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Justice Might be Blind but Many Jurors are Not: Exploring the Mechanisms of Aversive Racism and Normative Decision Making in Juridical Decisions

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Justice Might be Blind but Many Jurors Are Not:
Exploring the Mechanisms of Aversive Racism and Normative Decision Making in Juridical Decisions

Senior Project submitted to
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of Bard College

by
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Dedications and Acknowledgements

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“One must take into account a definite cushioning effect exercised both by the law, and by the moral sense which constitutes a self-imposed law; for a country is considered the more civilized the more the wisdom and efficiency of its laws hinder a weak man from becoming too weak or a powerful man from becoming too powerful”

-Primo Levi, *If This is a Man*
Abstract

Although juries exist within the American justice system to guard against “the corrupt or overzealous prosecutor and against the compliant, biased, or eccentric judge” (United States, 1968), psychological researchers have been divided over whether mock jurors do indeed demonstrate biased decision making due to the mixed results of past meta-analyses (Devine & Caughlin, 2014; Mazzella et al., 1994; Mitchell et al., 2005). In order to address what has caused these variable results, researchers must begin to explore complex paradigms for juror decision making. As such, these present studies sought to test the theoretical mechanisms of one of these possible paradigms, the aversive racism paradigm, which proposes that mock jurors feel better able to act in biased ways when their defendant has a negative secondary characteristic (Dovidio & Gaertner, 2004; Pearson, 2007; Minero & Espinoza, 2016). If the mechanisms of this paradigm could be experimentally related to a defendant’s secondary characteristics, then the aversive racism paradigm could be used to explain the variable results of past meta-analyses. In result, Study 1 supported the mechanistic validity of aversive racism paradigms. Further, it clarified that certain theoretical mechanisms of aversive racism, including mock jurors’ preferencing of normative decision making modes and increased willingness to communicate explicit biases, actually preceded any influence of a defendant’s race, suggesting that this paradigm might even begin to explain the biases of mock jurors in studies that are unrelated to race. However, mock jurors in Study 2 failed to operate under an aversive racism paradigm, instead reflecting the decision making processes of an incredibly unusual population. Overall, both of these studies provide a unique mechanistic exploration into possible reasons why different juror decision making studies might arrive at incredibly variable results. In turn, the findings of these studies provide information about the biased decision making processes of a variety of mock jurors that should be considered for future research or for future juridical reforms.
In 1543, sculptor Hans Gieng completed the fountain “Gerechtigkeitsbrunnen,” or “The Fountain of Justice.” Although this fountain is regarded as the pinnacle of Gieng’s career, it is remembered for more than just its artistic merit. Instead, this statue is remembered as the first known artifact to depict “Lady Justice” blindfolded, or literally unable to see inequality before the law. Through time, Western society has made Gieng’s symbolic blindfold a prototypical feature, as nearly every humanized depiction of Justice now incorporates this blindfold. Furthermore, this symbolism has grown to shape the way we speak about justice and legal equality, as those who critique the egalitarianism of the justice system use this language of “blindness” to do so. For example, Lyndon B. Johnson famously referenced Lady Justice’s blindness when he argued that “Until justice is blind to color … emancipation will be a proclamation but not a fact.” In fact, many questions about whether or not class, race, sex, or any other extralegal factor has the power to change the way we interact with the justice system have largely grown to rely on this language of blindness. As a result, we tend to ask ourselves: Is Justice really blind, or does Justice see us and judge us based on our personal characteristics?

While the visual perceptual abilities of a humanized government institution are obviously not the actual source of legal bias, our focus on this symbolism has managed to articulate that many justice systems, such as those in the United States, fail to uphold the egalitarian principles Gieng’s Lady Justice hopes to depict. Through this lens, we can see that our justice system does in fact see our extralegal characteristics. For example, in the most recent report by the Human Rights Watch, the United States was once again criticized for demonstrating legal discrimination toward racial minorities like Black men (Human Rights Watch, 2017). In particular, this report cited that the United States police disproportionality use excessive force when apprehending Black people. Further, this report also noted that, although Black individuals use drugs at similar
or even lower rates than White individuals, Black adults are almost three times more likely to be arrested for drug possession. Moreover, the United States Department of Justice Bureau of Justice Statistics most recently reported that in 2016, Black individuals accounted for 41.3 percent of the prison population, whereas White individuals accounted for only 39 percent (Bureau of Justice Statistics, 2018). Taking into account each groups’ proportional representation in American society, this report identified that young Black men are 11.8 times more likely to be imprisoned than young White men. Overall, this indicates that 2.5% of Black men in the United States were imprisoned at the time of the report. Although a humanized Lady Justice herself cannot “see” race, it is clear that actors within the justice system not only fail to uphold her egalitarian principles but actively demonstrate bias toward certain individuals based on the color of their skin.

A General Overview of Bias in the Justice System

Despite these statistics, it has been hard to determine which specific facet of the justice system has failed each of these individuals. In fact, most recent legal analyses have agreed that each facet of the justice system, or more frequently a combination of multiple facets, contributes to this discrimination in a variety of cases (Wu, 2016). As such, the role of each branch of the justice system needs to be directly investigated. However, while many researchers focusing on the legal biases of a specific facet make broad assertions like “Racial prejudice in the courtroom is examined through a historical sketch of racism in the legal system” (Sommers & Ellsworth, 2001), they then immediately transition to their critique of one specific facet without thoroughly justifying why they have chosen to single out it out. If anything, these researchers reference
incredibly brief and unsubstantiated claims to justify their decisions. For example, one set of researchers (Sommers & Ellsworth, 2001) claimed:

> Whereas in previous eras the prejudicial treatment of Black defendants was attributable to a multitude of factors, including statutory inequality and the racist attitudes of trial and appellate judges, bias in contemporary criminal trials persists in the absence of overt legislative or judicial discrimination. (pp. 201)

Here, it becomes apparent that researchers focusing on legal discrimination have relied on the general delegitimization of other facets’ roles in perpetuating bias in order to argue for the importance of their chosen facet of the justice system.

In an attempt to avoid replicating these generalized, unsubstantiated claims, this section will provide a thorough overview of the discriminatory aspects of each facet of the justice system. In doing so, the focus on juror decision making that will prevail in later sections will not rely on the outright dismissal of the discriminatory actions of these other facets. Instead, these present studies will recognize the multifaceted, systemic nature of legal biases and will provide a unique justification for juror decision making research that acknowledges the complexities of the entire justice system.

The first facet of the justice system that should be considered is law enforcement, as members of law enforcement most directly interact with the general public. Possibly as a result, the public sphere, or the popular media, has primarily chosen to focus on the systemic discriminatory actions of this facet of the justice system. In fact, due to the attention created by widely publicized trials like the Rodney King trial and more recently by the Black Lives Matter movement, many Americans are at least tangentially aware of members of law enforcement’s discriminatory behaviors. For example, these trials and movements have highlighted to public audiences that young Black men are nine times more likely than any other Americans to be killed by a member of law enforcement, with a reported total of 1093 Black men killed by the police in
2016 alone (The Counted, 2017). While these statistics themselves are tragically illuminating in regard to the racial biases of the police, other more widely applicable examples might also be cited. Generally speaking, most Americans primarily interact with police officers as the result of a traffic violation. However, Black drivers are 31 percent more likely to be pulled over for these violations than White drivers, and Black individuals are also more likely to have their cars searched and are less likely to receive a reason for being pulled over during these interactions (Bureau of Justice Statistics, 2013). Although some individuals could argue that these statistics merely indicate that Black people might simply be committing more traffic violations overall, potentially due to the fact that Black individuals are more likely to come from lower socioeconomic backgrounds (Reeves et al., 2016) and are therefore less able to, for example, quickly fix a broken brake light, the fact that the police disproportionately fail to provide their probable cause for pulling over Black individuals is itself a violation of this group’s legal rights. In turn, there is at least some evidence, including both extreme and commonplace examples, that members of law enforcement are not operating under egalitarian principles in an incredibly damaging way.

Psychological explanations for this behavior have also been explored through a series of law enforcement decision making studies (Correll et al., 2002, 2007). In one such study, the authors demonstrated that, to some degree, these biases are the result of a person’s particular beliefs about Black men as well as their overall beliefs or attitudes about the world (Miller et al., 2012). In other words, participants were indeed more likely to shoot unarmed suspects when these suspects were Black men. However, participants were also more likely to shoot any unarmed suspect when these participants indicated that they believed the world was a dangerous place or when the suspects were members of an experimentally constructed outgroup, even
though that constructed outgroup was not characterized as stereotypically dangerous in any way. In conclusion, these authors posited that the culture of fear that may be created within law enforcement, our basic tendency to react more quickly to members of our outgroups, and specific societal beliefs that label Black men as particularly threatening might all interact to cause police officers to disproportionately shoot Black men. As such, these analyses revealed that in order to overcome these biases demonstrated by members of law enforcement, individual officers would not only need to combat their own biases about Black people, but they would also need to combat the structural factors that create these cultures of fear and lead them to react more quickly to members of their outgroups.

