury instructions might alert the juror to the fact that racial prejudice might be an issue, and thus cause them to adjust their judgement accordingly.

*Implications of the nature of the crime in jury studies.*

For the purposes of testing the general predictions of modern racism theory in a simulated juror task, the crime of rape might not be the most appropriate (in terms of ease of interpretation and generalisability) crime to use. In a study which examined the data from the prospective jurors for 25 Canadian criminal trials involving charges of sexual abuse (849 prospective jurors in total), Vidmar (1997) found that, on average, 36% of the jurors (who were told only the nature of the charges against the accused) stated that they could not decide the case with a fair

and impartial mind. It appears that crimes which involve sexual assault elicit particularly high levels of emotional response, such that, in many cases, jurors believe that they are unable to set aside their prejudices and maintain a presumption of innocence. Vidmar concluded that, in trials which involve charges of sexual assault, the judgements of jurors are more susceptible to the generic prejudices of jurors. Thus a crime which avoids the confounds elicited by a sexual assault – such as the crime of burglary (without physical assault or confrontation) – might provide a more useful (i.e., more generalisable) test for the predictions of modern racism theory.

There is no tenet of modern racism theory which explicitly distinguishes between the crime of rape and the crime of burglary as contexts for the expression of modern racism effects (McConahay, 1986). However, it should be noted that, although there is no doubt that both crimes can be seen to violate the values of the Protestant work ethic, there is an aspect of the Protestant work ethic noted by McConahay and Hough (1976) – sexual repression – which might have more relevance for the crime of rape. Nevertheless, whether the crime is rape or burglary, modern racism theory predicts that – when the evidence is balanced – jurors are able to show racial bias without fear of being perceived as racist because, as noted above, a juror can claim that he/she convicted the defendant because of the evidence – not because of the defendant's race.

Although a number of studies have looked at the effects on the judgments of jurors when a defendant has been charged with rape, relatively few have examined this question when a defendant has been charged with theft (Mazzella & Feingold, 1994). In the meta-analysis referred to above which looked at the effects of race on the judgments of mock jurors, Mazzella and Feingold noted only one study (Gleason

& Harris, 1975) in which the crime was burglary and the dependant variable was guilt. (Five studies in which the crime was burglary used sentencing as the dependant variable.) Given that Mazzella and Feingold listed 18 studies which used a crime against the person as a stimulus, it is obvious that there has been a dearth of mock juror studies which have looked at the effects of a defendant's race when the crime is one against property.

In the only study noted by Mazzella and Feingold (1994) in which the crime was burglary and the dependant variable was guilt, Gleason and Harris (1975) found no main effect for race. However, this finding needs to be interpreted in light of the overall conclusions drawn by Mazzella and Feingold noted above: That is, that, depending on the circumstances, the judgments of mock jurors are sometimes biased in favour of blacks, and at other times are biased against blacks. Also, the temporal context of the Gleason and Harris study (i.e., the fact that it was conducted over twenty years ago) and the specialised population from which the study's sample was drawn (college students – all male) raises questions about the relevance of the study's findings to the current social climate.

Thus there are two questions, with regards to the simulated jury paradigm, which need to be addressed: (a) Will whites tend to discriminate against blacks when a defendant has committed the crime of burglary (a crime with no physical confrontation or assault)? (b) Will jury instructions nullify any discriminatory behaviours against blacks which might occur (as suggested by Pfeifer & Ogloff, 1991)?

*Implications of the ambivalent nature of modern racism for the juror task.*

At this point it should be noted that Pfeifer and Ogloff (1991) made no reference to the proposed ambivalent nature of modern racism. That is, it appears

that Pfeifer and Ogloff take the position that jury instructions alert mock jurors to the fact that racial prejudice might be an issue so that jurors are then able to put aside their prejudices and make a decision which is racially unbiased. However, consistent with the findings of extreme responses in the studies on helping behaviours and hiring decisions noted above (e.g., Katz et al., 1986; Gaertner & Dovidio, 1977; Gaertner & Dovidio, 1986; McConahay, 1983), modern racism theory predicts that when jurors are alerted to the fact that racial prejudice might be an issue, they will tend to overcompensate and discriminate in favour of black defendants (Gaertner and Dovidio, 1986). In fact, the data of Pfeifer and Ogloff do give some indication of a (non-significant) trend consistent with modern racism theory's prediction of extreme responses: In the black defendant/white victim without instructions condition, 15 out of 18 (83%) participants judged the defendant guilty; In the black defendant/white victim *with* instructions condition, 10 out of 16 (62%) participants judged the defendant *not* guilty. In another juror simulation study which manipulated race and included jury instructions, Shaw and Skolinck (1995, p. 324) found a "reverse racism effect" on individual judgments – but offered no explanation for this finding. These findings, taken in conjunction with the overall conclusion of Mazzella and Feingold (1994) noted above, give some support for the notion that the juror simulation task may be susceptible to the effects of extreme responses as proposed by modern racism theory. Thus, a third question which needs to be addressed is: (c) Will jury instructions result in reverse discrimination (i.e., judgments which discriminate in favour of blacks)?

*Jury instructions: How do they work?*

As noted by Pfeifer and Ogloff (1991), the psychological mechanisms by which jury instructions work warrants consideration. In interpreting their findings

with respect to jury instructions, Pfeifer and Ogloff suggested two possible explanations – both purportedly derived from facets of modern racism theory. Firstly, Pfeifer and Ogloff suggested that participants might adhere to jury instructions rather than to their prejudices because of “social inhibitions placed on blatant displays of racism” (p. 1715). That is, jury instructions may have alerted the participants to the fact that racial prejudice might be an issue so that they adjusted their judgments so as to appear non-prejudiced. Secondly, Pfeifer and Ogloff suggested that jury instructions might “provide participants with guidelines that enable them to focus on legally relevant information such as the elements of the crime rather than on their prejudicial attitudes when evaluating the guilt of the defendant” (p. 1721). With reference to modern racism theory, Pfeifer and Ogloff added, “when the ambiguity in the guilt determination task was decreased by supplying participants with jury instructions to guide their decision making, the level of expressed juror prejudice dissipated” (p. 1721).

The first explanation of Pfeifer and Ogloff (1991) clearly relates to the fundamental tenet of modern racism theory that individuals are only expected to discriminate against blacks when they are unlikely to be perceived as being prejudiced (McConahay, 1986). However, it is unclear how the second explanation directly relates to modern racism theory. Although Pfeifer and Ogloff (p.1721) refer to a decrease in “the ambiguity in the guilt determination task”, the inconclusive evidence (i.e., balanced evidence) still provides the participant with non-racial factors to justify his/her behaviour. Social comparisons have not been made, norms for behaviour (for this level of evidence) have not been established, and there is no direct threat to the juror’s non-prejudiced self image. In order to create norms to guide behaviour (as McConahay, 1983, did in the job applicant study) it would be

necessary to have a participant first judge a white defendant on a similar level of evidence. If, for example, a participant judged a white defendant to be not guilty – he/she would be unable to subsequently judge a black defendant to be guilty (on a similar level of evidence) without running the risk of appearing to be prejudiced. In fact, it is suggested that if the second explanation of Pfeifer and Ogloff is correct (i.e., that when told to focus only on the evidence participants are able to put aside their prejudices and make a decision based only on the evidence) – then it is likely that the juror task is a behavioural context *not* susceptible to the effects of modern racism.

Thus, Pfeifer and Ogloff (1991) have offered two explanations for the nullifying effects of jury instructions, one that is consistent with modern racism theory, and one that is not. Firstly, a juror would not be expected to discriminate against a black defendant when he/she perceives that racial prejudice might be an issue (so that the juror's non-prejudiced self image is threatened). Secondly, a juror would not be expected to discriminate against a black defendant when instructed to focus only on the evidence. Since the jury instructions provided by Pfeifer and Ogloff included both an element which referred to a need to allow "no prejudice to influence your decision," and, an element which provided guidelines for not indulging in "speculations, conjectures, or inferences not supported by the evidence", it is not clear whether participants were alerted to the fact that they must be careful not to appear prejudiced, or if participants were able to put aside their racial prejudices as a result of being instructed not to indulge in speculations not supported by the evidence. Two different types of instructions might therefore have implications for the decision making task of mock jurors: (a) instructions which direct the participant to be guided only by the evidence presented to them



("evidence"), and (b) instructions which instruct the participant to be non-prejudiced ("non-prejudice").

Thus, with regards to the question of how instructions work, a further two questions need to be addressed: (a) What type of jury instructions ("evidence" instructions, or "non-prejudice" instructions) nullify racially discriminating biases in a simulated jury task? And (b) What type of jury instructions (if any) will result in behaviours which discriminate in favour of blacks (consistent with the proposed ambivalent nature of modern racism)?

#### *Australian Aborigines and the Legal System*

The fact that the imprisonment rate of Aborigines has been a cause for much concern in Australia is reflected in the following words of O'Neill and Handley (1994, p.419):

It is a notorious fact which has been emphasised many times and reaffirmed by the Royal Commission into Aboriginal Deaths in Custody that Aborigines are greatly over-represented in the population held in police custody and in prison ...Aboriginal imprisonment rates have increased both during and since the Royal Commission.

The imprisonment rate of Aborigines is of particular concern in the state of Western Australia. Martin and Newby (1984) estimated that approximately a third of prison inmates and a fifth of court charges in any one year were drawn from an Aboriginal minority of 2.5% of the state population.

O'Neill and Handley (1994) noted that, historically, there has been systematic discrimination shown against Aborigines: discrimination in areas such as the application of the civil law to Aborigines, voting rights, and industrial rights

(including discriminatory practices in determining Aborigines' wages, and discriminatory laws which enabled the authorities and other powers to stifle the spread of trade unionism among Aborigines). Although many improvements have been made with regards to Aborigines and the law, discriminatory practices within the legal system remain (Thorpe, 1987). O'Neill and Handley noted that Aboriginal people are much more likely than whites to be arrested for criminal offences and, once arrested, to be denied bail. Street offences, public drunkenness in particular, are administered in such a way that the decision of whether a suspected offender is arrested is left to the subjective discretion of individual police officers – and these laws are still used more often and more punitively against Aborigines (O'Neill and Handley).

Although the types of discriminatory practices noted above are well documented, there has been no experimental research conducted to explore the potential for white Australians to discriminate against Aborigines in a criminal justice system context. Indeed, as noted earlier, there has been virtually no experimental research done on racism in Australia. Given the rates of imprisonment of Aborigines in Australia, the social importance of such research is self evident.

#### *Purpose and Rationale of the Present Study*

A fundamental tenet of modern racism theory is that racial discrimination is largely determined by behavioural context – and a review of the literature supports this position. A critical issue, then, is to identify the nature of the behavioural contexts in which one might expect to find racial discrimination. The purpose of the present study was to explore the boundaries of these behavioural contexts by testing the predictions of modern racism theory in the decision-making task of jurors – a behavioural context which, by its very nature, is explicit in its expectations of a

commitment to an egalitarian ideal. That is, individuals who take on the task of a juror understand that all should be treated equally under the law. The word “justice”, in itself, suggests that everyone should be treated equally, regardless of race, creed or colour. Thus, the focus of this study was to test for the effects of subtle expressions of racism predicted by modern racism theory in a behavioural context which explicitly forbids participants (i.e., jurors) from being influenced by racist perspectives. Specifically, the present study was designed to address the three critical questions generated from a review of the literature:

1. Do non-Aboriginal Australians tend to discriminate against Aborigines when an Aboriginal defendant has committed the crime of burglary (a crime with no physical confrontation or assault)?
2. Do jury instructions nullify any discriminatory behaviours against Aboriginal defendants which might occur?
3. Do jury instructions result in reverse discrimination (i.e., judgments which discriminate in favour of Aboriginal defendants)?

*The study.*

One of the major limitations of previous studies – both in modern racism research and in simulated juror research – has been the poor sampling methods. The vast majority of studies (particularly experimental studies) have drawn their samples from populations of students (Duckitt, 1991; Katz & Hass, 1988). This is an issue of particular concern for studies that examine racism because it has been a consistent finding that university students (and university educated individuals generally) tend to show relatively low levels of prejudice (Augoustinos et al., 1994; Larsen, 1981; Pedersen & Walker, 1997). In order to obtain results which might be truly representative of the general community, the present study used a multistage cluster

sampling technique (see de Vaus, 1995) to obtain a large, representative sample of the city of Perth in Western Australia.

A simulated juror paradigm was used in which participants read a summary of a trial. The trial involved a man accused of burglary – a crime considered suitable as a generic test case for the juror decision-making context. The defendant in the case was accused of breaking and entering a suburban household and stealing a VCR (valued at \$1,800) and \$250 in cash. The case for the prosecution included testimonies from a range of witnesses including the victim, the defendant, and the arresting police officer. The evidence was balanced. That is, pilot testing had shown that respondents were as likely to convict the defendant as they were to acquit the defendant.

The defendant (presented to participants in the form of a photograph, or “mugshot”) was either an Aboriginal or Caucasian man aged in his mid-to-late 20s. In order to eliminate any confounds which might be raised by any idiosyncratic characteristics of a *particular* Aborigine or a *particular* Caucasian, the photographs of four Aborigines and four Caucasians were used within each race condition. Thus, a participant in the Aborigine condition was presented with the photograph of one Aborigine randomly selected from a pool of four. A control condition (with no photograph and no mention of race) was also included so that responses of participants with photographs could be compared to the responses of participants who had only the evidence on which to base their decisions.

The type of jury instructions was also manipulated. In order to test the explanations offered by Pfeifer and Ogloff (1991) for the nullifying effects of jury instructions, three types of instructions were included: none, instructions which directed participants to respond without prejudice (“without prejudice instructions”)

and instructions which directed participants not to indulge in speculations not supported by the evidence (“evidence instructions”).

The primary dependent variable was dichotomous – that is participants were asked to judge the defendant as either guilty or not guilty. Following this judgment, participants were invited to respond to the open-ended question, “why?” The reasons for including this question were twofold. Firstly, the question was included in order to check that any discrimination that did occur was indeed a product of modern racism. For example, if a respondent judged an Aborigine to be guilty because of his race (e.g., “because he is an Aborigine and they can’t be trusted”), then the respondent would be demonstrating old-fashioned racism – not modern racism. Secondly, the question was included in order to gain access to the types of attributions and justifications that participants might offer to support their judgment – elements which have been identified as defining characteristics of modern racism (McConahay, 1986).

Participants were also asked to indicate their confidence in their judgment (i.e., their guilty/not guilty judgment) on a 7-point likert scale. This question has relevance to the real life situation in which an individual juror’s judgment only has relevance to the final outcome of a trial to the extent that he/she is prepared to argue the validity of his/her decision within the deliberation process of a jury. For example, it would be expected that an individual who has high confidence in his/her judgment would be likely to argue his/her case strongly and consequently have a greater impact on the final outcome.

Finally, participants were asked to indicate the likelihood that the defendant committed the crime *regardless of how they might judge him as a juror*. The purpose of this question was to explore any of the subtleties (the subtle nature of modern racism effects have been emphasised in both the studies on helping

behaviours, e.g., Gaer ner & Dovidio, 1986, and the studies on aggression, e.g., Donnerstein, et al., 1972) that might emerge in the decision-making process of the participants. The 2 X 3 (race X instruction) design was analysed using log-linear (guilt as dependant variable) and ANOVA (personal opinion and confidence as dependant variables) analytical procedures. A weighted one-way chi-square analysis was used to compare the race conditions to the control condition. In addition, the qualitative data were content analysed and compared across conditions using 2-way chi-square and ANOVA analytical procedures.

According to modern racism theory it was predicted that, in the "no instructions" and the "evidence instructions" conditions, participants would be more likely to find an Aboriginal defendant guilty than a Caucasian defendant because, as noted above, they would be able to point to non-racial factors (i.e., the balanced evidence) to justify a behaviour that is biased against blacks. In the "without prejudice instructions" condition, however, it was predicted that participants would be alerted to the fact that racial prejudice might be an issue, and that they would adjust their judgement accordingly. Thus, it is expected that there will be an interaction between race of defendant and type of instructions.

Modern racism theory is not specific in discriminating between the conditions which might produce no bias and the conditions which might produce reverse bias (i.e., participants discriminating in favour of blacks as a result of overcompensating in an effort to appear non-prejudice). With reference to situations in which individuals would be likely to be concerned about appearing prejudiced, McConahay stated that "positive *or* [emphasis added] overly positive behaviour" would be expected. Consequently, the prediction for the "without prejudice instructions" condition was simply that there would be no discrimination against the Aboriginal defendant.

## Method

### *Participants*

A discussion on the participants for the present study needs to be prefaced with some comments on the contextual nature of the study. Although the overall goal of this study was to test predictions derived from a general theory of racism (i.e., the theory of modern racism) the study has done so by examining how non-aboriginal *residents of the city of Perth* respond to *Australian Aborigines*. Thus the goal of the sampling process was to select a sample which, first and foremost, is representative of the population of the Australian city of Perth.

### *Sampling procedure.*

A multistage cluster sampling technique (de Vaus, 1995), incorporating two stages, was used to randomly select participants for the study. A sample area of the Perth Metropolitan region was created by drawing boundaries on a map of the city of Perth so that, as much as possible, non-urban areas (such as rural and semi-rural districts, national parks, and industrial areas) were excluded from the sample area (see Appendix A for a detailed description of the areas sampled). The 56 reference maps from the Streetsmart Perth Street Directory (Department of Land Administration and West Australian Newspapers, 1997) corresponding to the sampling area defined above were used to represent the regions in the first stage of the cluster sampling process. SPSS (version 7) was used to randomly select six reference maps from the total 56 maps (each stage was designed such that the sampling area was reduced by approximately 10% as recommended by de Vaus, 1995). Each reference map (in the Streetsmart Perth Street Directory) is divided into 50 grids. For each of the six maps, SPSS was used to randomly select 5 grids from the 50. Thus, the multistage cluster sampling technique produced 30 sampling areas

(grids) covering 22 suburbs of Perth. The areas were sampled on week-ends (43% of total) week days (21% of total) and week day evenings (35% of total) with an overall response rate of 66% (see Appendix A for a detailed description of the sampling procedure).

*The sample.*

Using the above technique 338 residents from the metropolitan area of Perth were selected as participants for this study. Only residents over the age of 18 and who had lived in Australia for at least two years were asked to participate (i.e., those who were old enough to serve on a jury and would be familiar with Aboriginal stereotypes that may exist in Perth). A comparison of demographic data for the sample ( including gender, age, level of education, political affiliation, occupation, country of birth, and years lived in Australia) with Perth data from the 1996 census (Australian Bureau of Statistics, 1996a; Australian Bureau of Statistics, 1996b; Australian Bureau of Statistics, 1996c) and the Western Australian results of the 1998 Federal election (Australian Electoral Commission, 1998), indicated that the sample deviated only slightly from the population. A summary of demographic details of the sample is shown in Table 1 (see Appendix B for full details). Overall this sample was considered to be an excellent representative sample of the city of Perth.



Table 1

*Sample Demographics*

Demographic	N	%
Gender		
Male	155	45.9
Female	180	53.3
Missing	3	0.9
Total	338	100
Age		
18-24	48	14.2
25-30	42	12.4
31-34	51	15.1
35-40	53	15.7
40+	144	42.6
Total	338	100.0
Education		
High School (incomplete)	61	18.0
High School (complete)	131	38.8
Tertiary Degree (incomplete)	40	11.8
Tertiary Degree (complete)	41	12.1
Postgraduate Degree	26	7.7
Tafe	34	10.1
Missing	5	1.5
Total	338	100.0

### *Ethical Considerations*

Participants were informed that the research study was being carried out as part of a course requirement for a student at Edith Cowan University. Participants were then told the time commitment involved, that taking part in the study was entirely voluntary, and that the questionnaire would be picked up the following day. The first page of the questionnaire stated that the study was being carried out as part of a course requirement for a student at Edith Cowan University, emphasised that participation was voluntary, and made assurances about the anonymity and confidentiality of the information gathered. The first page also included contact numbers for both the student and his supervisor (see Appendix C for a copy of the questionnaire).

All participants (regardless of whether they had completed the questionnaire or not) were thanked for their participation and debriefed as to the real purposes of the study (see Appendix D for a copy of the information included in the debriefing procedure). In one particular case, a potential participant expressed concern that the response he made as a mock juror might have real implications for the defendant. He was immediately debriefed as to the true nature of the study and did not take part as a participant.

### *Materials*

The questionnaire included directions to the participants regarding the procedure they were to follow. The first page of the questionnaire stated that the study was being carried out as part of a course requirement for a student at Edith Cowan University. The second page of the questionnaire began with a statement about the purpose of the study: "to test the capacity of mock jurors to make a judicial decision based upon a summarised version of a trial transcript (such as those

found in law reports). A comparison will be made between the judgements made by real jurors, and the judgements made by mock jurors." The second page also included instructions for the participants about the procedure they were to follow:

The trial summary you are about to read is a *real* case. It has been selected randomly from the Western Australian Law Reports (1992-1996). All the information given in the law report has been reproduced here. Your task will be to *carefully* read the summary and answer questions about the guilt / non-guilt of the defendant.

The second page concluded with the following instructions:

Please take careful note of each piece of information as it is presented. You are asked to read through the summary of the evidence once, and once only, before answering the questions which follow it. There are 4 questions. Please answer them in the order presented.

The questionnaire also included the trial summary. The trial summary was comprised of three discrete elements: the presentation of the facts of the case (including the case for the prosecution and the case for the defence); the judge's instructions to the jurors; and the photographs of the defendants (the means by which the race of the defendant was defined). The development of each element is outlined in detail below.

*The presentation of the facts.*

The goal in developing the evidence for the fictional case was to produce evidence that was balanced. That is, evidence which, when presented to a group of participants (playing the role of mock jurors), would result in 50% of the participants judging the defendant to be guilty, and 50% of the participants judging

the defendant to be not guilty. Balanced evidence is desirable because it minimises the possibility of floor or ceiling effects (i.e., all participants, regardless of condition, judging the defendant to be not guilty, or all of the participants judging the defendant to be guilty).

An existing experimental trial summary (Miller, 1997) was modified for the present study (see Appendix E for a detailed account of – and rationale for – the modifications made). The refined version of the trial summary was presented to 22 participants (12 male, 10 female) randomly selected from five suburbs of Perth. The results showed that the evidence was balanced in that, when no instructions were included, 50% (11 of 22) of the participants judged the defendant to be guilty.

The crime was burglary – the defendant was accused of breaking and entering a suburban premises and stealing a VCR (valued at \$1,800) and \$250 in cash. The case for the prosecution included testimonies from a neighbour of the victim (who described a car leaving the crime scene), the victim (who identified the VCR found in the defendant's possession as the one stolen from her house), a police sergeant (who attended the crime scene and found the VCR in the back of the defendant's car), a bar attendant (who saw the defendant leave a hotel with time to commit the burglary), and a neighbour of the defendant (who did not see the defendant's car in his car bay at the time that the crime was committed). The case for the defence included testimonies from a friend of the defendant (who was at the hotel with the defendant on the night of the crime), and the defendant (who claimed that the VCR was his). Essentially, from a juror's perspective, the evidence was circumstantial and the central question was one of identity. That is, could the defendant be identified as the person who had committed a known crime? (See Appendix C for the full transcript as presented to the participants).

*Judge's instructions to the jurors.*

The primary goal in formulating the wording of the instructions was not to produce instructions which would necessarily be representative of instructions actually used in courts, but to produce concise instructions such that the interpretation of the effects of different types of the instructions could be made with the minimum of ambiguity. The specific wording of the "without prejudice" and the "evidence" instructions were developed from the instructions used by Pfeifer and Ogloff (1991). The "without prejudice" instructions were:

Judge: Ladies and gentlemen of the jury, this concludes the evidence in this case. It is now your responsibility, without sympathy or prejudice, to determine if the prosecution has successfully discharged their burden of proof. The law demands of you that you allow no prejudice to influence you in arriving at your verdict. If there is reasonable doubt in your mind, you must find the defendant not guilty. If there is no reasonable doubt in your mind, you must find the defendant guilty as charged.

The "evidence" instructions were:

Judge: Ladies and gentlemen of the jury, this concludes the evidence in this case. It is now your responsibility to determine if the prosecution has successfully discharged their burden of proof. In determining any questions of fact presented in this case, you should be governed solely by the evidence introduced before you. You should not indulge in speculations, conjectures, or inferences not supported by the evidence. If there is reasonable doubt in your mind, you must find the defendant not guilty. If there is no reasonable doubt in your mind, you must find the defendant guilty as charged.

In the “no instructions” condition, participants were given only the criteria by which guilt was to be determined, that is, “reasonable doubt”:

Judge: Ladies and gentlemen of the jury, this concludes the evidence in this case. It is now your responsibility to determine if the prosecution has successfully discharged their burden of proof. If there is reasonable doubt in your mind, you must find the defendant not guilty. If there is no reasonable doubt in your mind, you must find the defendant guilty as charged.

In order to check that the instructions did not affect the guilt determinations of mock jurors when no race was mentioned, 41 (15 male, 26 female) participants randomly selected from five suburbs of Perth were randomly allocated to either a “without prejudice” condition or an “evidence” condition. The results showed that, in the “evidence” condition, the evidence was balanced in that 50% (10 of 20) of the participants judged the defendant to be guilty.

However, when the participants were instructed to judge the defendant “without sympathy or prejudice”, 75% (15 of 20) of the participants judged the defendant to be guilty. It was concluded that there were three possibilities for this finding, (a) participants were reacting to the word “prejudice” by being more likely to judge the defendant guilty than not guilty, (b) participants were reacting to the word “sympathy” by being more likely to judge the defendant guilty than not guilty, or (c) the finding represented an unreliable result. Further pilot testing indicated that the finding was reliable. It was concluded that, when the participants were instructed to make their decision without prejudice – *they assumed that the defendant was Aboriginal*, and were subsequently biased in their responses because, as race was not mentioned, *there was no threat to the non-prejudiced self image of participants*.

In spite of the above findings the expectations with respect to the main study remained the same. For example, it was expected that when participants were presented with a Caucasian defendant in the “without prejudice” condition, this effect will disappear. That is, when the defendant is Caucasian, participants will no longer surmise that the defendant is Aboriginal and would therefore be as likely to judge the defendant not guilty as they would be to judge the defendant guilty.

It was also predicted that this effect would disappear when the defendant was Aboriginal (in the “without prejudice” condition) – because once race was made salient (one of the conditions identified by McConahay, 1986, for positive behaviour toward blacks) the participants would perceive the possibility of being seen as prejudiced. Thus, although the findings with respect to the “without prejudice” condition in the pilot studies were unexpected, the expectations with respect to the main study remained the same.

It should also be noted that, as a result of the pilot studies, the word “sympathy” was removed from the “without prejudice” instruction because it was deemed to represent a possible confound (see Appendix F for a full account of the pilot testing and the rationale for the above conclusions.)

#### *Photographs of the defendant.*

The race of the defendant was defined by a photograph of either a Caucasian or an Aboriginal man. In order to ensure that any variation in guilt judgments could be confidently attributed to race rather than to any individual characteristics of a particular member of a race, it was decided to use four men to represent each of the race conditions. The eight photographic models were selected from a pool of ten. Photographic models selected into the initial pool of ten were either Aboriginal or

Caucasian, male, between the ages of 24 and 30, and of “working class appearance” (as judged by two independent field researchers).

In order to choose the eight most appropriate subjects (and to ensure that, e.g., the Caucasian subjects were not particularly attractive, and the Aboriginal subjects particularly unattractive), the ten photographs were rated along a number of dimensions by 120 university students: attractiveness, how likeable they were, and perceived age (each photograph was rated by 12 of the students).<sup>5</sup> Participants were also asked to state what racial group they thought the photographic model belonged to (see Appendix G for a copy of the rating survey).

The mean attractiveness and likable ratings for the Aboriginal photographs was 2.6 and 3.0 respectively. The mean attractiveness and likable ratings for the Caucasian photographs was 2.8 and 3.6 respectively. One of the Aboriginal subjects was not recognised as being Aboriginal by two of the participants and was dropped from the set of photographic stimuli. In order to match the two racial groups as closely as possible the Caucasian with the highest attractive and likable ratings was dropped. This elimination process produced a final set of eight photographs with no significant differences in ratings of attractiveness, likability, or age (see Table 2). See Appendix H for copies of the eight photographs used in the trial summary.

---

<sup>5</sup>It is necessary to establish equivalence of attractiveness for photographic models because it is an established finding that attractive and/or likable defendants are less likely to be found guilty (Mazzella & Feingold, 1994). Although one might question this practice on the grounds that there could be a race effect for attractiveness to begin with (i.e., whites find Aboriginals less attractive than whites), previous researchers have found race effects *with stimuli that have been matched on attractiveness* (see, e.g., McConahay, 1983; Shaw & Skolinck, 1995). In order to minimise the possibility of race effects in the rating process, university students, who have been found to have relatively low scores on the modern racism scale (Augoustinos et al., 1994; Pederson & Walker, 1997), were chosen as raters.



Table 2

*Mean Ratings of Attractiveness, Likability, and Age Assigned to Photographic Stimuli (Defendants)*

Race	Attractive	Likable	Age
Aboriginal			
<i>M</i>	2.50	2.80	27.6
<i>SD</i>	.32	.12	3.1
Caucasian			
<i>M</i>	2.60	3.40	27.3
<i>SD</i>	.80	.48	2.6

### *Procedure*

The sampling procedure is described above. Participants were randomly assigned to conditions (the number of participants were spread evenly across conditions in each sampling area.) Participants were informed that the study was being carried out as part of a research course requirement for a student at Edith Cowan University. They were then told that the purpose of the study was to examine the decision-making task of jurors and that their task would be to read through the summary of a burglary trial and then answer a few questions about the guilt / non guilt of the defendant (at this point, participants were shown a sample of the trial summary so that they could get an idea of its length). It was explained to participants who enquired further about the nature of the study that: "It is important that everybody approaches the task with the same information. When the questionnaire is picked up, you will be given further background information about the study. Participants were then told the time commitment involved, that taking part in the

study was entirely voluntary, and that the questionnaire would be picked up the following day. They were then invited to participate. The questionnaires were picked up the following day. Those people who had not completed the task were given another day to do so.