Further, while these examples of discrimination do reflect widespread and tragic points within the justice system wherein some legal actors fail to be “blind” to race and as a result directly cause the premature deaths of thousands of people, biases in policing do not fully account for the previously mentioned variations in incarceration rates faced by racial minorities. For someone to be incarcerated, they must first be charged with a crime. In the media, the ability to charge someone with a crime is commonly attributed to members of law enforcement such as police officers or detectives, but, in reality, only prosecutors have this ability. In fact, the power of prosecutors is commonly ignored within the public sphere. And yet, if a decision in a case is rendered without a trial, then nearly all of the defendant’s interactions with the justice system are mediated through their prosecutors. Further, even in jury trials, prosecutors have a considerable amount of power during juror selection and the case itself (Morrison et al., 2016). This is to say that, if it were the case that prosecutors selected and handled defendants’ fates in a biased way, then many individuals would almost exclusively interact with a facet of the justice system that fails to uphold egalitarian principles.
Moreover, potentially due to the public’s lack of awareness of prosecutorial power, fewer studies have focused specifically on the nature of prosecutorial discrimination (Wu, 2016). While some reports suggest that Black men are over 10 times more likely than other Americans to be charged with a crime (Heath, 2014), many of these reports are conducted outside of the realm of controlled academic research. To address this problem, one researcher attempted to identify whether past studies have collected substantial evidence to suggest that prosecutorial discrimination is indeed prevalent by conducting a meta-analysis that considered the methodological rigor of its samples (Wu, 2016). Nevertheless, even when only the most rigorous studies were considered this analysis ultimately did support the assertion that prosecutors act in discriminatory ways toward racial minorities.

Some, however, might point out that the justice system in the United States was designed to protect defendants from the effects of prosecutorial discrimination. For example, the 14th Amendment, which clarifies citizens’ rights to equal protection of the law, led to the creation of the “selective prosecution” defense. This defense would allow defendants to claim, in court, that they were “selectively” prosecuted because of biases based on their age, race, gender, etc. However, following a 1995 supreme court decision based on a case brought forward by a group of Black men who had attempted to utilize this defense, it has since been specified that, when claiming selective prosecution, defendants must prove that no other group was prosecuted for a similar charge in their district (United States, 1995). Essentially, in order to fully access the selective prosecution defense, prosecutorial discrimination must be so extreme that only one age, race, gender, etc. was recently charged for that crime. As a result, this clarification eradicated any effectiveness the selective prosecution defense might have had at combatting the
disproportionate rate at which charges are brought against certain groups and prevented any individuals from using this defense to combat the prosecutorial biases they face.

The other main failsafe that might protect against prosecutorial biases relies on the power of democracy itself. Many prosecutors in the United States are elected to their position, meaning that, ideally, we as citizens have the power to replace prosecutors who diverge from the egalitarian principles of a “blind” justice system. However, given that many of the effects of prosecutorial discrimination are only faced by numerical minorities and that individuals affected by these biases may be taken less seriously by the general population due to the stigmatization of people with criminal histories, this democratic ideal is rarely realized. In fact, in a recent report conducted by the Reflective Democracy Campaign, it was identified that 95 percent of elected prosecutors in the United States are in fact White, that 14 states exclusively have White elected prosecutors, and that 85 percent of prosecutors that run for election run unopposed (Reflective Democracy Campaign, 2015). These statistics might reflect a structural inability for certain racial minorities to utilize the power of representative democracy as a means to combat prosecutorial discrimination.

Similar criticisms have been applied to judges. As judges also have many roles within the justice system, including the power to preside over the proceedings of jury trials and determine the length of defendants’ sentences in most cases, they are commonly considered when addressing sources of legal discrimination (Cohn et al., 2012). Recent statistical analyses, for example, have determined that young Black men receive significantly longer sentences from judges than any other group (Steffensmeier, 2016). This evidence directly supports the long-recognized notion that judicial discrimination is still present in the justice system. Moreover, the majority of judges, unique to the United States, are also elected to their positions. Nevertheless,
similar to prosecutorial demographics, White people, especially White men, occupy a disproportionate number of these elected judicial seats (Torres-Spelliscy, 2010). Furthermore, Black men are actually less likely to be elected to a judicial career than they are to be appointed (Reddick et al., 2009). This would suggest that, despite the fact that sentences are given to Black men by judges in clearly biased ways, democracy has yet again failed to address the structural racism of this facet of the justice system through increased representation. Additionally, the nature of these election cycles may even inhibit the effectiveness other programs like the Sentencing Project, which requires a considerable time commitment in order to train judges to mitigate their biases, or the effectiveness of sentencing guidelines, as electoral pressures might lead judges to disregard these guidelines in order to seem tough on crime to their voting base (Hester & Hartman, 2017).

And so, from these findings, it is possible to say that many facets of the justice system fail to uphold the symbolic egalitarian principles of Gieng’s Lady Justice. Instead, members of law enforcement, prosecutors, and even judges discriminate against racial minorities like Black people. Further, it is clear that any attempt to undo the biases present in these facets of the justice system would require major structural changes. However, there is one other facet of the justice system, juries, that might provide some protection from the biases of these otherwise structurally impenetrable facets. In fact, juries exist to check and combat the biases of these other facets. While juries are commonly called upon to make decisions about indictments, convictions in criminal cases, or general outcomes in civil cases, their functional ability to subvert the discriminatory actions of powerful actors within the justice system has been recognized as necessary since the foundation of American democracy. Indeed, from the point of the Declaration of Independence, lack of access to trials by jury was noted as one of the key reasons
for independence. As such, multiple articles in the United States Constitution ensure one’s right to a trial by jury in order to prevent the justice system from becoming an unreformable discriminatory powerhouse. Even in recent decades, especially following a supreme court case involving a Black man who was denied access to a trial by jury when charged with misdemeanor battery (United States, 1968), the court has clarified:

Those who wrote our constitutions knew from history and experience that it was necessary to protect against unfounded criminal charges brought to eliminate enemies and against judges too responsive to the voice of higher authority. The framers of the constitutions strove to create an independent judiciary but insisted upon further protection against arbitrary action. Providing an accused with the right trial by a jury of his peers gave him an inestimable safeguard against the corrupt or overzealous prosecutor and against the compliant, biased, or eccentric judge.

As is outlined by this ruling, the right to a trial by jury idealistically provides a check against the potentially unreformable power of these other legal professionals by instead calling on a group of “impartial” community representatives to determine a verdict. Even if one of these professional actors was guided by their own previously mentioned biases, we, as average citizens, can be brought forward to subvert their structural discriminatory power and protect defendants from unjust convictions.

As a result, the present studies have not chosen to focus on juries because of an unsubstantiated or frankly incorrect assertion that other facets of the justice system are no longer discriminatory. Instead, these studies focus on juror decision making specifically because of the widespread, structural, and potentially unreformable biases of these other facets. Only juries allow regular people to participate in the justice system, and so if we could realistically begin to breakdown and analyze the biases of these regular people, we could actually utilize juries as they were meant to be utilized and act as advocates for those who may otherwise be discriminated against by these professional actors and structures.
Identifying Bias in Juror Decision Making

However, in order to begin the process of rehabilitating ourselves as jurors, we must ask ourselves: Are we really fit for this task? Can average citizens truly manage to act in impartial, nondiscriminatory ways, especially when all of these other facets of the justice system seem to fail? And, if we do indeed demonstrate these biases, what, if anything, can we do to overcome them and instead uphold the egalitarian principles we would expect from our justice system?

Those who have previously attempted to address these questions, however, have barely advanced beyond the question of whether or not jurors are in fact biased (Devine & Caughlin, 2014; Mazzella et al., 1994; Mitchell et al., 2005). To an outsider with any awareness of the massive amount of studies that investigate the prevalence of racial bias in the general population, it would seem easy to suggest that juries, like every other facet of the justice system, will act in discriminatory ways. Additionally, much of the media attention that critiques the abuses of law enforcement officials has also considered juries complicit in the structural failure to indict police officers. For example, juries were blamed for their failure to indict the police officers who killed Michael Brown and Eric Garner. In fact, grand juries have been found to only indict 0.72% of police officers per 1,000 officers that have been investigated (Stinson, 2014), whereas grand juries usually indict about 99.99% of defendants in any other case (Bureau of Justice Statistics, 2013). This would suggest that, at least in cases where members of law enforcement are themselves the defendants in indictment cases, juries operate in favor of the police, even when their decisions prevent an egalitarian justice by supporting these higher authorities.