## Results

An alpha level of .05 was used for all statistical tests, and all statistical assumptions were deemed to be satisfied. The frequencies and percentages of guilty / not guilty judgments for each experimental condition are shown in Table 3. A log linear analysis performed on the dichotomous guilty / not guilty verdicts and the independent variables of race (Aboriginal and Caucasian) and instructions (none, “without prejudice”, and “evidence”) revealed no overall relationship between race and guilt determinations,  $\chi^2(1, N = 287) = 1.59, p = .21$  and no overall relationship between instructions and guilt determinations  $\chi^2(2, N = 287) = 1.31, p = .52$ . There was also no interaction found between race and instructions with regards to guilt determinations,  $\chi^2(2, N = 287) = 1.82, p = .40$ . That is, race of the defendant and type of instructions had no significant effect upon the guilt determinations of participants. A weighted one-way chi-square analysis of the six experimental conditions and the control condition performed on the guilty judgments only, also revealed no effect,  $\chi^2(6, N = 196) = 2.82, p = .83$ . Thus, there was no difference between the proportion of guilty to not guilty judgments in the conditions that had photographs of a defendant, and the proportion of guilty to not guilty judgments in the control condition – which did not include a photograph of a defendant.

The confidence ratings for the guilty and not guilty judgments were analysed separately. The confidence ratings for the guilty and not guilty judgments are shown in Table 4 and Table 5 respectively. Two 2 x 3 (race x instructions) between subjects ANOVAs were performed on the confidence ratings for the guilty and not guilty judgments, revealing no effects,  $F(5, 165) = 1.67, p = .15$  and  $F(5, 110) = .22, p = .95$  respectively.

Table 3

*The Frequencies and % of Guilty / Not Guilty Judgments for Aboriginal and Caucasian Defendants by Type of Instruction*

Instructions	Race	Guilt		Total
		Guilty	Not Guilty	
None	Aboriginal	28 (60%)	18 (39%)	46 (100%)
	Caucasian	28 (62%)	17 (37%)	45 (100%)
	Total	56 (62%)	35 (39%)	91(100%)
Evidence	Aboriginal	30 (64%)	17 (36%)	47(100%)
	Caucasian	21 (46%)	25 (54%)	46(100%)
	Total	51 (55%)	42 (45%)	93(100%)
Non-Prejudice	Aboriginal	33 (65%)	18 (35%)	51(100%)
	Caucasian	31 (60%)	21 (40%)	52(100%)
	Total	64 (62%)	39 (38%)	103(100%)
Control		25 (49%)	26 (51%)	51(100%)
Total		196 (58%)	142 (42%)	338 (100%)

Table 4

*Mean Confidence Ratings of Guilty Judgments for Aboriginal and Caucasian Defendants by Type of Instruction*

Instructions	Aboriginal			Caucasian		
	<i>M</i>	<i>SD</i>	<i>n</i>	<i>M</i>	<i>SD</i>	<i>n</i>
None	6.21	.99	28	6.32	.82	28
Evidence	6.50	.73	30	5.86	1.01	21
Non-Prejudice	6.03	.85	33	6.16	.93	31
Total	6.24	.87	91	6.14	.92	80

Table 5

*Mean Confidence Ratings of Not Guilty Judgments for Aboriginal and Caucasian Defendants by Type of Instruction*

Instructions	Aboriginal			Caucasian		
	<i>M</i>	<i>SD</i>	<i>n</i>	<i>M</i>	<i>SD</i>	<i>n</i>
None	4.78	1.80	18	5.00	1.27	17
Evidence	4.65	1.97	17	5.04	1.54	25
Non-Prejudice	5.06	1.26	18	5.05	1.47	21
Total	4.83	1.67	53	5.03	1.43	63

The likelihood ratings for the guilty and not guilty judgments were also analysed separately. The likelihood ratings for the guilty and not guilty judgments are shown in Table 6 and Table 7 respectively. Two 2 x 3 (race x instructions) between subjects ANOVAs performed on the likelihood ratings for the guilty and not guilty judgments were not significant,  $F(5, 165) = .63, p = .68$  and  $F(5, 110) = 1.09, p = .37$  respectively.

Table 6

*Mean Likelihood Ratings of Guilty Judgments for Aboriginal and Caucasian Defendants by Type of Instruction*

Instructions	Aboriginal			Caucasian		
	<i>M</i>	<i>SD</i>	<i>n</i>	<i>M</i>	<i>SD</i>	<i>n</i>
None	6.32	.98	28	6.39	.74	28
Evidence	6.30	1.21	30	6.05	.67	21
Non-Prejudice	6.42	.61	33	6.42	.81	31
Total	6.35	.95	91	6.31	.76	80

Table 7

*Mean Likelihood Ratings of Not Guilty Judgments for Aboriginal and Caucasian Defendants by Type of Instruction*

Instructions	Aboriginal			Caucasian		
	<i>M</i>	<i>SD</i>	<i>n</i>	<i>M</i>	<i>SD</i>	<i>n</i>
None	5.17	1.20	18	5.53	1.42	17
Evidence	5.18	1.38	17	5.56	1.58	25
Non-Prejudice	5.06	1.26	18	4.71	1.35	21
Total	5.13	1.26	53	5.27	1.49	63

The qualitative data gathered from the question “why [did you judge the defendant to be guilty / not guilty]?” were content analysed. There was a 94.9% response rate to the question. To check for reliability in the coding of the responses an independent judge repeated the procedure for the first 100 participants producing a 78% agreement (see Appendix I for a complete guideline of the classification coding for the qualitative data). One participant gave an indication of old fashioned racism. That is, she offered “because he is an Aborigine” as a reason for judging the defendant guilty. The data were not comparable across the guilty / not guilty responses and the two groups were therefore analysed separately.

The coding process for the guilty group revealed that there were three definitive types of responses by participants: responses which listed pieces of evidence to support the guilty judgment; responses which listed *speculations* to support the guilty judgment; and responses which simply made a general statement to the effect that the evidence was too strong. *Evidence* refers to facts which either (a) linked the defendant to the scene, (b) established that the video belonged to the

victim, or (c) referred to the defendant's lack of an alibi. *Speculation* refers to statements which (a) add strength to pieces of evidence by speculating about the likelihood of them being true, (b) cast doubts upon the veracity of the defendant's testimony based upon unsupported speculation(s) about the defendant's behaviour, or (c) either state or imply that the defendant is lying or is unreliable. The numbers of participants offering evidence or speculations were 151 and 99 respectively. Only 10 participants (4 Aboriginal conditions, 6 Caucasian conditions) gave a general statement without any evidence or speculations, and these participants were dropped from any further qualitative analysis. A 2-way chi-square analysis performed on the participants who offered evidence revealed that instruction type and race of defendant had no influence on whether or not participants were likely to offer evidence,  $\chi^2(2, N = 133) = .18, p = .92$ . (see Table 8 for frequencies or responses by race and type of instruction). A 2 x 3 (race x instructions) ANOVA performed on the number of pieces of evidence participants offered to support their judgments was not significant,  $F(5, 127) = .519, p = .76$  (see Table 8 for the group means).

Table 8

*Means and Frequencies of Participants Who Listed Evidence to Justify Guilty*

*Judgments for Aboriginal and Caucasian Defendants by Type of Instruction*

Instructions	Aboriginal			Caucasian		
	<i>M</i>	<i>SD</i>	<i>n</i>	<i>M</i>	<i>SD</i>	<i>N</i>
None	2.33	1.05	24	2.70	1.17	20
Evidence	2.36	.95	22	2.18	.88	17
Non-Prejudice	2.46	1.17	26	2.50	1.14	24
Total	2.39	1.06	72	2.48	1.09	61

A 2-way chi-square analysis performed on the responses of participants who offered speculation(s) revealed that instruction type and race of defendant had no influence on whether or not participants were likely to offer speculations,  $\chi^2(2, N = 84) = 1.16, p = .56$  (see Table 9 for frequencies of responses by race and type of instruction). As the cell sizes in the speculation data were relatively small, the data were collapsed across instructions and an independent *t*-test was performed to see if there was an effect for race. It too was not significant,  $t(82) = 1.29, p = .20$ . The mean number of speculations for the Aboriginal defendant group and the Caucasian defendant group were 1.50 (*SD* = .70) and 1.33 (*SD* = .53) respectively.

Table 9  
*Frequencies of Participants Who Listed Speculations to Justify Guilty Judgments for Aboriginal and Caucasian Defendants by Type of Instruction*

Instructions	Aboriginal	Caucasian	Total
None	15	17	32
Evidence	13	8	21
Non-Prejudice	16	15	31
Total	44	40	84

The coding process of the not guilty group revealed that there were only two types of responses: participants either listed weak points in the prosecution's case (*weak points*) or simply made a generalised statement indicating that the evidence was inconclusive (see Appendix I for examples). A 2-way chi-square analysis performed on the participants who listed weak points revealed that instruction type and race of defendant had no influence on whether or not participants were likely to list weak points,  $\chi^2(2, N = 69) = .196, p = .91$  (see Table 10 for frequencies of



responses by race and type of instruction). An independent *t*-test performed on the weak points data found no effect for race,  $t(67) = -.87, p = .39$ . The mean number of weak points listed by participants in the Aboriginal defendant group and the Caucasian defendant group were 1.59 ( $SD = .70$ ) and 1.79 ( $SD = .78$ ) respectively. See Appendix J for the computer printout of the statistical tests conducted.

Table 10

*Frequencies of Participants Who Listed Weak Points to Justify Not Guilty  
Judgments for Aboriginal and Caucasian Defendants by Type of Instruction*

Instructions	Aboriginal	Caucasian	Total
None	12	11	23
Evidence	11	13	24
Non-Prejudice	11	11	22
Total	34	35	69

### Discussion

Based on the predictions of modern racism theory it was hypothesised that, with balanced evidence, non-Aboriginal Australians would be more likely to judge an Aboriginal defendant guilty than a Caucasian defendant because they would be able to point to the evidence to justify their decision. That is, non-Aboriginal Australians would be able to point to non-racial factors to justify a behaviour that was biased against a racial minority and thus maintain an egalitarian self-concept (or egalitarian public image). The results of this study, however, did not support this hypothesis. Regardless of which type of instructions to participants were included (i.e., none, instructions to make a decision without prejudice, or instructions to make a decision based only on the evidence), the results failed to indicate that non-Aboriginal Australians tend to make judgments which are biased against Aboriginal defendants. Furthermore, the results failed to indicate that mock jurors who are presented with a photograph of a defendant are likely to be unduly influenced by the appearance of the defendant (as shown by the comparison of the judgments of participants in the experimental conditions to the control condition). Thus it appears that mock jurors are able to ignore extra-legal information (such as the appearance of the defendant) and focus upon the evidence when determining the guilt of a defendant.

There were also no significant differences found in the ratings of confidence in judgment. That is, both groups of respondents (i.e., those who judged the defendant to be guilty, and those who judged the defendant to be not guilty) were equally confident in their decisions, regardless of the race of the defendant or the type of instructions given by the judge. Similarly, there were no significant differences found in the ratings of likelihood (i.e., "the likelihood that the defendant

committed the crime regardless of how you might have judged them as a juror”). Thus, the participants thought that a Caucasian was as likely as an Aboriginal to have committed the crime, were as likely to judge a Caucasian to be guilty as to judge an Aboriginal to be guilty – and, having made their judgment, were as confident in their decision when the defendant was a Caucasian as when he was an Aboriginal.

In response to the open ended question “why [did you judge the defendant to be guilty / not guilty]?” only one participant referred to an Aboriginal defendant’s race as a reason for judging him guilty. This is an indication that (as supporters of modern racism theory have suggested) the expression of old fashioned racism attitudes is not the norm in today’s social climate.

The results of the content analysis of the qualitative data gathered from the open ended question support the findings from the quantitative data. Regardless of race or instruction type, participants tended to offer the same number of “pieces of evidence” and the same number of “suppositions” (see results section for coding of qualitative data) to support their decisions. (Note that comparisons were made across experimental conditions but within type of guilt decision because the nature of responses given for guilty decisions were not directly comparable to not guilty decisions.) That is, analysis of the qualitative data revealed no differences in either the *type* of support participants offered for their decision – or in the *amount* of support participants felt they needed to offer in order to justify their decision. Thus, it appears there was no difference (between race conditions) in the *way* participants justified their decision (e.g., those who judged an Aboriginal defendant guilty did not tend to offer “suppositions” rather than “evidence” to support their decision) – nor did they tend to offer an inordinate number of justifications for their decision.

For example, it seems that participants neither felt that one needs less justification to find an Aboriginal guilty, nor did they feel the need to offer more support to justify a guilty decision made against an Aboriginal (as a way, e.g., to overcompensate for what might be considered to be a racially prejudiced decision). Thus, there was no indication of any subtle expressions of racial discrimination in the justifications participants offered for their guilt determinations.

The other aspect of the findings is that, regardless of the type of instruction, there was no evidence of the reverse bias suggested by Modern Racism theory. That is, the results gave no indication that non-Aboriginal Australians are more likely to judge a Caucasian defendant as guilty than an Aboriginal defendant as guilty – as a result of overcompensating in an effort to appear non-prejudiced. Thus, it might well be that the position taken by Pfeifer and Ogloff (1991) is correct, that mock jurors are able to put aside any generic prejudices they might hold and make an unbiased decision based objectively on the evidence that is presented to them.

Before examining possible interpretations for the above results, this discussion will begin with a consideration of the reliability of the findings. That is, can the study's failure to find any significant differences be attributed to a lack of power, sampling bias, or some fundamental problem with the research materials (i.e., the summary of the trial, or the photographs of the defendants)?

With regards to power, the present study had a more than sufficient sample size (with a minimum expected cell size of 18 in the log linear analysis) to detect any meaningful effects if they were in the population to be found. Although, in the sample, the participants did tend to be more likely to judge the Aboriginal defendants to be guilty than the Caucasian defendants, the effect size for race of  $r = .07$  was extremely small when compared to the effect size of  $r = .25$  found in the

Pfeifer and Ogloff (1991) study. Thus, the study's failure to find support for the hypothesis cannot be attributed to a lack of power. Similarly, it is unlikely that the nonsignificant result can be due to sampling bias. The sampling procedure was rigorous. Particular attention was given to the randomisation of participants across experimental conditions. It could be argued that (with a response rate of 66%) the 34% who declined to participate represented the "racist" proportion of the population. However this is unlikely for two reasons: Firstly, a 66% response rate is an acceptable level (de Vaus, 1995) and does not indicate that there has been any systematic refusals for reasons above and beyond what might be expected (e.g., "too busy"; "simply not interested"). Secondly, a comparison of the sample (both across and within experimental conditions) to the population showed no appreciable differences across a range of demographic variables (see "participants" section). Thus, it is concluded that the findings are not due to any characteristics peculiar to the sample.

Similarly, it is unlikely that the result is an artifact of the materials because the development and testing of the materials was also rigorous. The control condition (when no photographs of defendants were included) confirmed the findings from the pilot studies, that the evidence presented was indeed balanced in the sense that when no race was mentioned participants were as likely to judge the defendant guilty as not guilty. Furthermore, when the photographs were introduced, no floor or ceiling effects resulted. Thus, it is concluded that the trial summary stimulus was sensitive enough to reveal any differences due to race if they existed. It is also concluded that the photographs clearly represented the respective races (Aboriginal and Caucasian), because the ratings of the photographs by students resulted in a 100% success rate in recognition of race. It is concluded, then, that the

findings are not attributable to some sort of problem with the stimulus materials.

When one considers the results from the analysis of the dichotomous (guilty/not guilty), continuous (confidence and likelihood questions), and qualitative data – together with the experimental rigour and power of the present study – the findings offer compelling support for the conclusion that the juror task (with an Aboriginal as the defendant and non-Aboriginal Australians as jurors) may not be a behavioural context that is susceptible to the effects of modern racism. If one accepts that this is the case, are these findings the result of the particular social context in which the study was conducted? Or are the situational determinants for modern racism effects described by McConahay (1986) deficient or incomplete in some way? This discussion will first examine these two possibilities before giving consideration to the implications of the findings for Aborigines in Australian courts-of-law. Finally, a tentative conclusion will be drawn regarding the implications of the present study's findings for the behavioural contexts for modern racism effects.

#### *Modern Racism and the Australian Context*

This first explanation for the above findings accepts that the decision-making task of jurors might, in some social contexts, be susceptible to modern racism effects – but suggests that there might be some aspect of modern racism theory which might vary according to the particular social context. Thus, there might be aspects of modern racism theory which, in the Australian context, differ to the North American context. There are two aspects of modern racism theory which might vary according to the particular social context: the salience of race, and the social desirability for egalitarianism.

*Salience of race.*

The nullifying effects of instructions found by Pfeifer and Ogloff (1991) might offer some insight into the findings of the present study. In the Pfeifer and Ogloff study it was concluded that instructions to the jury might alert the participant to the fact that racial prejudice might be an issue, and thus cause them to adjust their judgment accordingly. It could be that, in the present study, participants did not need to be alerted to the fact that racial prejudice might be an issue. That is, simply being aware that the defendant was an Aboriginal may have been enough to alert the participant that racial prejudice might be an issue. This implicates a particular tenet of modern racism theory: salience of race (McConahay, 1986). Although, as noted in the introduction, there is every reason to believe that modern racism is a phenomenon that can be generalised from one national context to another (at least, within western cultures), it seems reasonable to assume that there might be subtle differences in the specific nature of the situation in different countries – or even areas within countries. As noted in the introduction, Aboriginals represent a significantly smaller proportion of the total population in Australia (about 2% of the total population) than do African Americans in the United States (about 10% of the total population). Also, as noted by Augoustinos et al. (1994, p. 127), the “indigenous status of Aborigines makes them a highly salient social group within Australian society.” Thus, it could well be that an Aboriginal defendant is more likely to arouse a wariness about racial prejudice in the Australian context than an African American would in the American context. If this is the case, it could be concluded that simply presenting an Aboriginal as a defendant achieves the same result as the instructions in the Pfeifer and Ogloff study. Thus, the instructions to participants in the present study may have been redundant.

There is another aspect about the findings of the present study which might implicate the relevance of the salience of race. In the pilot study, when participants were instructed to make a decision "without prejudice", participants showed a greater tendency to judge the defendant as being guilty than when no such instruction was included. As race of the defendant was not mentioned in the pilot study, race was obviously not salient. One way of interpreting this pattern of results is to conclude that when race of the defendant was very low in salience (i.e., merely hinted at by the word "prejudice") participants were able to be biased against an Aborigine because there was no threat to the non-prejudiced self image of participants. However, the present study was not designed to test such possibilities and, thus, any interpretation of this unexpected finding in the pilot study is speculative. For example, there is no way of knowing if, indeed, participants in the pilot study did believe that the defendant was Aboriginal. Further research designed specifically to look at this issue might offer some insight into this point.

*Social desirability for egalitarianism.*

Another aspect of modern racism theory which might have relevance to the findings of the present study is the social desirability for an egalitarian ideal. McConahay (1986) did not raise the issue of variability in the level of social desirability for egalitarianism in different social contexts. However, it is highly unlikely that social desirability is a constant across social contexts. Zuwerink, Devine, Monteith, and Cook (1996), for example, not only found higher levels of prejudice in a sample of students in the southern states of the United States than they had found in students from northern states, but also found that the southern students perceived a fairly high degree of prejudice in society's standards. Thus, these students – in their social context – would not have perceived a particularly high level



of social pressure to conform to an egalitarian ideal. Katz and Hass (1988) also found a different pattern of results for southern subjects, and suggested that there may be stronger, traditional, local norms of inequality. Katz and Hass (p. 902) concluded that "the notion of a value-attitude duality may prove to be less descriptive of people in some regions, localities, and socioeconomic groups than in others." Thus, it is possible that there might be a higher level of social desirability for egalitarianism in Australia than in the United States. Only further research can settle this issue.

#### *Modern Racism Theory: Possible Limitations*

Another interpretation of the present findings is that the decision-making task of jurors is *not* a behavioural context for the expression of modern racism (regardless of social context), and that the theory, as defined by McConahay (1986), needs to be amended. This discussion examines two possible explanations with this interpretation – one which takes Duckitt's (1992, p. 297) perspective (with a caveat added), that discrimination tends not to occur in situations which involve "structured tasks with relatively clear-cut goals and procedures" and have an expectation of "equity, objectivity, and fairness," and a second explanation which looks at the findings from an intergroup discrimination perspective (Tajfel, 1970).

##### *Structured tasks.*

Duckitt (1992, p. 297), from a review of a range (which included none of the jury simulation studies) of studies looking at discrimination, concluded that discrimination tends to occur in situations which involve informal social interaction (situations, e.g., like those in the helping behaviour studies of Gaertner & Dovidio, 1986) – and tends *not* to occur in situations which involve "structured tasks with relatively clear-cut goals and procedures" and have an expectation of "equity,

objectivity, and fairness." As noted in the introduction, this appears to be a fairly accurate description of the decision-making task of jurors. However, this conclusion of Duckitt does not account for the number of studies which *have* found evidence of racial discrimination using the jury simulation research paradigm (Mazzella & Feingold, 1994). It is suggested here that Duckitt's description of the situations in which one should expect discrimination to occur might be an accurate one, *except for when the situation includes elements which are likely to elicit high levels of emotion*. Thus, McConahay may have been incorrect in assuming that the decision-making task of jurors *per se* is susceptible to the effects of modern racism. It might be that it is only in special, emotion eliciting cases that the decision-making task of jurors is susceptible to the effects of modern racism, cases, for example, such as rape. This perspective takes the view that the difference in the findings between this study and the Pfeifer and Ogloff (1991) study is not due to social differences in salience of race or in social desirability of egalitarianism, but is due to the differing natures of the crimes. Thus, it is suggested that in structured tasks with implicit social expectations of equity and objectivity *and which include little, or no, emotion eliciting elements*, individuals are able to put aside racial prejudices and act according to the criteria that is either set, or implied, by the task. The results of the Pfeifer and Ogloff study suggest that, when emotion eliciting elements are present, it might be necessary to explicitly remind individuals that they are expected to act without prejudice.

McConahay's (1983) job applicant selection study appears to offer evidence against the above proposition. The task of selecting job applicants also appears to be a structured task which involves relatively clear-cut goals and procedures and would appear to be a task which has an expectation of equity and objectivity – and is a task

which includes no notable emotion eliciting elements. Nevertheless, McConahay found that participants *were* biased against blacks, in that they were more likely to select a white job candidate than a similarly qualified black candidate. (Presumably, it is the findings of this study which led McConahay, 1986, to suggest the decision-making task of jurors as one that might be susceptible to modern racism effects.) Duckitt (1992), however, offered an interesting perspective on the findings of racial discrimination in McConahay's hiring decision study. Duckitt noted that the instructions given to participants in McConahay's study may have de-emphasised the formal objective of the task required of the participants. The instructions to the participants stressed that the purpose of the study was to assess the *subjective* impression which the physical appearance (typeface, colour of the paper, etc) of the resume made upon the reader (McConahay). Duckitt noted that these instructions may have, in a sense, given the participants a license to allow themselves to be unduly influenced by subjective impressions (as opposed to the objective criteria contained in the job applications). Thus, it is likely that there was a distinct difference between the mind-set of the participants in McConahay's study and the mind-set of the participants in the present study, for example, who were informed that the purpose of the study was to "test the capacity of mock jurors to make a judicial decision based upon a summarised version of a trial transcript". It is likely that the participants in the present study were motivated to arrive at some sort of objective truth, rather than to provide the experimenter with an example of how subjective impressions influence objective decisions. Thus, it may be that in situations in which individuals are clearly expected to be equitable and objective – (as in the decision-making task of jurors), and there are no emotional eliciting elements to distract him/her (as in a crime of burglary with no physical

confrontation or assault), he/she is able to focus on the non-racial information provided and make a decision that is either largely – or completely – unaffected by any generic prejudices that he/she may hold.

*An intergroup discrimination perspective*

One of the fundamental findings in studies of intergroup bias is that simply being categorised is enough to create intergroup bias (Tajfel, 1970). It seems reasonable to assume that, for most people, men who have their photographs in police “mugshots” and are suspected of criminal activity belong to some sort of outgroup. That is, they are not “one of us”. Thus, it might be that non-Aboriginal Australians do not discriminate between Aborigines who are suspected of committing a crime and Caucasians who are suspected of committing a crime. From a perspective of intergroup discrimination, these men may constitute one, relatively homogeneous, outgroup. Thus, whether or not race is perceived as a relative criteria for categorisation might depend upon the context of the particular situation. In effect, those members of the population who would tend to discriminate against Aborigines are also those who tend to judge a defendant to be guilty when the evidence is balanced. It should be noted that this interpretation of the findings is purely speculative. Nevertheless, if further research finds that there are non-racial categorisation processes which can subsume racial categorisation processes, modern racism theory would need to allow for the types of behavioural contexts in which this might occur.

*Implications for Aborigines in Australian Courts-of-Law*

If one accepts that the present study’s failure to find any significant differences between the way participants respond to Aboriginal defendants and the way they respond to Caucasian defendants is an indication that there are no

differences in the population, it might seem reasonable to assume that Aborigines can expect to be treated in Australian courts-of-law in such a way that race is not an issue. However, before such a reassuring conclusion can be drawn, there are two points which need to be considered: (a) the limitations regarding the generalisation of findings from simulated juror studies to the real life context, and (b) the decision-making task of jurors is only one aspect of the legal process.

*Generalising from simulated juror studies.*

Simulated juror studies have been criticised for being simplistic and lacking ecological validity (Mazzella & Feingold, 1994). More specifically, it has been suggested that the experimental manipulations (race, e.g.) are unduly potent because of the brevity of trial summaries (Mazzella & Feingold); that juror studies are simplistic because they do not include jury deliberations (Shaw & Skolnick, 1995); and that simulation studies are unrealistic because the decisions made by jurors have no real effect (i.e., no-one is incarcerated as a result of a participant's judicial decision)(Wilson & Donnerstein, 1977). For example, Shaw and Skolnick found that group discussion (analogous to jury deliberation) effectively eliminated a reverse racism bias (i.e., harsher judgments shown toward a white defendant compared to a black defendant) shown by individual jurors, and Wilson and Donnerstein found that more guilty verdicts resulted when participants believed that their judgments would actually determine what happened to the defendant. Although these limitations are acknowledged, it is, nevertheless, accepted that simulation studies are useful for the theoretical understanding of processes (Mazzella & Feingold), and that this can, with appropriate insightful inferences, lead to a better understanding of the real life situation.

One further comment needs to be made in light of the present discussion. If it is the case that individuals are less able to ignore generic prejudices when emotional eliciting stimuli are present and jurors sitting on a real case are in a more highly aroused state than mock jurors (who are engaged in a relatively detached, analytical paper and pencil task) it might be that real jurors are more susceptible to generic prejudices than mock jurors. Of course, it is also possible that the presence of a judge and the deliberation process might counteract such effects. Whatever the case, caution needs to be taken when generalising from the simulated situation.

*Aborigines and the legal system.*

There are a number of decisions made by various people in the criminal legal process before a jury decides if a defendant is guilty. For example, police make a decision to make an arrest; a prosecutors make a decision to prosecute. Thus, it is not only the decision-making task of jurors which needs to be considered if one wishes to adequately assess the effect of a defendant's race on the final outcome of the legal process. In addition to these considerations, there are a number of issues relating to the way Aborigines interact with the European-style legal system in Australia which have specific relevance for Aborigines. For example, the nature of traditional aboriginal approaches to social control tend to result in direct conflict with European-style criminal law and its administration (Thorpe, 1987). With more specific reference to court room proceedings, Thorpe noted:

Many Aboriginal defendants and witnesses are unable to give their evidence in the expected way in court as they do not appreciate the court processes and the importance of the evidence they give in the outcome of the proceedings. They will often respond only by answering yes or no to leading questions. They may give the answers expected of them rather than describe what happened. Their

descriptions of events will often not be precise as to time or place when being explained in the abstract circumstances of the courtroom.

It is therefore not just the way Caucasians respond to Aborigines that can unfairly impact upon the way Aborigines are treated in the legal system, but also the way Aborigines respond to the European-style court process. Thus, the present study does not assume to offer a complete analysis of how the racial status of Aborigines impacts upon the nature of their relationship with the legal system, but rather offers some insight into one aspect of a large and complicated process.

*Conclusion: Implications For Modern Racism Theory*

As has been emphasised throughout this paper, the focus of this study has been upon identifying the behavioural contexts for the expression of modern racism. The theory of modern racism was used to predict that, unless alerted to the fact that prejudice might be an issue, participants would discriminate against Aborigines. In response to the lack of significant findings in the present study, this discussion has raised a number of points which may have implications for the application of the theory of modern racism – if the theory is to be useful as a means of predicting the behavioural contexts that one would expect racial discrimination to occur. Firstly, it was suggested that the salience of a racial minority and the degree to which it is socially desirable to be non-prejudiced might vary according to the particular social context. Thus, in order to make accurate predictions about the likelihood of discrimination occurring in a particular social context, it might be necessary to assess the salience of the racial minority in that social context – and the degree to which it is socially desirable to be non-prejudiced in that social context. Secondly, it was suggested that structured tasks with expectations of equity and objectivity might be less susceptible to racial discrimination – depending upon the degree to which the behavioural context is likely to elicit emotion. Thus, in order to make accurate

predictions about the likelihood of discrimination occurring in a particular behavioural context, it might be necessary to assess (a), the salience of the racial minority in the particular social context, (b) the social expectation of non-prejudiced behaviour in the particular task, and (c) the degree of emotion eliciting elements in the behavioural context.