Conversely, others would argue that this is not an example of jury discrimination, but an example of how indictment hearings themselves are structured to protect the police. For example, many grand juries are faced with the reality that it is legal for police officers to use
lethal or near-lethal force, making it exceptionally challenging to criminally charge them for their behavior, no matter how terrible. Moreover, while there are ways to charge a police officer for violating an individual’s amendment rights through their actions, the proper way to apply these charges in criminal settings has been hotly debated for decades. As a result, a substantial amount of scholarship has focused on attempting to dissect ways that members of law enforcement are able to manipulate these court proceedings in their favor (Feldman, 2002; Ronell, 1994). On the other hand, many juries are able to overcome these barriers and instead hold the police accountable in civil court cases, as was the case with the civil trial that followed the Rodney King criminal trial. All of this suggests that these statistical differences in indictment rates are in part unique to the structure of criminal indictment hearings involving members of law enforcement, rather than outright indicative of biases originating within the jurors themselves. Overall, the power these examples might have had to serve as evidence that jurors themselves act in discriminatory ways becomes a wash.

Furthermore, when conducting real-world analyses of more generalizable juror decision making trends, it is equally challenging to separate the influence of prosecutorial or judicial biases from juror bias itself. Many studies that focus on juror decision making bias, for example, justify the existence of these biases by analyzing differences in conviction rates across groups (Sommers & Ellsworth, 2001). However, unlike the data that reflects differences in arrest rates or sentence lengths, conviction rates are in fact influenced by the actions of a number of actors within the justice system, such as the prosecutorial team, the judge overseeing the case, and the defense attorney. This suggests that, when looking at real-world data that might indicate widespread juror biases, it can be difficult to identify the direct influence the discriminatory actors or jurors had on these outcomes.
Finally, psychological studies that focus directly on juror decision making in otherwise controlled circumstances have found mixed results, with some studies reporting that jurors are biased toward disadvantaged groups (Sommers & Ellsworth, 2000; Pearson et al., 2007), others finding no differences in how jurors treat different groups (Pfeifer & Ogloff, 1991), and some finding that jurors might preferentially support disadvantaged groups (Poulson, 1990). These findings, considered in isolation, seem to indicate that juror decisions are not systemically discriminatory toward certain groups, but are instead highly variable. In fact, some of the earliest meta-analyses even concluded that juror decision making studies have not provided substantial evidence to suggest that juries act in discriminatory ways (Mazzella & Feingold, 1994).

Nevertheless, despite these past results, more recent meta-analyses have alternatively indicated that mock jurors are indeed more likely to act in discriminatory ways based on their defendants’ extralegal characteristics (Devine & Caughlin, 2014) and, more specifically, have found that mock jurors in controlled psychological studies do, more often than not, demonstrate biases toward members of minority groups (Mitchell et al., 2005). However, given that both of these meta-analyses identified a variety of moderators that influenced the variable outcomes of mock juror studies, their findings do also suggest that the mechanisms of juror decision making are exceptionally complex, as mock jurors’ decisions can be influenced by a variety of potential factors like the crime’s geographical location, the severity of the crime, and the education level of jurors, just to name a few examples. This would suggest that if we accept these more recent meta-analyses as evidence that juridical bias is prevalent, then our process of overcoming these biases would first necessitate a complex understanding of how these variables influence juror decision making. As such, our path toward combating these biases has only just begun.
**Race and juror decision making.** Most researchers that have begun to identify and interrogate the precise mechanisms of juridical biases have focused on how jurors arrive at biased decisions because of a defendant’s race (Hunt, 2015, 2017). In fact, this particular field of juror decision making research has spanned over multiple decades, with many early studies affirming that mock jurors were indeed overwhelmingly more likely to find Black defendants guilty and advocate for longer sentences in cases of burglary, rape, and manslaughter than they would for White defendants (Gordon et al., 1988; Gray & Ashmore, 1976; Klein & Creech, 1982). Furthermore, following the 1994 meta-analysis that demonstrated that this previous research had failed to show a generalizable trend of racial bias in juror decision making (Mazzella & Feingold, 1994), these researchers did indeed adapt and begin to explore why some studies could find clear, statistically significant results while others could not. This initiated this field’s interrogation of the precise mechanisms of juridical bias.

One popular explanation for the variable findings of juror decision making research has been spearheaded by researchers Samuel Sommers and Phoebe Ellsworth (2000, 2001, 2009). In an attempt to unpack the mechanisms of juridical bias, these researchers identified that race is uniquely able to influence juror decision making when the race of the defendant is particularly salient. In other words, the conscious stereotypes or implicit beliefs that jurors might have about a Black defendant may only be able to influence their decisions when race is directly identified as a core reason for the crime. For example, Sommers and Ellsworth point to the influence racial saliency might have had on mock jurors’ disproportional conviction rates of Black men who were charged with burglary by explaining that societal narratives frame robbery as a crime more stereotypically committed by Black men led to these biases (Gordon et al., 1988; Sommers & Ellsworth, 2001). They also apply these analyses in order to explain why Black men who were
charged with assaulting a White woman were more likely to be convicted by citing the historical legal tendency to characterize Black men as particularly threatening to the safety of White women (Sommers & Ellsworth, 2000).

However, these researchers also caveat that multiple mock juror studies have failed to support this hypothesis when they attempt to construct racial saliency, especially when this construction is generated without an awareness of the historical narratives that reinforce racial biases (Skolnick and Shaw, 1997; Sommers & Ellsworth, 2000). In other words, these researchers acknowledge that it can be incredibly challenging for psychological researchers to mimic racial saliency in an experimental setting, as mock jurors might become hyper-aware of the racial narratives represented in the study and attempt to moderate their decisions as a result. As such, Sommers and Ellsworth conducted a series of studies that found that, when racial salience was constructed in an experimental setting, White jurors actually demonstrated less racial biases, even when the crime itself was based within historical stereotypes (2001). In turn, these researchers conclude that, in modern settings, “playing the race card” might actually limit the influence of racial biases, as mock jurors might become aware of the experimenters’ desire to trigger these biases and in response they will actually act less biased overall. In conclusion, while these researchers started to unpack the mechanisms of the juridical biases that target Black men, they ultimately admit that controlled psychological research may not be able to replicate the dynamics that might be employed by real-world jurors.

However, this conclusion does not explain why more recent meta-analyses have in fact found that modern research does seem to demonstrate the prevalence of racial biases, even in studies that clearly construct salient racial conditions (Devine & Caughlin, 2014; Mitchell et al., 2005). Further, their own analyses fail to explore the fact that even in their own study, Sommers
and Ellsworth did find that in less racially-salient conditions, their participants were indeed more willing to convict the Black defendant (2001). While they frame the bulk of their conclusions around a critique of modern juror decision making study methodologies, they fail to explore other potential reasons why they themselves found evidence that mock juries can act in discriminatory ways toward Black defendants.

**Aversive racism.** Considering the work of Sommers and Ellsworth, it seems particularly necessary to seek out other, more complex explanations for the variable racial biases that have been found by psychological juror decision making studies. Instead of merely caveating that aspects of a study's methodological designs make White jurors become uncomfortable acting in biased ways, some studies that focus on the mechanisms of juror decision making alternatively choose to explore how even jurors who hope to act in non-discriminatory ways or who hope to make decisions that are not focused on the race of their defendant also have the capacity to proliferate racial biases. In short, these other researchers conversely see the fact that many jurors do not consider themselves biased or the fact that jurors may even actively seek to adjust their decisions in order to appear less biased as providing more opportunities to explore the mechanisms of complex juror decision making processes.

For instance, one study conducted by Adam Pearson, John Dovidio, and Felicia Pratto started to explore these complex mechanisms (2007). More specifically, these researchers interrogated the effect a mock juror’s willingness to be explicitly biased had on their decision making. This study found that, although those who were willing to report that they disliked Black people showed stronger racial biases than participants who did not explicitly report such beliefs, most mock jurors showed some degree of racial bias in their final juridical decisions. These findings demonstrated that, while it may seem logical to attribute juridical bias to the
observable, unmoderated racism of certain jurors and claim that the discrepancies in juror decision making are caused by methodological aspects that may trigger this moderation, mock jurors still had the capacity to act in discriminatory ways even when they intended to support Black defendants. As such, Sommers and Ellsworth’s simplistic suggestion that the discrepancies in juror decision making studies are attributable to otherwise biased White jurors who have been led to moderate their own biases does not hold, as this study provides evidence that some jurors cannot fully moderate their biases even when they report that they want to.