A third issue raised in this discussion is the possibility that, in some contexts, non-racial categorisation processes might subsume racial categorisation processes. If this is the case, modern racism theory would need to allow for the types of behavioural contexts in which this might occur.

It needs to be emphasised that the above suggestions are the result of speculation about the findings of no significant differences in the present study. Further research needs to be conducted to replicate the present study's findings and to explore some of the issues raised in this discussion before firm conclusions can be drawn. One issue not addressed in the current study is individual variation in modern racism. Further research using a modern racism scale as an independent variable in an experimental study which has a measurable behavioural task as the dependant variable would be useful for extending the understanding of the scope and context of racial discrimination in Australia.



## References

- Ajzen, I. & Fishbein, M. (1977). Attitude-behavior relations: A theoretical analysis and review of empirical research, *Psychological Bulletin*, 84, 888-918.
- Augoustinos, M., Ahrens, C., & Innes, J.M. (1994). Stereotypes and prejudice: The Australian experience. *British Journal of Social Psychology*, 33, 125-141.
- Australian Bureau of Statistics (1996). 1996 Census of population and housing: Selected characteristics for urban centers and localities. Western Australia, Cocos and Christmas Islands. Canberra: Australian Bureau of Statistics.
- Australian Bureau of Statistics, (1996) 1996 Census of population and housing: Selected Family and Labour Force Characteristics for statistical local areas. Western Australia, Cocos and Christmas Islands. Canberra: Australian Bureau of Statistics.
- Australian Bureau of Statistics (1996). 1996 Census of population and housing: Selected Social and housing characteristics for statistical local areas. Western Australia, Cocos and Christmas Islands. Canberra: Australian Bureau of Statistics.
- Australian Electoral Commission (1998). Official Election 98 Site: State Western Australia Available: [http://202.59.39.32/HouseResults\\_WA.htm](http://202.59.39.32/HouseResults_WA.htm)
- Beswick, D. G., & Hills, M. D. (1969). An Australian ethnocentrism scale, *Australian Journal of Psychology*, 21, 211-225.
- Beswick, D. G., & Hills, M. D. (1972). A survey of ethnocentrism in Australia, *Australian Journal of Psychology*, 24, 153-163.

- Biernat, M., Vescio, T. K., Theno, S. A. & Crandall, C. S. (1996). Values and prejudice: Toward understanding the impact of American values on outgroup attitudes. In C. Seligman, & J. M. Olson, (Eds.), *The psychology of values: The Ontario symposium, Vol. 8. The Ontario symposium on personality and social psychology, Vol. 8.* (pp. 153-189). Mahwah, NJ: Lawrence Erlbaum Associates.
- Breckler, S. J. (1984). Empirical validation of affect, behavior, and cognition as distinct components of attitude, *Journal of Personality and Social Psychology*, 47, 1191-1205.
- Crosby, F., Bromley, S., & Saxe, L. (1980). Recent unobtrusive studies of Black and White discrimination and prejudice: A literature review. *Psychological Bulletin*, 87, 546-563.
- Department of Land Administration and West Australian Newspapers. (1998). *Streetsmart: Perth Street Directory*. Perth: West Australian Newspapers.
- de Vaus, D. A. (1995). *Surveys in social research*. Sydney: Allen & Unwin.
- Donnerstein, E., & Donnerstein, M. (1973). Variables in interracial aggression: Potential in-group censure. *Journal of Personality and Social Psychology*, 27, 143-150.
- Donnerstein, E., & Donnerstein, M. Simon, S., & Ditricks, R. (1972). Variables in interracial aggression: Anonymity, expected retaliation, and a riot. *Journal of Personality and Social Psychology*, 22, 236-245.
- Dovidio, J. F., & Gaertner, S. L. (1986). Historical trends and contemporary approaches. In J. F. Dovidio, & S. L. Gaertner, (Eds.), *Prejudice, discrimination, and racism* (pp. 1-34). Orlando: Academic Press.

- Duckitt, J. (1991). The development and validation of a subtle racism scale in South Africa. *South African Journal of Psychology, 21*, 233-239.
- Duckitt, J. (1992). Prejudice and behavior: A review. *Current Psychology Research and Reviews, 11*, 291-307.
- Gaertner, S. L., & Dovidio, J. F. (1977). The subtlety of white racism, arousal, and helping behavior. *Journal of Personality and Social Psychology, 35*, 691-707.
- Gaertner, S. L., & Dovidio, J. F. (1986). The aversive form of racism. In J. F. Dovidio, & S. L. Gaertner, (Eds.), *Prejudice, discrimination, and racism* (pp. 61-89). Orlando: Academic Press.
- Gleason, J. M., & Harris, V. H. (1975). Race, socioeconomic status, and perceived similarity as determinants of judgments by simulated jurors. *Social Behavior and Personality, 3*, 175-180.
- Katz, I., & Hass, R. G. (1988). Racial ambivalence and American value conflict: Correlational and priming studies of dual cognitive structures. *Journal of Personality and Social Psychology, 55*, 893-905.
- Katz, I., Wackenhut, J., & Huss, R. G. (1986). Racial ambivalence, value duality, and behavior. In J. F. Dovidio, & S. L. Gaertner, (Eds.), *Prejudice, discrimination, and racism* (pp. 35-59). Orlando: Academic Press.
- Kinder, D. R., & Sears, D. O. (1981). Symbolic racism versus racial threats to the good life. *Journal of Personality and Social Psychology, 40*, 414-431.
- Larsen, K. S. (1978). White attitudes toward Aborigines: A working framework, *Australian Quarterly, 50*, 94-113.
- Larsen, K. S. (1981). White attitudes in Townsville: Authoritarianism, religiosity and contact. *Australian Psychologist, 16*, 111-122.

- Locke, V. MacLeod, C. & Walker, I. (1994). Automatic and controlled activation of stereotypes: Individual differences associated with prejudice. *British Journal of Social Psychology*, 33, 29-46.
- Marjoribanks, K., & Jordan, D. F. (1986). Stereotyping among Aboriginal and Anglo-Australians: The uniformity, intensity, direction, and quality of auto- and heterostereotypes *Journal of Cross Cultural Psychology*, 17, 17-28.
- Martin, M. & Newby, L. (1984). Aborigines in summary courts in Western Australia, a regional study: Preliminary report on selected findings. In B. Swanton (Ed.). *Aborigines and Criminal Justice*, Canberra: Australian Institute of Criminology.
- Mazzella, R., & Feingold, A. (1994). The effects of physical attractiveness, race, socioeconomic status, and gender of defendants and victims on judgments of mock jurors: A meta-analysis. *Journal of Applied Social Psychology*, 24, 1315-1344.
- McConahay, J. B. (1983). Modern racism and modern discrimination: The effects of race, racial attitudes, and contest on simulated hiring decisions. *Personality and Social Psychology Bulletin*, 9, 551-558.
- McConahay, J. B. (1986). Modern racism, ambivalence, and the modern racism scale. In J. F. Dovidio, & S. L. Gaertner, (Eds.), *Prejudice, discrimination, and racism* (pp. 91-125). Orlando: Academic Press.
- McConahay, J. B., & Hough, J. C. (1976). Symbolic racism. *Journal of Social Issues*, 32, 23-45.
- Miller, M. (1997). *Trial by anxiety: Effects of nervous demeanour and level of evidence on mock jurors' decisions*. Unpublished manuscript, Edith Cowan University, Perth, Western Australia.

- Nickerson, S., Mayo, C., & Smith, A. (1986) Racism in the courtroom. In J. F. Dovidio, & S. L. Gaertner, (Eds.), *Prejudice, discrimination, and racism* (pp. 91-125). Orlando: Academic Press.
- O'Neill, N. & Handley, R. (1994). *Retreat from Injustice: Human Rights in Australian Law* Annandale: Federation Press.
- Pedersen, A., Contos, N., Bishop, B., & Walker, I. (1997). *Prejudice against Aboriginal Australians*. Manuscript submitted for publication.
- Pedersen, A., & Walker, I. (1997). Prejudice against Australian Aborigines: Old-fashioned and Modern Forms. *European Journal of Social Psychology*, 27, 561-587.
- Pettigrew, T. F., & Meertens, R. W. (1995). Subtle and blatant prejudice in western Europe. *European Journal of Social Psychology*, 25, 57-75.
- Pfeifer, J. E., & Ogloff, J. R. (1991). Ambiguity and guilt determinations: A modern racism perspective. *Journal of Applied Social Psychology*, 21, 1713-1725.
- Ray, J. J. (1981). Research report explaining Australian attitudes towards Aborigines. *Ethnic and Racial Studies*, 4, 348-352.
- Shaw, J. I., & Skolinck, P. (1995). Effects of prohibitive and informative judicial instructions on jury decisionmaking. *Social Behavior and Personality*, 23, 319-326.
- Stuart, O. (1993). Double oppression: An appropriate starting-point? In J. Swain, V. Finkelstein, S. French, & M. Oliver, (Eds.), *Disabling barriers enabling environments*. (pp. 93-100). London: Open University Press
- Swim, J. K., Aikin, K. J., Hall, W. S., & Hunter, B. A. (1995). Sexism and racism: Old-fashioned and modern prejudices. *Journal of Personality and Social Psychology*, 68, 199-214.

- Tajfel, H. (1970). Experiments in intergroup discrimination. *Scientific American*, 223, 96-102.
- Thorpe, D. (1987). Structures of Judicial racism in Australia. *The Harvard Journal*, 26, 259-271.
- Vidmar, N. (1997). Generic prejudice and the presumption of guilt in sex abuse trials. *Law and Human Behavior*, 21, 5-25.
- Walker, I. (1994). Attitudes to minorities: Survey evidence of Western Australians' attitudes to Aborigines, Asians, and women. *Australian Journal of Psychology*, 46, 137-143.
- Wilson, D. W. Donnerstein, E. (1977). Guilty or not guilty? A look at the "simulated" jury paradigm. *Journal of Applied Social Psychology*, 7, 175-190.
- Wolfe, C. T., & Spencer, S. J. (1996). Stereotypes and prejudice: Their overt and subtle influence in the classroom. *American Behavioral Scientist*, 40, 176-185.
- Wood, J. (1994). Is "symbolic racism" racism? A review informed by intergroup behavior. *Political Psychology*, 15, 673-686.
- Wrightsmann, L. S. (1987). The jury on trial: Comparing legal assumptions with psychological evidence. In N. E. Grunberg, & R. E. Nisbett, (Eds.), *A distinctive approach to psychological research: The influence of Stanley Schachter*. Hillsdale: Lawrence Erlbaum Associates.
- Zuwerink, J. R., Devine, P. G., Monteith, M. J., & Cook, D. A. (1996). Prejudice toward blacks: With and without compunction? *Basic and Applied Social Psychology*, 18, 131-150.

## Appendix A

### Sampling Procedure

A multistage cluster sampling technique (de Vaus, 1995), incorporating two stages, was used to randomly select participants for the study. A sample area of the Perth Metropolitan region was created by drawing boundaries on a map of the city of Perth so that, as much as possible, non-urban areas (such as rural and semi-rural districts, national parks, and industrial areas) were excluded from the sample area. Burns Beach Road and Gnangara Road represented the northern boundary of the sampling area; sections of the Great Northern Highway, Roe Highway, Tonkin Highway and Albany Highway represented the eastern boundary; the suburbs of Kwinana and Armadale represented the southern boundary; and the Indian Ocean represented the western boundary of the sampling area. The 56 reference maps from the Streetsmart Perth Street Directory (1997) corresponding to the sampling area defined above were used to represent the regions in the first stage of the cluster sampling process. SPSS (version 7) was used to randomly select six reference maps from the total 56 maps (each stage was designed such that the sampling area was reduced by approximately 10 % as recommended by de Vaus, 1995). Each reference map (in the Streetsmart Perth Street Directory, 1997) is divided into 50 grids. For each of the six map, SPSS was used to randomly select 5 grids from the 50. Thus, the multistage cluster sampling technique produced 30 sampling areas (grids) covering 22 suburbs of Perth.

In order to ensure that each of the stimuli (i.e., each “defendant”) was sufficiently represented in each of the conditions, it was decided to base the sampling numbers in each area on the expectation of a conservative 70% (approximately) completion rate (the pilot study returned a completion rate of 86%).

Accordingly, each area was sampled until 17 respondents had been recruited. The sampling procedure for each of the 30 sampling areas was identical: the researcher began in the north western (top left) corner of the respective sampling area and continued in a south eastern direction until 17 participants had been recruited.

### *References*

Department of Land Administration and West Australian Newspapers. (1998).

*Streetsmart: Perth Street Directory*. Perth: West Australian Newspapers.

de Vaus, D. A. (1995). *Surveys in social research*. Sydney: Allen & Unwin.



# Appendix B

Sex

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Male	155	45.9	46.3	46.3
	Female	180	53.3	53.7	100.0
	Total	335	99.1	100.0	
Missing	System Missing	3	.9		
	Missing				
	Total	3	.9		
Total		338	100.0		

Age

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	18-24	48	14.2	14.2	14.2
	25-30	42	12.4	12.4	26.6
	31-34	51	15.1	15.1	41.7
	35-40	53	15.7	15.7	57.4
	40+	144	42.6	42.6	100.0
	Total	338	100.0	100.0	
Total		338	100.0		

Education

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	hi_	61	18.0	18.3	18.3
	hi	131	38.8	39.3	57.7
	tert_	40	11.8	12.0	69.7
	tert	41	12.1	12.3	82.0
	grad	26	7.7	7.8	89.8
	lafe	34	10.1	10.2	100.0
	Total	333	98.5	100.0	
Missing	System Missing	5	1.5		
	Missing				
	Total	5	1.5		
Total		338	100.0		

**Politics**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	labor	99	29.3	36.8	36.8
	liberal	69	20.4	25.7	62.5
	1 nation	19	5.6	7.1	69.5
	greens	14	4.1	5.2	74.7
	national	1	.3	.4	75.1
	independant	9	2.7	3.3	78.4
	decline	1	.3	.4	78.8
	democrats	13	3.8	4.8	83.6
	unsure	35	10.4	13.0	96.7
	none	8	2.4	3.0	99.6
	all bastards	1	.3	.4	100.0
	Total	269	79.6	100.0	
Missing	System	69	20.4		
	Missing				
	Total	69	20.4		
Total		338	100.0		

**Culture**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Aust	224	66.3	66.3	66.3
	Asian	10	3.0	3.0	69.2
	Brit	66	19.5	19.5	88.8
	Euro	17	5.0	5.0	93.8
	Amer	3	.9	.9	94.7
	Other	18	5.3	5.3	100.0
	Total	338	100.0	100.0	
Total		338	100.0		

**Years in Australia**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	<5 yrs	10	3.0	3.0	3.0
	5-9 yrs	15	4.4	4.4	7.4
	10-14 yrs	15	4.4	4.4	11.8
	15-19 yrs	17	5.0	5.0	16.9
	20-24 yrs	9	2.7	2.7	19.5
	25-29 yrs	21	6.2	6.2	25.7
	30-34 yrs	14	4.1	4.1	29.9
	35-39 yrs	3	.9	.9	30.8
	40-44 yrs	4	1.2	1.2	32.0
	45-49 yrs	5	1.5	1.5	33.4
	51	1	.3	.3	33.7
	100	224	66.3	66.3	100.0
	Total	338	100.0	100.0	
Total		338	100.0		

## Appendix C

### Participant Information

This study is being conducted as part of my Honours degree at Edith Cowan University. The purpose of the study is to examine the decision-making process of jurors, and I would be grateful for your assistance.