In line with other research on juridical bias (Huggon, 2012), Pearson, Dovidio, and Pratto deemed these biases “subtle biases.” This particular label was chosen because these researchers neither viewed these biases as entirely implicit, or the result of biases that were so deeply engrained in these mock jurors that they were not aware that they were operating in biased ways, nor did they view these biases as entirely explicit, or the result of mock jurors’ consciously available or communicable biases. More specifically, these researchers clarify that the nature of juror decision making, or the fact that jurors are required to think about their decisions in complex ways and justify how they arrived at their decisions to a group, prohibits entirely implicit decisions, as it would be difficult for a juror to consciously identify and explain why they made their decisions in the absence of explicit rationalizations. Moreover, they note that the less explicitly biased mock jurors in their study who were unwilling to communicate hateful beliefs about Black people in particular were in fact rationalizing their decisions by citing the defendant’s other characteristics, such as whether the defendant’s actions were described as “unprovoked.” However, given that these rationalizations were disproportionately applied to Black defendants, these authors note that these other explicit beliefs were still related to potentially implicit racist feelings.
As such, this identification of “subtle biases” allowed these researchers to relate their findings to another general decision making paradigm, the aversive racism paradigm (see Dovidio & Gaertner, 2004 for full review). Like participants in Pearson, Dovidio, and Pratto’s 2007 study, people operating under an aversive racism paradigm would not report any explicit biases about Black people solely because of that person’s race. Instead, aversive racists would report that they want to make decisions in racially egalitarian ways. However, aversive racists, like Pearson, Dovidio, and Pratto’s mock jurors, would still inevitably make decisions that were disproportionately harsh toward Black people. Nevertheless, these aversive racists would not cite race as a reason for their decision, but would instead cite their more rationalizable, socially acceptable biases about that person’s other secondary characteristics, such as that person’s lack of provocation. Ultimately, aversive racists are in fact able to make racist decisions when they can identify other secondary characteristics about a person in order to justify their negative feelings about them without implicating themselves as racist.

The adoption of an aversive racism paradigm is especially relevant for juror decision making research, as aversive racism paradigms have been shown to be overwhelmingly observable in even the most generalized methodological settings, unlike Sommer and Ellsworth’s theories of racial salience. In fact, this theory could be applied to any circumstance wherein explicitly nonracist individuals use another person’s secondary characteristics in order to justify their discomfort and make racially biased decisions about them. For example, one of the foundational studies of aversive racism paradigms found that, when people were asked to judge potential job candidates, they did choose to hire equally strong Black and White job candidates at the same rate (Dovidio & Gaertner, 2000). However, this same study found that when these job candidates had less strong applications, people were more willing to critique Black candidates.
for the flaws in their applications and as a result were less likely to choose to hire Black candidates. In this case, people were once again only able to act in racist ways when they were able to reference this job candidate’s negative secondary characteristics in order to justify their decisions.

Further, some studies have even specified that people still feel able to reference these negative secondary characteristics even when those characteristics historically or structurally insect with issues of race. For example, one study that investigated how mock jurors might operate under aversive racism paradigms explored how some mock jurors might even reference secondary characteristics that imply race in order to justify their decisions (Minero & Espinoza, 2016). More specifically, these researchers had mock jurors review and judge a case involving immigrants from either Canada or Mexico. In this study, the defendant differed based on their race (White or Latino), their immigration status (documented or undocumented), and their country of origin (Canada or Mexico). Ultimately, mock jurors were uniquely harsh toward undocumented Latino immigrants from Mexico, even when compared to undocumented Latino immigrants from Canada. The authors of this study use this finding to propose that even if the secondary characteristic an aversively racist mock juror cites is closely related to their race, such as their country of origin, these mock jurors might still use these characteristics to justify their decisions as they are still able to provide a less racially politicized justification for their negative feelings.

This particular clarification could even allow aversive racism paradigms to explain some of Sommers and Ellsworth’s findings. For example, an aversive racism paradigm would explain that mock jurors were more likely to convict Black men because they saw certain secondary characteristics such as the defendant’s use of force in a robbery case or the defendant’s sexual
perversion in a rape case as possible justifications for their negative feelings, not necessarily because they were operating under the guidance of historical or social narratives that related these crimes to race. This would allow Sommers and Ellsworth’s findings to be explained without having to rely on the unsubstantiated claim that all mock jurors who made these biased decisions were aware of the stereotypes that linked Black men to these crimes.

In fact, Sommers and Ellsworth have both acknowledged that aversive racism paradigms have to potential to explain variations in the findings of juror decision making research (Cohn et al., 2012; Sommers & Ellsworth, 2001). However, these researchers rightly critique the aversive racism paradigm for its lack of mechanistic backing (Sommers & Ellsworth, 2001) and inability to prove its theoretical assumptions in precise experiments (Cohn et al., 2012). Indeed, many of the studies about mock jurors’ decisions about Black people in particular tend to have only had aversive racism paradigms applied to them retroactively (Hodson et al., 2005; Johnson et al., 1995; Pearson et al., 2007). As such, Sommers and Ellsworth tend to treat aversive racism paradigms as one possible theory that might fit within their own mechanistic explanations rather than its own decision making paradigm with its own specific mechanisms. However, if one were to begin to explore the theoretical assumptions of aversive racism paradigms in a clearly mechanistic way, this paradigm for biased juridical decision making could stand alone as a possible explanation for the variations in past juror decision making research that more directly considers the complexities of these juridical decisions (Devine & Caughlin, 2014; Mitchell et al., 2005). As a result, specific research into how mock jurors use a defendant’s secondary characteristics in order to become more or less willing to communicate biased opinions should be pursued.
Potential aversive racism factors. Nevertheless, these sorts of endeavors would first need to identify which secondary characteristics have the capacity to operate as negative factors under aversive racism paradigms. In fact, due in part to the scarcity of research into exactly how aversive racism paradigms operate in juror decision making studies involving Black defendants, very few potential factors for aversive racism in these cases have been identified. And while meta-analyses have indeed recognized that certain factors such as a defendant’s prior criminal history have the capacity to influence juridical biases (Mitchell et al., 2005), Pearson, Dovidio, and Pratto have identified that a defendant’s described provocation can lead mock jurors to act in more aversively racist ways (2007), and other studies have also noted that the inclusion of incriminating inadmissible evidence also seems to lead mock jurors to make biased decision about Black men (Hodson et al., 2005; Johnson et al., 1995), these factors do not necessarily relate to some of the most egregious examples of racial bias in the justice system. As a result, it is perhaps best to begin a mechanistic exploration into aversive racism paradigms by instead focusing on potentially negative secondary characteristics that not only allow mock jurors to reference their defendant’s legal characteristics in order to justify their biased juridical decisions about Black people, but that further allow mock jurors to reference their defendant’s extralegal characteristics in order to justify their decisions about Black people who also represent other disadvantaged groups.

For example, Black defendants who also have a history of drug use seem especially vulnerable to legal discrimination. However, despite the fact that many of the popular statistics surrounding racial inequalities in the courtroom focus on the disproportional arrest, conviction, and sentencing rates of Black drug users (Bureau of Justice Statistics, 2018), very few studies have focused on the direct influence juror decision making might have on these points of
discrimination. While one recent archival analysis did examine the discrimination faced by racially diverse defendants in drug-related cases and ultimately found that racial minorities with a history of drug use received harsher treatment than any other group on both the prosecutorial and judicial level, even this study did not consider how an awareness of a defendant’s history of drug use might influence a juror’s decision making (Ward et al., 2016). This study also did not consider whether the knowledge of a defendant’s history of drug use might impact the proceedings of other, non-drug-related charges. However, in line with an aversive racism paradigm, one might hypothesize that the knowledge that a defendant suffers from drug addiction, even if that drug use is not the direct reason for their crime, might allow mock jurors to rationalize their biases about Black defendants in these cases, as jurors might see this extralegal characteristic as a potential justification for differential, harsher treatment.

Alternatively, other factors, although they have been explored by juror decision making researchers, have not been considered within this aversive racism paradigm. More specifically, in some of the meta-analyses focusing on racial discrimination by mock jurors (Mitchell et al., 2005), studies that considered the mental illness of the defendant accounted for some of the data that suggested Black defendants actually receive preferential treatment by mock jurors. For example, juror decision making researcher Ronald Poulson addressed mock jurors’ likelihood to find a defendant guilty when an alternative verdict, not guilty for reasons of insanity, was also available (1990). Ultimately, Poulson concluded that Black defendants were significantly more likely to receive the verdict of not guilty for reasons of insanity, suggesting that mock jurors in this study were actually more likely to protect these defendants because of their mental illness.

Although Poulson began to explain that these results might suggest that mock jurors in his study were moderating their decisions in order to appear more socially desirable, reflecting
the conclusions made by Sommers and Ellsworth, he more directly concluded that these results suggest that mock jurors may be more ready to believe that a Black defendant is suffering from schizophrenia. While this conclusion does reflect a diagnostic trend, wherein Black people are almost twice as likely to be diagnosed with schizophrenia than White people (Snowden, 2001), it does not consider the fact that this trend has not been shown in the general public and may not reflect the decision making processes of average people. In fact, it is reasonably uncompelling that all of this study’s mock jurors had, within their immediately available stereotype of Black individuals, the belief that Black people are more likely to have schizophrenia given the well documented societal tendency to delegitimize mental illness in Black communities (Sue et al., 2007; Suite et al., 2007; Thompson et al., 2004). Even more damning to these conclusions, however, was Poulson and colleague’s finding that mock jurors showed no racial biases when offered the possible verdict “guilty but mentally ill,” further indicating that the differential application of mental illness-related verdicts was not driven by a belief that Black people are more likely to have a mental illness, but by some specific feature of the “not guilty for reasons of insanity” verdict. Overall, Poulson, much like Sommers and Ellsworth, attempted to explain his results through unsubstantiated references to societal stereotypes that may not have been available to his mock jurors.

Without allowing this author’s confusing and potentially incorrect conclusions to weigh down these results, this study, as well as its more recent replication (Savoy, 2018), clearly provides powerful evidence to suggest that, when a Black defendant is also suffering from a mental illness such as schizophrenia, mock jurors do show positive biases in that they are more willing to find that defendant not guilty than they would a White defendant. While these authors have been perplexed by these findings, let us instead consider them through an aversive racism
paradigm. Like race, topics of mental illness have grown increasingly politicized following widespread campaigns for mental health reform. If a mock juror is looking for a reason to act aversively toward a Black defendant, but instead finds that they also represent a second disadvantaged group that they are societally pressured to protect, then an aversive racism paradigm would theoretically suggest that this mock juror might either attempt to treat this defendant as equal to a White, mentally healthy defendant, or would, given the interaction between two disadvantaged groups, treat this defendant with greater leniency than they would a less disadvantaged individual. As such, the mechanisms of aversive racism could possibly be applied to mental illness as well.

Nevertheless, neither of these factors have been directly considered within aversive racism paradigms, and so they would need to be directly studied under such paradigms in order for these sorts of conclusions to stand. Moreover, it would be interesting to observe how these two factors, drug use and mental illness, interact with one another. Clinically, drug addiction or substance abuse is recognized as a mental illness (American Psychiatric Association, 2013). The addictive use of both soft and hard drugs can additionally exacerbate symptoms similar to those experienced by people with schizophrenia, such as hallucinations, feelings of apathy, feelings of loss of control, disconnections from pleasurable experiences, and mental dysfunction, leading to similar behavioral outcomes even comorbid psychological diagnoses (Arndt et al., 1992; Compton et al, 2009; Nunn et al., 2001; Sussman et al., 2003). In fact, this interaction has even been recently legitimizied within the justice system, as “settled insanity,” or insanity caused by drug-related mental illness, can be cited as a basis for possible insanity defenses (Feix & Wolber, 2007). However, if it is the case that legal actors consider drug use a potentially negative factor but consider other mental illnesses a potentially positive factor, then conflating drug use with
mental illness may not help Black defendants. As a result, the interaction between these two extralegal factors, then, would be interesting to test under an aversive racism paradigm, where one factor might work to justify jurors’ negative feelings and the other might work to further hinder them. In turn, the aversive racism paradigm would not only provide mechanistic explanations as to why Black defendants are treated differently because of these extralegal characteristics, but would also comment on how these biases might persevere even when drug use is framed as a mental health issue.

**The role of social motivations.** Finally, it is important to note that an adoption of an aversive paradigm may not be mutually exclusive from an acceptance of Sommers and Ellsworths’ primary findings that mock jurors can be led to moderate their decisions when race is particularly salient. In fact, researchers that study aversive racism are willing to consider the relationship between aversive racism paradigms and more generalized social motivations like social desirability biases, especially as these motivations might explain why people fail to act aversively in the absence of negative secondary factors (Dovidio & Gaertner, 2004).

However, as Sommers and Ellworth acknowledge (2001), the social motivations present in studies that make race particularly salient may indeed be different from those present during an actual jury deliberation. Whereas participants in their study sought to disprove the conclusions they suspected the researchers were trying to find and real-world jurors have replicated these processes in an attempt to react to overtly prejudiced attorneys (Fein et al., 1997), jurors, in reality, must also consider the social motivations promoted by their fellow jurors. In fact, jurors’ unique social motivations are not only attuned to their individual desire to react to a single person with clear expectations, but are perhaps more closely attuned to the influences of their jury’s majority group opinion (Davis et al., 1989, Kassin et al., 1990, Nemeth & Goncalo, 2005).
One study, for example, found that certain structural attributes of juries, such as the fact that juries are composed of strangers, shifts a juror’s social motivations so that they are less focused on responding to one person or even to their own values, but are instead focused on the values that seem to be established by their fellow jury members (Baddeley & Parkinson, 2012). This suggests that jurors may be particularly vulnerable to the more variable social pressures established by those around them rather than to social desirability biases that are established within isolated experimental contexts.

Normally, the social pressures faced by participants like mock jurors are discussed a positive way in these more experimental settings. For example, a participant in a study might change their final answers on a questionnaire in order to seem less biased toward a disadvantaged group, or mock jurors in Sommers and Ellsworth’s study might make less racially biased decisions in order to seem less biased to their researcher. However, there is evidence that the social pressures involved in jury settings do not always lead jurors toward these positive egalitarian outcomes. In a recent experiment, for example, it was found that, when assigning punishments to a third-party, participants were more likely to assign harsher punishments when they knew that another individual had already advocated for these harsh punishments (Fabbri & Carbonara, 2017). The authors of this study even note that participants were additionally more likely to revise their previously assigned lenient punishments following these realizations.

Further, studies have shown that, when jurors are reminded that they must reach a final consensus decision, a common process in juridical scenarios, those who believed that they were in the minority reported that they felt a need to change their votes and conform to the majority opinion even when they strongly supported these less popular beliefs (Kassin et al., 1990). Finally, in a review of decision making in small groups, juries were also implicated as a primary
scenario wherein those who believe their opinions are “different” from those of the majority may be more readily pressured to conform despite their personal values or intentions (Nemeth & Goncalo, 2005). To some degree, all of these studies suggest that, when faced with the reality of other jurors’ decisions, a mock juror is less likely to try to act in more lenient, nondiscriminatory ways but is instead more likely to shed their own egalitarian beliefs in order to conform to a more prejudiced group decision. In these cases, motivations caused by social pressures actually lead mock jurors to adjust their decisions such that they reinforce the biases that are supported by their fellow jurors.

Under an aversive racism paradigm, the role of these jury-specific social motivations might theoretically explain how a group of individuals, even if those individuals all consider themselves egalitarian, could come to agree that a Black defendant is particularly guilty. In fact, one core theoretical aspect of aversive racism paradigms supposes that aversive racists are already considering these sorts of social pressures, as they are attempting to construct justifications for their decisions that could appeal to those around them (Dovidio & Gaertner, 2004). While it may be the case that a group of jurors can never come to agree that their decisions should be based in racial biases (Cohn et al., 2012), aversive racism paradigms along with the findings of these other group decision making studies would alternatively posit that juries are entirely capable of agreeing on harsh decisions when those decisions are based in other rationalizable biases. As a result, this would suggest that the aversive racism paradigm, unlike Sommers and Ellsworth’s conclusions that are based in self-centered social desirability biases, would uniquely explain both the final decisions of an individual as well as the final decisions of a jury as a whole, for this paradigm directly takes into account the role of these potentially negative external social motivations. Nevertheless, past aversive racism studies have also not
attempted to mechanistically test these theoretical assumptions within more overt group decision making contexts. As such, research into the mechanisms of mock juror’s awareness of social motivations when operating under aversive racism paradigms is also necessary.