It is anticipated that the information obtained from this research will add to the theoretical understanding of social information processing in decision-making, and may have practical implications for Australian courts-of-law.

As a participant in this study you will be required to respond to the summary of a trial transcript by indicating your opinion of the defendant's guilt /non-guilt. Your participation is entirely voluntary. If you agree to participate, please be aware that you are free to withdraw at any stage.

The information you give will be treated in the strictest confidence, and will remain anonymous. There is no need for you to record your name or any other information that could identify you. Nobody will be able to identify you from the questionnaire you complete. In the final report data will be presented in the form of group averages as opposed to individual raw scores.

Should you wish to find out about the results of the study, please feel free to write to me requesting a summary.

Should you have any queries regarding this project please feel free to contact me, or my Supervisor, at the addresses below.

Murray Riggs  
Honours Student  
Department of Psychology  
Edith Cowan University  
Telephone: 9307 4730  
Email: m.riggs@cowan.edu.au

Dr Greg Dear  
Supervisor  
Department of Psychology  
Edith Cowan University  
Telephone: 9400 5052  
Email: g.dear@cowan.edu.au

### The Study

The purpose of this research is to examine the decision-making process of mock jurors (jurors engaged in a simulated trial task). More specifically, the aim is to test the capacity of mock jurors to make a judicial decision based upon a summarised version of a trial transcript (such as those found in law reports). A comparison will be made between the judgements made by real jurors, and the judgements made by mock jurors.

The trial summary you are about to read is a *real* case. It has been selected randomly from the Western Australian Law Reports (1992-1996). All the information given in the law report has been reproduced here. Your task will be to *carefully* read the summary and answer questions about the guilt / non-guilt of the defendant.

**Please take careful note of each piece of information as it is presented. You are asked to read through the summary of the evidence once, and once only, before answering the questions which follow it.**

There are 4 questions. Please answer them in the order presented.

## **PARTICULARS OF THE CASE**

### **Judge**

Judge Marlowe

### **The Crime**

The defendant is accused of breaking and entering the premises of Ms Joan Myerson at 14 Wattle Street West Perth on Wednesday 16<sup>th</sup> of April at approximately 11.30pm. The home was ransacked; a Sony VCR (valued at \$1,800) and approximately \$250 in cash was stolen.

### **Prosecution Counsel**

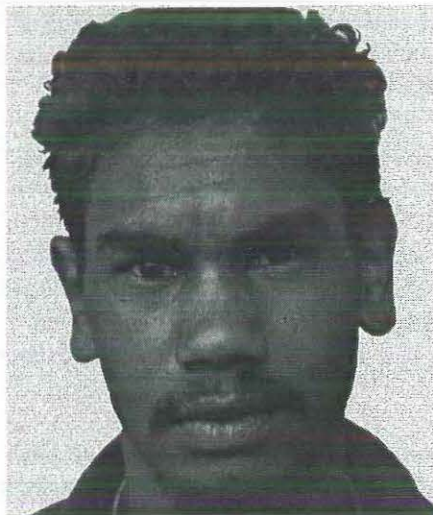
Mr Graham Wilson has been nominated by the Crown to present the case for the Prosecution.

### **Defence Counsel**

Mr Daniel Sims has been nominated by Legal Aid to present the case for the Defence.

### **The Defendant**

Mr Mark Reynolds, of unit 15/175 Harborne Street, Glendalough.



Police Photo File AC3785632

**The defendant (Mr Reynolds) has pleaded "Not guilty".**

## SUMMARY OF EVIDENCE PRESENTED AT TRIAL

### Case for the Prosecution.

#### **Summary of the Testimony of Mrs Anita Jones (Neighbour of the Victim)**

Mrs Anita Jones of 11 Wattle Street West Perth came out of her front door at 11:30 p.m. on Wednesday 16<sup>th</sup> April because she heard an alarm ringing. She saw a blue Commodore with a broken left tail-light pull hurriedly away from number 14 Wattle Street. There were two people in the car. Mrs Jones immediately phoned the police and reported the incident.

#### **Summary of the Testimony of Ms Myerson (Victim)**

Ms Myerson arrived home shortly after 12:00 am on Thursday 17<sup>th</sup> April to find Sergeant James Fowler questioning Mrs Anita Jones out the front of her house. Accompanied by the officer, Ms Myerson entered the house. She discovered that the house had been ransacked and that an expensive Sony video cassette recorder and a sum of cash (approximately \$250) had been stolen. When shown the VCR found in the possession of the defendant, Ms Myerson is certain that it was the one stolen from her home. When questioned by the defence, Ms Myerson acknowledges that she has no record of the serial number of the stolen VCR.

#### **Summary of the Testimony of Sergeant James Fowler**

On Thursday 17<sup>th</sup> April at 8:00 p.m., Sergeant Fowler observed a blue Commodore with a broken left tail-light travelling down Scarborough Beach Rd in an easterly direction. After stopping the driver to question him about the broken tail-light, the officer noticed a video cassette recorder sitting on the back seat of the car. The officer realised that the vehicle fitted the description of one seen at the scene of a break and enter the previous night, at which an expensive video recorder had been stolen. The officer first asked if the driver was aware that his tail-light was broken. The driver replied that he was not. Having identified the driver as **Mr Mark Reynolds** [the defendant], the officer then asked where **Mr Reynolds** had been at 11:30 p.m. the previous night. **Mr Reynolds** replied that he was at home at 11.30 the previous night. Sergeant Fowler asked Mr Reynolds if he had been at home all night. Mr Reynolds replied that he had been at the Hotel until 10.30. When asked if anyone could verify this, **Mr Reynolds** replied: "My mate, Ian Walters was with me when I left the pub." The officer then asked if it was **Mr Reynolds's** VCR in the rear of the car. **Mr Reynolds** replied that it was. The officer enquired when and where the VCR had been purchased. **Mr Reynolds** replied "about 12 months ago from a shop in Perth". The officer asked if **Mr Reynolds** had a receipt for the VCR. "I don't think so" replied **Mr Reynolds**. When asked where he was taking the VCR now, **Mr Reynolds** replied that he had just picked it up from his friend's house who had been looking after it while he was visiting relatives up North".

#### **Summary of the Testimony of Ms Tracy Freeman (Staff-Member at the Nookanburra Hotel)**

Ms Tracy Freeman, bar attendant at the Nookanburra Hotel, saw both the defendant [Mr. Reynolds] and his friend Ian [Mr Walters] leave the pub together at 10:30pm on Wednesday 16<sup>th</sup> April. She is sure of this because they were the only people in the lounge at the time and she had looked at the clock to see how long she had left of her shift. She knows Ian [Mr Walters] because he drinks at the pub regularly. Ms Freeman left the pub at 11.30 p.m.. She could not recall seeing a blue Commodore in the car park when she left that night.

### **Summary of the Testimony of Mr Murphy (Neighbour of the Defendant)**

Mr Ronald Murphy of unit 5/175 Harborne St, Glendalough left his flat at 11.20pm on Wednesday 16<sup>th</sup> April to go to his work as a night-shift garage attendant. His parking bay in the block of flats is next to that of **Mr Reynolds**. He cannot recall seeing **Mr Reynolds's** car parked in its bay at that time. When Mr Murphy returned home from work at 8:30 am on Thursday 17<sup>th</sup> April, **Mr Reynolds's** car was parked in its bay. Mr Murphy does not pass **Mr Reynolds's** flat to get to the parking bays.

### **Case for the Defence.**

### **Summary of the Testimony of Mr Ian Walters (Friend of the Defendant)**

Mr Ian Walters of 27 Tasman Street, Glendalough, has been a friend of **Mr Reynolds'** for many years. **Mr Reynolds** had left his Sony VCR with him [Mr Walters] about 2 months previously when **Mr Reynolds** had gone up North to visit relatives. Mr Walters received a telephone call from **Mr Reynolds** on Wednesday 16<sup>th</sup> April around 5 p.m.. **Mr Reynolds** told him that he had just returned from up North and would like to pick up his VCR. It was arranged that **Mr Reynolds** would pick it up the following day around 7 p.m. [Thursday 17<sup>th</sup> April]. After talking further, they decided to meet at the "Nooky" [Nookanburra Hotel] that evening for a drink. They left the pub about 10:30 p.m.. Mr Walters was dropped off at home (27 Tasman Street, Glendalough ) by **Mr Reynolds** at "about a quarter to eleven." When questioned by the prosecution, Mr Walters acknowledges that there is nobody who can verify where he [Mr Walters] was at 11.30 p.m. on the evening of Wednesday 16<sup>th</sup> of April.

### **Testimony of the Defendant (Mr. Reynolds).**

**Q:** Where were you on the night of Wednesday 16<sup>th</sup> of April at 11.30 p.m.?

**A:** I was at home.

**Q:** Where were you earlier in the evening?

**A:** I was at the Nookanburra Hotel with my mate Ian Walters.

**Q:** What time did you leave the hotel?

**A:** About 10.30. It took me about fifteen, twenty minutes, to drop Ian off, so I was home before 11 O'clock.

**Q:** Do you recognise this VCR, Mr Reynolds? [Indicating the VCR found by police in Mr Reynolds's car.]

**A:** Yes, it's mine. I bought it about 12 months ago.

**Q:** What was it doing in your car when the police pulled you over?

**A:** I had just picked it up from Ian's place – I'd lent it to him while I was visiting relatives up North.

**Q:** Thank you, Mr Reynolds.

### **Cross-examination by Prosecution**

**Q:** How far is it from the Nookanburra Hotel to your place of residence, Mr Reynolds?

**A:** About three or four kilometres.

**Q:** And you drove straight home from the hotel on the night of the 16<sup>th</sup> of April?

**A:** Yes – well, like I said, I dropped Ian off on the way.

**Q:** You say it took you only 15 minutes?

**A:** Yeah – fifteen or twenty minutes.

**Q:** You didn't take any detours – or stop off anywhere else along the way?

**A:** No.

**Q:** Do you live alone, Mr Reynolds?

**A:** No – I'm staying with my aunt.

- Q: So your aunt can verify that you were home between eleven o'clock and eleven thirty?
- A: Well – she was asleep when I got home.
- Q: So nobody can verify where you were at eleven thirty on the night in question?
- A: No, not really.
- Q: An eyewitness described a car with a broken tail light – just like yours, Mr Reynolds – at the scene of a burglary at 11.30 p.m. that night.
- A: It's a common car.
- Q: How do you account for the fact that your neighbour, Mr Ronald Murphy, did not see your car parked in its bay when he left for work at 11.20 p.m.?
- A: He made a mistake.
- Q: You say this VCR is yours? [Indicating VCR found by police in Mr Reynolds's car.]
- A: Yes
- Q: But the police claim this is the stolen VCR!
- A: I can see how they could make that mistake – it's a common model.
- Q: Ms Myerson has positively identified this video recorder as the one stolen from her home on the night of the 16<sup>th</sup> of April. How do you account for that?
- A: She's made a mistake.
- Q: Where did you get your VCR from?
- A: I bought it a year ago in a shop in Murray street.
- Q: Are you sure about that?
- A: Yes.
- B: You couldn't have made a mistake?
- A: No.
- Q: Everybody seems to be making mistakes except for you, Mr Reynolds. What was the shop called?
- A: I don't remember.
- Q: How did you pay for it?
- A: I paid cash for it.
- Q: What happened to the receipt?
- A: I don't know, I must have lost it when I was travelling around up North.
- Q: Why was the VCR in your car on the evening that the police stopped you?
- A: I'd just picked it up from my friend's house. He had been looking after it for me.
- Q: In summary, Mr Reynolds, you have no receipt for this video recorder, you cannot remember the shop where you bought it - and yet you still maintain that it belongs to you?
- A: Yes.
- Q: Thank you, Mr Reynolds.

**Judge:** Ladies and gentlemen of the jury, this concludes the evidence in this case. It is now your responsibility to determine if the prosecution has successfully discharged their burden of proof. If there is reasonable doubt in your mind, you must find the defendant not guilty. If there is no reasonable doubt in your mind, you must find the defendant guilty as charged.

---

**That completes the presentation of the evidence. Turn the page now and proceed with the questions related to this case.**



### Questionnaire

Please respond to the following questions with reference to the trial summary you have just read. **Remember, you must not refer back to any of the evidence.**

#### Question 1

Do you judge the defendant to be guilty, or not guilty?

(Please indicate by marking one box only.)

Guilty ☐

Not Guilty ☐

Why? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

#### Question 2

Please indicate your level of confidence in your judgement on the following scale:

Not Confident	1	2	3	4	5	6	7	Very Confident
---------------	---	---	---	---	---	---	---	----------------

#### Question 3

Please indicate whether you think it's *likely* that the defendant committed this crime (regardless of how you might judge them as a juror):

Did not commit this crime	1	2	3	4	5	6	7	Did commit this crime
------------------------------	---	---	---	---	---	---	---	--------------------------

Please note that a "1" indicates that you are 100% sure that the defendant *did not* commit this crime, and a "7" indicates that you are 100% sure that the defendant *did* commit this crime.

**Please Turn Over**

Question 4

**Participant's Background Information** (Please mark the appropriate box.)

Gender	Male <input type="checkbox"/>	Female <input type="checkbox"/>			
Age	18-24 <input type="checkbox"/>	25-30 <input type="checkbox"/>	31-34 <input type="checkbox"/>	35-40 <input type="checkbox"/>	40+ <input type="checkbox"/>
Education	High School (incomplete) <input type="checkbox"/>	Post Graduate Qualifications <input type="checkbox"/>			
	High School (completed) <input type="checkbox"/>	Tafe Diploma <input type="checkbox"/>			
	Tertiary Degree (incomplete) <input type="checkbox"/>	Trade Qualifications <input type="checkbox"/>			
	Tertiary Degree (completed) <input type="checkbox"/>				
Occupation	<hr/>				
Political Orientation	If an election was held this week, I would vote for: (Political party) <hr/>				
Cultural Identity	<input type="checkbox"/> Australian <input type="checkbox"/> Aboriginal or Torres Strait Islander				
	<div><input type="checkbox"/> Asian <input type="checkbox"/> British <input type="checkbox"/> European <input type="checkbox"/> American <input type="checkbox"/> Other</div> <div>Number of years in Australia <hr/></div>				

**Please note that the purpose for gathering the information on this page is simply to ensure that the participants who take part in this study are a reasonable representation of the total population of Perth.**

**Thank you for your participation**

## Appendix D

---

# Jury Simulation Study

---

### IMPORTANT

#### PLEASE READ THE FOLLOWING!

The trial summary you have just read is not real. The fictional case was created for study purposes only. The defendants depicted in the photographs are people who volunteered to have their photos taken purely for the purposes of this study.