**Foundations for Aversive Racism**

Additionally, other key aspects of aversive racism paradigms also seem built on a rather vague set of theoretical assumptions. In a recent series of studies, one researcher indirectly identified some of these assumptions when attempting to explore the ways juror decision making researchers frame their findings (Howard, 2009). This researcher asked one key question: Are juridical biases more likely to be conscious or unconscious? While these questions are increasingly common in juror decision making research (Cohn et al., 2012), theoretical aversive racism paradigms seem to sidestep them by proposing that a person could be basing their decisions on any combination of implicit or explicit biases. In order to be acting under an aversive racism paradigm, mock jurors merely need to reference the defendant’s other negative secondary characteristics in order to justify their decisions to others. Further, the aversive racism paradigm does not assume that mock jurors are necessarily justifying explicit or implicit biases or even that mock jurors are aware that their resulting decisions do in fact reflect these biases. In other words, aversive racism paradigms do not theoretically focus on explanations as to why mock jurors adopt this paradigm, but instead theoretically focuses on the outcomes of a mock juror’s decisions.

Although this theoretical distancing from conscious or unconscious language uniquely allows the aversive racism paradigm to address the complexities of juror decision making, it may also prevent any related juror decision making research from producing thorough suggestions for
juridical reforms. For example, if jurors are in fact operating under aversive racism paradigms, one could propose reforms designed to make jurors more aware of the way they seek out secondary characteristics about their defendant in order to justify their decisions. However, given that this paradigm does not directly provide more tangible language as to why jurors might have sought out these secondary characteristics, some jurors may disregard this advice as not applicable to them. As such, other paradigms should also be explored in order to explain what leads mock jurors to adopt aversive racism paradigms during their decision making.

**Normative decision making.** In an attempt to identify this foundational explanation, one might turn to the two possible modes of juror decision making that were outlined by Martin Kaplan (1984). Directly applying longstanding psychological theories of normative decision making to juror decision making for the first time (Deutsch & Gerard, 1955), Kaplan outlines that jurors can operate through either normative decision making modes or informational decision making modes. Further, Kaplan clarifies that when an individual bases their decisions on normative influences, such as influences like stereotypes, general social norms, or social motivations like social desirability, then they are more likely to make decisions that conform to group opinions. Alternatively, when an individual bases their decisions on informational influences, such as influences like the specific arguments or legal facts presented during discussion, then they are more likely to make decisions that are based on their own, individualized perspectives.

Overall, aversive racism paradigms more cleanly fit into this normative decision making mode, as even if aversive racists choose to focus on informational aspects in order to justify their decisions, this focus is necessitated by their underlying reaction to the race of their defendant and is mediated by their awareness of social motivations relating to which of their defendant’s
secondary factors they would feel able to critique. Additionally, the relationship between these paradigms is further supported by past research that has found that mock jurors’ awareness of normative influences like social pressures does in fact lead them to prioritize later factors like the defendant’s extralegal characteristics over other informational factors in their decision making (Baddeley & Parkinson, 2012). Moreover, identifying that a preference for normative decision making modes might be foundational for the later adoption of aversive racism paradigms would allow aversive racism paradigms to exist alongside other research that has indeed found that jurors are more likely to rely on unconscious biases even through aversive racism is not entirely unconscious (Howard, 2009), as it would clarify that less conscious biases do in fact underlie a mock juror’s adoption of this paradigm. In the end, the preferencing of normative decision making modes could be used to explain how jurors, driven by social motivations and hindered by the frequent scarcity of clear, immediately compelling facts, might be more predisposed to adopt aversive racism paradigms during their decision making.

Ultimately, Kaplan concludes from his analysis that attorneys should be aware of which decision making mode they are instigating in their jurors. And yet, if we are in fact putting the onus of juridical reforms on the jurors themselves rather than on these legal professionals, then it might be important to consider what aspects of a juror’s individualized experience could lead them to preference normative decision making modes and later adopt aversive racism paradigms when making their final juridical decisions. For example, some studies have shown that certain jurors are more likely, based on their own personality characteristics, to prioritize normative decision making modes over informational ones (Gunnell & Ceci, 2010). This would imply that juridical reforms should specifically target people with these personality characteristics.
However, given that aversive racism paradigms theoretically posit that most people will attempt to seek out secondary characteristics in order to justify their decisions, it would actually be more important to experimentally show that all mock jurors that go on to adopt an aversive racism paradigm in their decision making were in fact preferring this normative mode. In short, in order for normative decision making to be seen as foundational for aversive racism, then it is perhaps most important to investigate whether all jurors operating under aversive racism paradigms have preferred this mode. Only through this investigation could this mode be mechanistically linked to the later adoption of aversive racism paradigms.

Again, theorists outside the realm of controlled psychological research have begun to question whether or not the majority of jurors do in fact preference normative decision making modes. For example, a considerable amount of discourse surrounding the trials of socially relevant cases has focused on how the normative pressures established within legal settings can influence a jury’s final verdict (Butler, 1993; Feldman, 2002; Ronell, 1994). This discourse proposes that, although certain facts presented during a case might clearly necessitate specific informational conclusions about a defendant’s culpability, jurors tend to disregard these facts due to the influence of their defendant’s or their prosecutors’ social power. These authors conclude that social narratives, imbued with the power these actors possess or do not possess, drive jurors’ decisions rather than the facts themselves. In turn, these theorists ultimately conclude that most jurors were preferring normative decision making modes in these cases. And while some psychological researchers like Sommers and Ellsworth do also begin to consider these theories in their analyses (2001), their observations are, as previously critiqued, still based in these theoretical assumptions rather than clear experimental data. As a result, this theoretical discourse
has failed to provide tangible evidence that the majority of jurors do in fact preference normative decision making modes.

As a result, it is extremely necessary for any research that wants to explore the full mechanisms of juror decision making to not only mechanistically test the aversive racism paradigm itself, but to also begin to pursue explanations as to how mock jurors come to adopt this paradigm. If one is to assume that a preference for normative decision making modes is foundational for aversive racism or that it predisposes mock jurors to adopt this later paradigm, then it is incredibly necessary to seek evidence for this paradigmatic relationship. Moreover, if we are to assume that aversive racism is in fact a predominant paradigm for juror decision making, then this evidence would need to be able to relate mock jurors’ preference for normative decision making modes to some of the most common psychological processes experienced by jurors.

**Visual perceptual behaviors.** And so, let us perhaps return to the symbolic ways that legal discrimination is discussed, as the language of Lady Justice’s “blindness” may in fact implicate one such normatively influenced psychological process: visual perception. For example, one juror decision making researcher Kenneth Findley referenced this very same language in order to explain how visual perceptual behaviors might be capable of predisposing any juror to act in discriminatory ways (2012). More specifically, Findley suggests that a juror’s “tunnel vision,” or selective processing of the facts of a case, might predispose them to biased decision making modes. For instance, if a juror prioritizes evidence that might reaffirm their own social beliefs about a defendant during this review, then they will be less able to overcome these biases at a later point because they never considered or attempted to remember evidence that would disprove these potentially normative biases (see also: Norris, 2015). As such, Findley, by
deeming this process “tunnel vision,” begins to implicate visual perceptual processes as a possible psychological mechanism that might predispose jurors to make biased decisions.

Furthermore, since visual perception is one of our most important psychological processes, then it could explain how the majority of mock jurors come to operate in normative ways if it can be shown to be dominated by certain normative influences. In fact, while we can consciously prioritize the information gathered by our eyes, much of what we perceive is indeed moderated by nonconscious, potentially normative processes. From the most basic processes like constructing stable visual scenes (Melcher & Morrone, 2007) to more socially relevant processes like making eye contact (Rothkirch et al., 2015), we are unaware of the ways that the actions of our eyes occur without our conscious, or even our reactively unconscious, control. Given this nonconscious nature, research has shown that it is easy for certain social biases to manipulate our visual perceptual experiences without our direct control or awareness. For example, researchers famously found that individuals from impoverished backgrounds perceive money as larger than individuals who are economically privileged (Bruner & Goodman, 1947). More recent studies have even found that our perceptions of the skin tones of political candidates vary depending on our own political beliefs as well as our beliefs about the present stability of government structures (Stern et al., 2016) or that our current moods can change the way we view stimuli (Isaacowitz et al., 2008). Furthermore, other studies have found that visual perceptual biases can indeed change the way people interact with images of a person despite the fact that we are not even aware of these gaze behaviors. For example, studies have found that, when viewing an image of a person with socially stigmatized characteristics, participants spend significantly less time fixating on that image’s eyes and mouth than they would if their image depicted a person with desirable social characteristics (Risko et al., 2016, Gobel et al., 2015). These socially
mediated visual perceptual behaviors suggest that, once a person has categorized a target, their gaze is controlled by normative influences. Overall, all of this evidence suggests that the nonconscious processes of the visual perceptual system can become and do become controlled by our normative beliefs and social motivations.

Some studies have even directly found that these nonconscious processes can impact the way we make later complex, seemingly explicit decisions. One such study focused on how the way that participants visually processed information influenced their complex moral decisions (Pärnamets et al., 2015). As was theorized within Findley’s “tunnel vision,” these researchers found that when individuals viewed information that was relevant for their later moral decisions, participants would visually seek out information that supported their final decisions despite the fact that they reported no conscious awareness that they were doing so. More importantly, these researchers found that when they manipulated participants’ visual perceptual behaviors the information participants were led to prioritize still closely related to their final moral decisions, suggesting that the way that visual information was collected directly influenced participants’ moral decision making, not the other way around. These findings suggest that, even though certain complex decisions like moral decisions or juridical decisions are societally framed as based on informational factors or logically seem to rely on more elevated decision making processes, a person’s nonconscious visual perceptual processes still predispose them to make certain decisions.

Crucially, other evidence has even directly identified that jurors’ visual perceptual patterns can not only change their final juridical decisions, but are indeed controlled by normative influences. Specifically, one set of experiments found that mock jurors were more likely to focus on people they would socially support when viewing video evidence of a physical
altercation involving two actors (Granot et al., 2014). In this study, mock jurors reported that they were consciously unaware of the fact that their attention was seemingly biased toward one actor and were unable to overcome this preferential fixation even when they were instructed to do so, further suggesting that they were operating within a normative decision making mode on a nonconscious level. Furthermore, one study included in this very same report had participants fixate on one actor when both actors did not have any identifiable characteristics that might appeal to these participants. In this case, mock jurors still ended up supporting the actor they were instructed to watch. This particular finding once more suggests that the influence of these nonconscious visual perceptual behaviors led participants to their final decisions. Overall, these findings suggest that, even in legal settings where participants are explicitly told to focus on all involved actors, participants operate within a normative decision making mode by visually prioritizing the actor they would later support. Further, when manipulated to focus on one actor, participants supported that actor despite having no other reason to do so. This identifies that visual perceptual processes do in fact have the power to predispose mock jurors to rely on biased decision making paradigms.

Nevertheless, this particular intersection between juror decision making and visual perceptual biases is an incredibly understudied field. As such, no studies have directly linked these visual perceptual manifestations of normative decision making modes to the later adoption of aversive racism paradigms. However, if this connection could be made, then any juridical reforms related to aversive racism could be designed such that they make all jurors aware of the fact that even some of our most deeply engrained nonconscious processes put them at risk for these biased decision making paradigms. As a result, it is especially necessary to begin to test whether or not this mechanistic link between potentially nonconscious preferences for normative
decision making and the adoption of aversive racism paradigms can be made in order to fully conclude that these normative decision making modes are foundational for aversive racism.

The Present Studies.

Let us review the key points that have been raised throughout this introduction. First, the necessity of research into juror decision making was thoroughly justified, as juries uniquely represent a powerful point within the justice system wherein the discriminatory actions of each branch of the justice system may be addressed without the need for major structural reforms. By identifying the ways jurors arrive at racist or otherwise discriminatory decisions, we might be able to begin to combat these biases by making more idealistically egalitarian jurors aware of how their behaviors are in fact reinforcing discrimination. In turn, more egalitarian juries might be able to utilize their constitutionally granted powers to subvert the structurally reinforced discriminatory actions of professional actors like members of law enforcement, prosecutors, or judges.

Second, the aversive racism paradigm was identified as a possible theory that might be able to explain the variable results of past juror decision making studies (Figure 1A). Only the aversive racism paradigm begins to contextualize certain mediators within mock jurors’ decision making processes, as it identifies that jurors turn to their defendant’s secondary, potentially extralegal, characteristics in order to justify their aversively racist feelings about that defendant. Additionally, potential positive and negative factors for aversive racism were identified, as the mental health of a defendant was analyzed as a potential positive characteristic that might lead jurors to further moderate their biases whereas the drug use of a defendant was analyzed as a potential negative characteristic that might lead jurors to feel more willing to act on their biases.
Moreover, the theoretical dynamics of social motivations within jury-specific aversive racism paradigms were explored. In turn, it was clarified that jurors, unlike people in controlled, isolated decision making settings, are more likely to consider the social pressures of their fellow jurors than they are to consider the specific social pressures put on them by a given individual or to consider their own internal motivations to act in egalitarian ways. As such, it was noted that the aversive racism paradigm is perhaps the best way to describe the incredibly complex processes involved in juridical decisions. Nonetheless, it was clarified that the particular mechanisms that are theorized under this paradigm need to be more directly explored in juror decisions making settings if this paradigm is to stand alone as its own explanation for variations in juridical decisions.

Finally, other more foundational theories that might explain how jurors come to adopt aversive racism paradigms were also explored. As a result, normative decision making was identified as this foundational paradigm that could make jurors particularly vulnerable to aversive racism. In order to justify the selection of this secondary paradigm, evidence that shows that people are in fact more likely to nonconsciously operate in normative, socially motivated ways was discussed. In turn, visual perceptual processes, closely related to the language of a “blind” egalitarian justice system that has dominated the way we frame our critiques of legal discrimination, were identified as one possible way that jurors’ nonconscious normative influences might predispose jurors to rely on other biased decision making paradigms like aversive racism.

**Hypotheses.** In conclusion, the present studies seek to test the mechanisms of the aversive racism paradigm as they apply to juror decision making (Figure 1B). First, it hopes to apply the aversive racism hypothesis to an specific criminal court case that would not be
influenced by racial biases under other potential paradigms like those proposed by Sommers and Ellsworth. In doing so, the present studies might be able to identify how potentially positive or negative aversive racism factors lead mock jurors to feel more or less willing to communicate their explicit biases, feel more or less attuned to external social pressures, or make more or less biased juridical decisions. Additionally, these studies will be able to provide evidence for drug use and mental illness as negative or positive factors for aversive racism respectively, even when these factors are closely related to one another. Finally, these studies will also attempt to consider whether or not a mock juror’s adoption of normative decision making modes might predispose them to make these aversively racist decisions.

As such, the hypotheses of these studies are complex and take place on multiple levels. First, in an attempt to explore how these aversive racism factors might lead jurors to feel more or less willing to communicate their explicit biases, these studies hypothesize that, when mock jurors operating under aversive racism view a defendant that possesses negative secondary characteristics like a history of drug-related mental illness, mock jurors will feel more willing to communicate their explicit biases. However, when mock jurors operating under aversive racism view a defendant that possesses positive secondary characteristics like a history of non-drug-related mental illness or when mock jurors view a defendant that does not possess any positive or negative secondary characteristics, mock jurors will feel less willing to communicate their explicit biases.

Second, in an attempt to explore how aversive racism is related to an awareness of social motivations, these studies hypothesize that mock jurors operating under an aversive racism paradigm will overall feel more externally motivated to respond without prejudice to Black people or people with mental illnesses because their current attempts to hide their biases about
these groups will heighten their awareness of social pressures to protect these groups. Alternatively, if someone cannot operate under an aversive racism paradigm due to their defendant’s positive or neutral secondary characteristics, then they will be less attuned to these social pressures, as they would have relied on more internal motivations during their decision making.

Third, in an attempt to relate these mechanisms of aversive racism to juridical decision making, these studies hypothesize that, when mock jurors operating under aversive racism view a Black defendant that has secondary characteristics they are not pressured to protect, such as a history of drug-related mental illness, mock jurors will make harsher juridical decisions. Alternatively, when mock jurors view a defendant that has no secondary legal characteristics that they are pressured to protect, such as a defendant with a history of non-drug-related mental illness or a Black defendant with no history of mental illness, then they will make more lenient juridical decisions.