They have not been accused of any crime.

### The Aim of the Study

The aim of the study is to examine how judges' instructions impact upon simulated juror decisions when race of the defendant might be an issue. In order to do this, some participants have been presented with a White Australian (Caucasian) as a defendant, others have been presented with an Aboriginal person as a defendant. In addition to this variation in the presentation of the trial, the type of judges' instructions has also been varied. Participants have been presented with one of four types of judges' instructions: 1) Instructions which tell the participant not to be prejudiced; 2) Instructions which remind the participant that all defendants are treated equally under the law; 3) Instructions which tell the participant to focus only on the evidence; or 4) No instructions at all.

If you are interested in the results of this study, please feel free to contact me to obtain a summary of the findings.

Thank you for taking the time to participate in this research project.

Murray Riggs  
Honours Student  
Department of Psychology  
Edith Cowan University  
Telephone: 9307 4730  
Email: m.riggs@cowan.edu.au

## **Appendix E**

### **Development of the trial summary**

An existing experimental trial summary (Miller, 1997) was modified for the present study. An initial pilot study (with no mention of race, no instructions, and using psychology students as participants, 21 female, 9 male), 63 % of the participants (19 out of 30) judged the defendant to be guilty. Another potential problem identified by the pilot study stemmed from the fact that, in the original trial summary, the defendant walked home from the hotel because he had had too much to drink. In the pilot study, 13 % of the participants (4 out of 30) indicated that they considered that alcohol was a motivating factor for the crime. This was considered to represent a potential confound for two reasons: (a) even if white participants discriminate (in the perceived potential for criminal behaviour) between white persons and Aboriginal persons, they might not discriminate (in the perceived potential for criminal behaviour) between white persons under the influence of alcohol and Aboriginal persons under the influence of alcohol; and (b) the perception in the general community that Aboriginals, in particular, have behavioural problems related to the consumption of alcohol (Augoustinos, Ahrens, & Innes, 1994; Hunter, 1991; Larsen, 1981; Marjoribanks & Jordan 1986). In order to overcome the problems noted above, the facts of the case were adjusted so that, (a) the circumstantial evidence against the defendant was slightly reduced, and (b) there was no mention of the defendant having too much to drink. The refined version of the case was subsequently presented to 22 participants (12 male, 10 female) randomly selected from five suburbs of Perth. The results showed that the evidence was balanced in that, when no instructions were included, 50% (11 of 22) of the participants judged the defendant to be guilty.

### References

- Augoustinos, M., Ahrens, C., & Innes, J.M. (1994). Stereotypes and prejudice: The Australian experience. *British Journal of Social Psychology*, 33, 125-141.
- Hunter, E. (1991). Alcohol consumption and its correlates in a remote Aboriginal population. *Aboriginal law bulletin*, 2, 8-10.
- Larsen, K. S. (1981). White attitudes in Townsville: Authoritarianism, religiosity and contact. *Australian Psychologist*, 16, 111-122.
- Marjoribanks, K., & Jordan, D. F. (1986). Stereotyping among Aboriginal and Anglo-Australians: The uniformity, intensity, direction, and quality of auto- and heterostereotypes *Journal of Cross Cultural Psychology*, 17, 17-28.
- Miller, M. (1997). *Trial by anxiety: Effects of nervous demeanour and level of evidence on mock jurors' decisions*. Unpublished manuscript, Edith Cowan University, Perth, Western Australia.

## **Appendix F**

### **Instructions Pilot**

In order to check that the instructions did not affect the guilt determinations of mock jurors when no race was mentioned, 41 (15 male, 26 female) participants randomly selected from five suburbs of Perth were randomly allocated to either a “without prejudice” condition or an “evidence” condition. The results showed that, in the “evidence” condition, the evidence was balanced in that 50% (10 of 20) of the participants judged the defendant to be guilty.

However, when the participants were instructed to judge the defendant “without sympathy or prejudice”, 75% (15 of 20) of the participants judged the defendant to be guilty. It was concluded that there were three possibilities for this finding, (a) participants were responding to the word “prejudice” by being more likely to judge the defendant guilty than not guilty, (b) participants were responding to the word “sympathy” by being more likely to judge the defendant guilty than not guilty, or (c) the finding represented an unreliable result.

In order to investigate these possibilities, a further 21 participants were recruited to respond to the “without sympathy or prejudice” instructions with the word “sympathy” removed. It was expected that if the participants were responding to the word “prejudice” by being more likely to judge the defendant guilty, a similar result to that found with the “without sympathy or prejudice” instruction would be obtained, because the presence of the word “prejudice” is a constant across both conditions. However, if the participants were responding to the word “sympathy” – by being more likely to judge the defendant guilty – it was expected that a similar result to the first three conditions would be found. That is, about 50% of participants would judge the defendant guilty, because the word “sympathy” would no longer be

present to produce the effect. Similarly, if the finding in the “without sympathy or prejudice” condition represented an unreliable result it was expected that about 50% of participants would judge the defendant guilty, because it would be unlikely that an unreliable result would be replicated.

When the word “sympathy” was removed from the “without sympathy or prejudice” instruction, 76% (16) of the 21 participants judged the defendant to be guilty. Although, individually, the pilot studies lacked the power to find a significant difference, the replication of the same finding with two independent groups adds confidence to the reliability of the findings. It was therefore concluded from this result that when mock jurors (in Perth) are asked to judge a defendant (charged with burglary) “without prejudice” – when no race is mentioned – they are more likely to judge a defendant to be guilty than when no such instruction is included.

This finding was unexpected and it was subsequently necessary to consider the implications of it for the main study. It was concluded that, when the participants were instructed to make their decision without prejudice – *they assumed that the defendant was Aboriginal*, and were subsequently biased in their responses because, as race was not mentioned, *there was no threat to the non-prejudiced self image of participants*. (It is, of course, possible that participants assumed that the defendant belonged to some race other than Aboriginal. However this is considered to be unlikely because, as noted above, when prejudice is raised as a public issue in Australia, Aborigines are the most salient racial minority, Ray, 1981. In any case, as noted in the discussion on the generalisability of modern racism theory, it is expected that racist effects would be similar regardless of the racial minority.) It was therefore expected that when participants were presented with a Caucasian defendant in the “without prejudice” condition, this effect would disappear. That is,

when the defendant is Caucasian, participants would no longer surmise that the defendant is Aboriginal and would therefore be as likely to judge the defendant not guilty as they will be to judge the defendant guilty.

It was also predicted that this effect would disappear when the defendant is Aboriginal (in the “without prejudice” condition) – because once race is made salient (one of the conditions for positive behaviour toward blacks of McConahay, 1986, noted above) the participants would perceive the possibility of being seen as prejudiced. Thus, although the findings with respect to the “without prejudice” condition in the pilot studies were unexpected, the expectations with respect to the main study remained the same.

### *References*

- McConahay, J. B. (1986). Modern racism, ambivalence, and the modern racism scale. In J. F. Dovidio, & S. L. Gaertner, (Eds.), *Prejudice, discrimination, and racism* (pp. 91-125). Orlando: Academic Press.
- Ray, J. J. (1981). Research report explaining Australian attitudes towards Aborigines. *Ethnic and Racial Studies*, 4, 348-352.

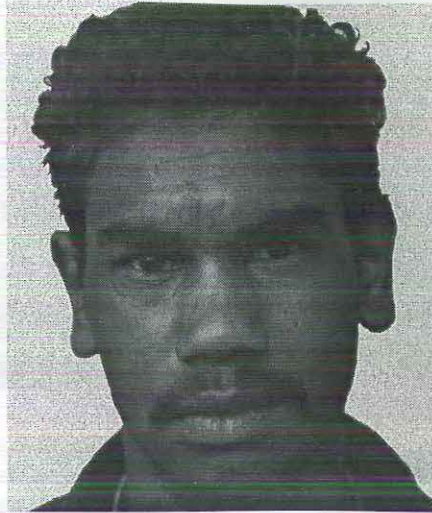


## Appendix G

### The Charge

The defendant is charged with burglary.

### The Defendant



Police Photo File AC3785632

**The defendant has pleaded “Not guilty”.**

### Subjective Impressions Of Defendant

#### Question 1

Please indicate how attractive you find the defendant on the following scale:

Not Attractive   1       2       3       4       5       6       7       Very Attractive

#### Question 2

Please indicate how likeable you find the defendant on the following scale:

Not Likeable   1       2       3       4       5       6       7       Very Likeable

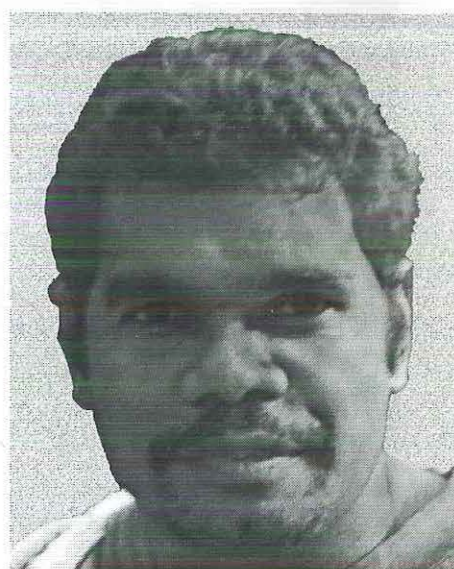
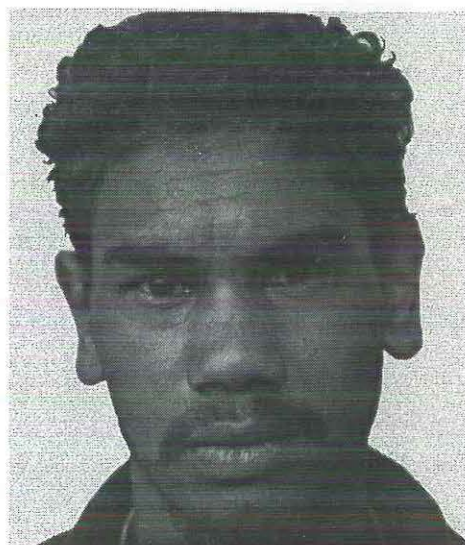
#### Question 4

Please indicate your estimation of the age and race of the defendant:

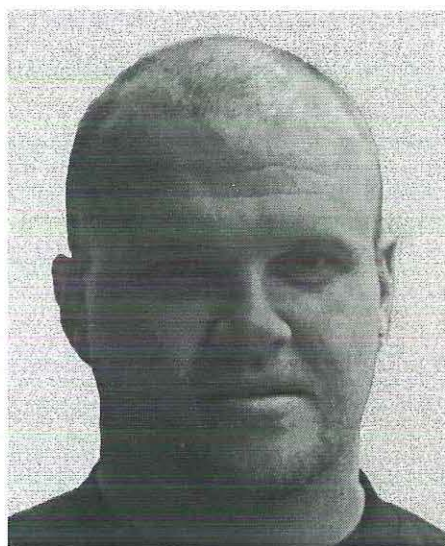
Age: \_\_\_\_\_

Race: \_\_\_\_\_

Appendix H







## Appendix I

# Qualitative Classification Coding

### Guilty Judgments

1. "Evidence": How many pieces of evidence does the participant indicate that they have used to support a guilty judgement? (Pieces of evidence are counted regardless of accuracy or logic.)
2. "Speculations": How many speculations have they added to strengthen their argument for making their guilty judgment? (Includes any statement which is obviously used to justify the participant's guilty judgment – regardless of whether the statement is logical, legally relevant, or is clear in meaning or implication.)
3. Does the participant make a general statement indicating that there is too much evidence / the evidence is too strong?

### Examples of pieces of evidence

#### **Linking defendant to the crime**

Car identification at scene of crime

Car was leaving in a hurry

Two people in the car

Defendant left pub right time/ enough time to commit crime

#### **Establishing that video belongs to victim**

Video found in back seat identified by victim as victim's video

No receipt

No recollection of shop

No warranty

#### **No alibi**

Car was not seen in car park at time of crime

No firm alibi established (no confirmation that he was home at time of the burglary)

### Examples of speculation

#### **Adding strength to pieces of evidence by speculating about its likelihood of being true:**

Unlikely someone would not keep a receipt

Unlikely someone would not remember the shop

Unlikely someone would take that long to get home

"Unlikely" could be replaced by "hard to believe"

**Casting doubts on veracity of the defendant's testimony based upon unsupported speculation(s) about defendant's behaviour**

If he owned the video,

he would've picked it up from his mate's place the night before when he

dropped him off from the pub

he would've left it with his aunt

he would not have left it in his car for 24 hours

**Stating, or implying, that the defendant is lying, or is unreliable**

The defendant is unsure of his answers

Mates will stick together

Answers sound well rehearsed

Unreasonable explanation

Reference to the appearance of the defendant, e.g., "The defendant looks a bad sort."

**Not Guilty Judgments**

1. "Weak points": How many weak points in the case does the participant indicate that they have used to support a not guilty judgment? (Weak points are counted regardless of accuracy or logic.)
2. Does the participant make a general statement indicating that the evidence is inconclusive?

**Examples of weak points**

**Examples of "inconclusive" statements**

The evidence is inconclusive

There is reasonable doubt

The evidence is doubtful

Prosecution needs more evidence

Appendix J

HiLog

\*\*\*\*\* H I E R A R C H I C A L   L O G   L I N E A R   \* \* \* \* \*

DATA    Information

287 unweighted cases accepted.  
0 cases rejected because of out-of-range factor values.  
0 cases rejected because of missing data.  
287 weighted cases will be used in the analysis.

FACTOR Information

Factor	Level	Label
GUILT	2	Guilt
RACE	2	Race
INS	3	Instructions

-----

\*\*\*\*\* H I E R A R C H I C A L   L O G   L I N E A R   \* \* \* \* \*

DESIGN 1 has generating class

GUILT\*RACE\*INS

Note: For saturated models .500 has been added to all observed cells.  
This value may be changed by using the CRITERIA = DELTA subcommand.

The Iterative Proportional Fit algorithm converged at iteration 1.  
The maximum difference between observed and fitted marginal totals is  
.000  
and the convergence criterion is .250

-----

Observed, Expected Frequencies and Residuals.

Factor	Code	OBS count	EXP count	Residual	Std Resid
GUILT	Guilty				
RACE	Aborigin				
INS	none	28.5	28.5	.00	.00
INS	evidence	30.5	30.5	.00	.00
INS	non_prej	33.5	33.5	.00	.00
RACE	Caucasio				
INS	none	28.5	28.5	.00	.00
INS	evidence	21.5	21.5	.00	.00
INS	non_prej	31.5	31.5	.00	.00

	GUILT	Not Guilt			
	RACE	Aborigin			
.00	INS	none	18.5	18.5	.00
.00	INS	evidence	17.5	17.5	.00
.00	INS	non_prej	18.5	18.5	.00
	RACE	Caucasio			
.00	INS	none	17.5	17.5	.00
.00	INS	evidence	25.5	25.5	.00
.00	INS	non_prej	21.5	21.5	.00

-----  
--

Goodness-of-fit test statistics

Likelihood ratio chi square =	.00000	DF = 0	P = 1.000
Pearson chi square =	.00000	DF = 0	P = 1.000

\*\*\*\*\* H I E R A R C H I C A L   L O G   L I N E A R \*\*\*\*\*  
\*\*

Tests that K-way and higher order effects are zero.

K	DF	L.R. Chisq	Prob	Pearson Chisq	Prob	Iteration
3	2	1.829	.4007	1.823	.4018	2
2	7	4.734	.6924	4.772	.6878	2
1	11	16.198	.1339	16.178	.1347	0

-----  
--

Tests that K-way effects are zero.

K	DF	L.R. Chisq	Prob	Pearson Chisq	Prob	Iteration
1	4	11.464	.0218	11.406	.0224	C
2	5	2.905	.7146	2.949	.7079	0
3	2	1.829	.4007	1.823	.4018	0

\*\*\*\*\* H I E R A R C H I C A L   L O G   L I N E A R \*\*\*\*\*  
\*\*

Tests of PARTIAL associations.

Effect Name	DF	Partial Chisq	Prob
Iter			
GUILT*RACE	1	1.591	.2071
2			
GUILT*INS	2	1.309	.5196
2			
RACE*INS	2	.052	.9746
2			
GUILT	1	10.606	.0011
2			
RACE	1	.003	.9530
2			

INS 2 .855 .6522  
2

-----  
--

\*\*\*\*\* H I E R A R C H I C A L   L O G   L I N E A R   \* \* \* \* \*  
\* \*

Backward Elimination (p = .050) for DESIGN 1 with generating class

    GUILT\*RACE\*INS

Likelihood ratio chi square = .00000      DF = 0    P = 1.000

-----  
--

If Deleted Simple Effect is Iter	DF	L.R.	Chisq Change	Prob
GUILT*RACE*INS 2	2		1.829	.4007

Step 1

    The best model has generating class

        GUILT\*RACE  
        GUILT\*INS  
        RACE\*INS

Likelihood ratio chi square = 1.82905      DF = 2    P = .401

-----  
--

If Deleted Simple Effect is Iter	DF	L.R.	Chisq Change	Prob
GUILT*RACE 2	1		1.591	.2071
GUILT*INS 2	2		1.309	.5196
RACE*INS 2	2		.052	.9746

Step 2

    The best model has generating class

        GUILT\*RACE  
        GUILT\*INS

Likelihood ratio chi square = 1.88060      DF = 4    P = .758

-----  
--

If Deleted Simple Effect is Iter	DF	L.R.	Chisq Change	Prob
GUILT*RACE 2	1		1.568	.2105



GUILT\*INS 2 1.286 .5257  
2

\*\*\*\*\* H I E R A R C H I C A L L O G L I N E A R \*\*\*\*\*  
\*\*

Step 3

The best model has generating class

GUILT\*RACE  
INS

Likelihood ratio chi square = 3.16647 DF = 6 P = .788

-----  
--

If Deleted Simple Effect is Iter	DF	L.R. Chisq Change	Prob
GUILT*RACE	1	1.568	.2105
2			
INS	2	.855	.6522
2			

Step 4

The best model has generating class

GUILT\*RACE

Likelihood ratio chi square = 4.02126 DF = 8 P = .855

-----  
--

If Deleted Simple Effect is Iter	DF	L.R. Chisq Change	Prob
GUILT*RACE	1	1.568	.2105
2			

Step 5

The best model has generating class

GUILT  
RACE

Likelihood ratio chi square = 5.58898 DF = 9 P = .780

-----  
--

If Deleted Simple Effect is Iter	DF	L.R. Chisq Change	Prob
GUILT	1	10.606	.0011
2			
RACE	1	.003	.9529
2			

\*\*\*\*\* H I E R A R C H I C A L L O G L I N E A R \*\*\*\*\*  
\*\*

Step 6

The best model has generating class

GUILT

Likelihood ratio chi square = 5.59247 DF = 10 P = .848

-----

If Deleted Simple Effect is Iter	DF	L.R. Chisq Change	Prob
-------------------------------------	----	-------------------	------

GUILT 0	1	10.60%	.0011
------------	---	--------	-------

Step 7

The best model has generating class

GUILT

Likelihood ratio chi square = 5.59247 DF = 10 P = .848

-----

\*\*\*\*\* H I E R A R C H I C A L   L O G   L I N E A R \*\*\*\*\*

The final model has generating class

GUILT

The Iterative Proportional Fit algorithm converged at iteration 0.  
The maximum difference between observed and fitted marginal totals is  
.000  
and the convergence criterion is .250

-----

Observed, Expected Frequencies and Residuals.

Factor	Code	OBS count	EXP count	Residual	Std
Resid					
GUILT	Guilty				
RACE	Aborigin				
INS	none	28.0	28.5	-.50	
-.09					
INS	evidence	30.0	28.5	1.50	
.28					
INS	non_prej	33.0	28.5	4.50	
.84					
RACE	Caucasio				
INS	none	28.0	28.5	-.50	
-.09					
INS	evidence	21.0	28.5	-7.50	
1.40					
INS	non_prej	31.0	28.5	2.50	
.47					

GUILT	Not Guilt			
RACE	Aborigin			
INS	none	18.0	19.3	-1.33
-.30				
INS	evidence	17.0	19.3	-2.33
-.53				
INS	non_prej	18.0	19.3	-1.33
-.30				
RACE	Caucasio			
INS	none	17.0	19.3	-2.33
-.53				
INS	evidence	25.0	19.3	5.67
1.29				
INS	non_prej	21.0	19.3	1.67
.38				

-----

Goodness-of-fit test statistics

Likelihood ratio chi square =	5.59247	DF = 10	P = .848
Pearson chi square =	5.55172	DF = 10	P = .851

-----

NPar Tests

Chi-Square Test

Frequencies

Race X Instruction			
	Observed N	Expected N	Residual
ab none	28	26.7	1.3
ab evid	30	27.2	2.8
ab nonprej	33	29.6	3.4
w none	28	26.1	1.9
w evid	21	26.7	-5.7
w nonprej	31	30.2	.8
control	25	29.6	-4.6
Total	196		

Test Statistics

	Race X Instruction
Chi-Square <sup>a</sup>	2.817
df	6
Asymp. Sig.	.831

a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 26.1.

ANOVA

Guilt = Guilty

Case Processing Summary<sup>a,b</sup>

Cases					
Included		Excluded		Total	
N	Percent	N	Percent	N	Percent
171	100.0%	0	.0%	171	100.0%

- a. Guilt = Guilty
- b. Confidence by Race, Instructions

ANOVA<sup>a</sup>

			Unique Method			
			Sum of Squares	df	Mean Square	F
Confidence	Main Effects	(Combined)	1.635	3	.545	.691
		Race	.762	1	.762	.967
		Instructions	.884	2	.442	.561
	2-Way Interactions	Race * Instructions	5.094	2	2.547	3.231
	Model		6.575	5	1.315	1.668
	Residual		130.056	165	.788	
	Total		136.632	170	.804	

ANOVA<sup>a</sup>

			Unique Method Sig.
Confidence	Main Effects	(Combined)	.559
		Race	.327
		Instructions	.572
	2-Way Interactions	Race * Instructions	.042
	Model		.145
	Residual		
	Total		

a. All effects entered simultaneously

Guilt = Not Guilty

Case Processing Summary<sup>a,b</sup>

Cases					
Included		Excluded		Total	
N	Percent	N	Percent	N	Percent
116	100.0%	0	.0%	116	100.0%

- a. Guilt = Not Guilty
- b. Confidence by Race, Instructions

ANOVA<sup>a</sup>

			Unique Method			
			Sum of Squares	df	Mean Square	F
Confidence	Main Effects	(Combined)	2.066	3	.689	.281
		Race	1.165	1	1.165	.475
		Instructions	.934	2	.467	.190
	2-Way Interactions	Race *	.799	2	.400	.163
		Instructions				
	Model		2.727	5	.545	.222
	Residual		269.850	110	2.453	
Total		272.578	115	2.370		

ANOVA<sup>a</sup>

			Unique Method Sig.
Confidence	Main Effects	(Combined)	.839
		Race	.492
		Instructions	.827
	2-Way Interactions	Race *	.850
		Instructions	
	Model		.952
	Residual		
Total			

- a. All effects entered simultaneously

ANOVA

Guilt = Guilty

Case Processing Summary<sup>a,b</sup>

Cases					
Included		Excluded		Total	
N	Percent	N	Percent	N	Percent
171	100.0%	0	.0%	171	100.0%

- a. Guilt = Guilty
- b. likely by Race, Instructions

ANOVA<sup>a</sup>

			Unique Method			
			Sum of Squares	df	Mean Square	F
likely	Main Effects	(Combined)	1.873	3	.624	.833
		Race	.161	1	.161	.214
		Instructions	1.785	2	.892	1.191
	2-Way Interactions	Race * Instructions	.745	2	.372	.497
	Model		2.353	5	.471	.628
	Residual		123.647	165	.749	
	Total		126.000	170	.741	

ANOVA<sup>a</sup>

			Unique Method Sig.
likely	Main Effects	(Combined)	.477
		Race	.644
		Instructions	.307
	2-Way Interactions	Race * Instructions	.609
	Model		.679
	Residual		
	Total		

a. All effects entered simultaneously

## Guilt = Not Guilty

Case Processing Summary<sup>a,b</sup>

Cases					
Included		Excluded		Total	
N	Percent	N	Percent	N	Percent
116	100.0%	0	.0%	116	100.0%

a. Guilt = Not Guilty

b. likely by Race, Instructions

ANOVA<sup>a</sup>

			Unique Method			
			Sum of Squares	df	Mean Square	F
likely	Main Effects	(Combined)	6.304	3	2.101	1.098
		Race	.518	1	.518	.271
		Instructions	5.760	2	2.880	1.504
	2-Way Interactions	Race * Instructions	3.277	2	1.638	.856
	Model		10.438	5	2.088	1.090
	Residual		210.596	110	1.915	
	Total		221.034	115	1.922	

ANOVA<sup>a</sup>

			Unique Method Sig.
likely	Main Effects	(Combined)	.353
		Race	.604
		Instructions	.227
	2-Way Interactions	Race *	.428
		Instructions	
	Model		.370
	Residual		
	Total		

a. All effects entered simultaneously

Crosstabs

Case Processing Summary

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
Instructions * Race	133	100.0%	0	.0%	133	100.0%

Instructions \* Race Crosstabulation

Count		Race		Total
		Aboriginal	Caucasian	
Instructions	none	24	20	44
	evidence	22	17	39
	non_prej	26	24	50
Total		72	61	133

Chi-Square Tests

	Value	df	Asymp. Sig. (2-tailed)
Pearson Chi-Square	.176 <sup>a</sup>	2	.916
Likelihood Ratio	.176	2	.916
Linear-by-Linear Association	.066	1	.797
N of Valid Cases	133		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 17.89.

ANOVA

Case Processing Summary<sup>a</sup>

Cases					
Included		Excluded		Total	
N	Percent	N	Percent	N	Percent
133	100.0%	0	.0%	133	100.0%

a. EVIDENCE by Race, Instructions

ANOVA<sup>a,b</sup>

			Unique Method			
			Sum of Squares	df	Mean Square	F
EVIDENCE	Main Effects	(Combined)	1.646	3	.549	.472
		Race	.172	1	.172	.148
		Instructions	1.438	2	.719	.619
	2-Way Interactions	Race * Instructions	1.602	2	.801	.690
	Model		3.015	5	.603	.519
	Residual		147.556	127	1.162	
	Total		150.571	132	1.141	

ANOVA<sup>a,b</sup>

			Unique Method
			Sig.
EVIDENCE	Main Effects	(Combined)	.702
		Race	.701
		Instructions	.540
	2-Way Interactions	Race * Instructions	.504
	Model		.762
	Residual		
	Total		

a. EVIDENCE by Race, Instructions

b. All effects entered simultaneously

Crosstabs

Case Processing Summary

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
Instructions * Race	84	100.0%	0	.0%	84	100.0%

Instructions \* Race Crosstabulation

Count		Race		Total
		Aboriginal	Caucasion	
Instructions	none	15	17	32
	evidence	13	8	21
	non_prej	16	15	31
Total		44	40	84



Chi-Square Tests

	Value	df	Asymp. Sig. (2-tailed)
Pearson Chi-Square	1.160 <sup>a</sup>	2	.560
Likelihood Ratio	1.169	2	.557
Linear-by-Linear Association	.146	1	.702
N of Valid Cases	84		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 10.00.

T-Test

Group Statistics

	Race	N	Mean	Std. Deviation	Std. Error Mean
SPECULAT	Aboriginal	44	1.50	.70	.11
	Caucasian	40	1.33	.53	8.31E-02

Independent Samples Test

		Levene's Test for Equality of Variances		t-test for Equality of Means			
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference
SPECULAT	Equal variances assumed	3.903	.052	1.287	82	.202	.18
	Equal variances not assumed			1.304	79.307	.196	.18

Independent Samples Test

		t-test for Equality of Means		
		Std. Error Difference	95% Confidence Interval of the Mean	
			Lower	Upper
SPECULAT	Equal variances assumed	.14	-9.6E-02	.45
	Equal variances not assumed	.13	-9.2E-02	.44

Crosstabs

Case Processing Summary

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
Instructions * Race	69	100.0%	0	.0%	69	100.0%

Instructions \* Race Crosstabulation

Count		Race		Total
		Aboriginal	Caucasion	
Instructions	none	12	11	23
	evidence	11	13	24
	non_prej	11	11	22
Total		34	35	69

Chi-Square Tests

	Value	df	Asymp. Sig. (2-tailed)
Pearson Chi-Square	.196 <sup>a</sup>	2	.907
Likelihood Ratio	.196	2	.907
Linear-by-Linear Association	.023	1	.881
N of Valid Cases	69		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 10.84.

T-Test

Group Statistics

	Race	N	Mean	Std. Deviation	Std. Error Mean
weak points	Aboriginal	34	1.59	.70	.12
	Caucasion	35	1.74	.78	.13

Independent Samples Test

		Levene's Test for Equality of Variances		t-test for Equality of Means			
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference
weak points	Equal variances assumed	.023	.879	-.865	67	.390	-.15
	Equal variances not assumed			-.866	66.610	.389	-.15

Independent Samples Test

		t-test for Equality of Means		
		Std. Error Difference	95% Confidence Interval of the Mean	
			Lower	Upper
weak points	Equal variances assumed	.18	-.51	.20
	Equal variances not assumed	.18	-.51	.20