Finally, in an attempt to more directly argue that mock jurors’ preference normative decision making modes could be linked to their adoption of aversive racism paradigms, the present studies hypothesize that, when mock jurors read about their defendant, they will seek out normative factors. In Study 1, it is merely hypothesized that mock jurors, especially mock jurors who view a Black defendant with negative secondary characteristics will better remember normative factors about their defendant than they will remember informational factors about that defendant’s case. In Study 2, it is also hypothesized that mock jurors who view a defendant with these very same extralegal characteristics will also spend more time visually fixated on these normative factors when reading about the defendant.
Each of these hypotheses will allow the present study to explore these mechanisms of aversive racism in synthesis as they relate to defendants with complex, often intersecting extralegal characteristics (Figure 1B). Ultimately, the findings of these studies will provide a unique contextualization of theoretical mechanisms of aversive racism paradigms as they relate to these extralegal characteristics in order to comment on exactly how jurors themselves contribute to especially harmful, biased legal outcomes for Black people. Fundamentally, these findings will provide necessary data for potential legal reforms that attempt to lead jurors to more egalitarian decisions.

Methods

These studies both employed a 2 (race of defendant: Black or White) by 3 (mental health of defendant: no history of mental illness/NMI, history of non-drug-related mental illness/MI, history of drug-related mental illness/MID) between-subjects design. This was designed to test whether the defendant’s race, mental health, or a combination of multiple factors might lead participants to preference normative factors, feel more or less willing to communicate their explicit biases, feel more or less attuned to different social motivations, make different juridical decisions about the defendant’s culpability or sentencing, or, in Study 2, differentiate their visual perceptual behaviors when reviewing the case.

Materials

Both Study 1 and Study 2 utilized a variety of materials, some of which simulated a juror’s real-world experiences and some of which measured participants’ memory of normative
and informational factors, willingness to communicate explicit biases, awareness of social motivations, final juridical decisions, and visual perceptual behaviors.

**Legal materials.** In an attempt to simulate a juror’s experience of reviewing the facts of a case, both studies utilized written legal materials as well as visual stimuli. Participants were instructed to pay close attention to all of the information presented within these legal materials, as they were informed that their ability to remember them would be tested at a later point in the experiment.

First, the written legal materials were designed to resemble a common legal brief, which would, in real-world settings, summarize a defendant’s background and arrest report information primarily for attorney use. Past studies have utilized similarly designed legal briefs in order to quickly provide participants with personal and legal information about a defendant (Gunnell & Ceci, 2010). However, these past studies have not adequately considered how the normative and informational factors included within these briefs might interact with one another or how they might compete for a participants’ attention (Garcia, 2016). In fact, in more naturalistic settings, it is true that both normative and informational factors would be presented by attorneys simultaneously. Nevertheless, this synthesized presentation makes it difficult to determine whether jurors have chosen to preference some factors or neglect others. As such, the legal brief included in the present study was designed to separate potential normative influences such as the defendant’s extralegal characteristics from potential informational influences such as the defendant’s arrest report and relevant legal information (see Appendix A for a sample legal brief as it would have been presented to participants). This not only provided a more clear, digestible outline of these factors of the case for participants in Study 1, but also allowed for participants’ visual perceptual behaviors to be tracked during Study 2.
The first section of this legal brief, which provided normative details about the defendants’ extralegal characteristics, was designed to include a number of unrelated factors, such as the defendants’ name, birth date, education history, etc. as well as the present studies’ experimental factors, such as the defendants’ race, mental health history, and drug use history. These other unrelated factors were not only included in order to better resemble a more holistic, real-world legal brief, but were also included in order to minimize participants’ ability to recognize which factors were related to their given experimental condition. Overall, the only information in this section of the legal brief that differed across experimental conditions was the defendants’ race (described as either “Black” or “White”), mental health history (described as either “None,” “Diagnosed with Schizophrenia,” or “Documented Schizotypal Symptoms due to Drug Use”), and drug use history (described as either “None” or “Sustained Opioid Use”).

The second section of this legal brief, which provided informational details about the defendant’s arrest report, was designed to provide an unbiased overview of relevant facts and evidence that might be used in a case either for or against the defendant. Past studies have used relatively similar passages in order to describe cases to participants (Gunnell & Ceci, 2010; Sommers & Ellsworth, 2001). However, while past studies have use real-world case summaries (Gunnell & Ceci, 2010) or have written their own experimentally manipulated case summaries (Sommers & Ellsworth, 2001), the present study intentionally tried to construct this arrest report-based case summary in the most unbiased way possible. By presenting only the facts gathered at the point of arrest, the present study was uniquely able to control for later courtroom influences like a given attorney’s argumentative abilities, emotional appeals, etc.

Moreover, none of the information included in this section of the legal brief differed across conditions. In every condition, the arrest report presented to participants outlined that the
defendant had been charged with felony larceny for the theft of 8,000 dollars. It further specified that the money was discovered in the defendant’s car, identified that the defendant worked for the store from which the money was stolen, and further included the brief testimony of a witness that described the defendant as seeming particularly agitated on the day of the arrest. This particular crime and its related specifications were chosen because they have not recently been linked, statistically, to a willingness to be overly biased toward defendants because of their race (Mitchell et al., 2005). By instead describing a more neutral crime, participants’ later behavioral differences could be more directly related to the influence of the defendant's extralegal characteristics that were also presented within this brief.

Second, the visual stimuli included in the present studies were designed to resemble real-world evidence as well as provide a visual representation of the defendant himself. While many past studies, as described above, have presented participants with written legal briefs, these studies have often failed to also incorporate visual stimuli despite the fact many modern trials rely on this sort of evidence (Granot et al., 2014). Further, while some past studies have indeed used visual stimuli to track the influence of socially relevant characteristics on participants’ visual perceptual behaviors and later decision making, many of these studies do not consider how these visual perceptual processes might operate within legal decision making (Gobel et al., 2015; Risko et al., 2016). Finally, while some legal decision making studies have focused directly on how participants process visual evidence, these studies have not fully explored the precise dynamics of these fixation patterns (Granot et al., 2014). This is partly due to their use of video evidence rather than still images, which makes it exceptionally challenging to break down fixation patterns by individual features. As such, the present studies included still visual images of relevant evidence as well as an image of the defendant himself so that participants in Study 1
could have a more naturalistic juror experience and so that the precise visual perceptual patterns of participants in Study 2 could be analyzed (see Appendix B for sample visual stimuli as they would have been presented to participants).

More specifically, the present studies’ visual stimuli included three photographs. The first two images were the same across conditions, and served as visual evidence of the scene of the crime and the recovered stolen money. The third image differed only based on racial conditions, and was described as the defendant’s mugshot. These third photographs were sourced from the Chicago face database (Ma, et al., 2015). The two defendant photographs that were chosen for these studies were also matched on other potential factors that might have influenced juror decision making (Table 1), such as age, attractiveness, trustworthiness, and racial prototypicality (Devine & Caughlin, 2014; Gunnell & Ceci, 2010; Korva et al., 2013; Mazzella & Feingold, 1994; Porter et al., 2010; Mitchell et al., 2005; Osborne et al., 2016). Finally, it is important to note that both of these photographs had the same on-screen orientation, such that the facial features of both defendants corresponded to the same regions on participants’ screens. As such, these images differed only in their race.

**Behavioral questionnaires.** Alongside these legal materials, these studies also provided participants with a series of behavioral questionnaires that sought to observe how they had read and understood these legal materials, measure their willingness to communicate explicit biases, measure their awareness of internal and external motivations to respond without prejudice, and record their juridical decisions. These particular questionnaires allowed the present study to directly explore the mechanisms of aversive racism paradigms.

**Manipulation check.** Given that this study relied on the assumption that aspects of the legal brief may be considered both implicitly and explicitly by participants, it is necessary to
gauge what information was indeed consciously remembered and understood by participants. In order to test participants’ memory of these legal materials, the present study included a series of eleven yes or no questions that required participants to recall some of the key characteristics and facts that had been presented to them (Appendix C).

These questions took three forms. The first type of question focused on participants’ memory of the basic, less directly related normative factors described in the legal materials, such as the defendant’s name, marital status, and education history. The second type of question focused on the informational factors described in the legal materials, such as the defendant’s charge, arrest history, and employment history. Both of these types of questions were not only included to add to the legitimacy of this questionnaire and obscure the main manipulations of these studies, but were also included to allow the present studies to analyze whether or not conditional factors did indeed lead participants to demonstrate a preferential memory for the normative or informational factors presented during the legal materials. The third and final type of question focused on the studies’ main manipulations, such as the defendant’s race, mental health history, and drug use history. These questions were included as a manipulation check in order to ensure that participants were aware that their defendant did or did not possess certain characteristics. These questions, notably, were the only questions that were considered as a possible exclusion criteria, as they uniquely measured whether participants could remember the characteristics related to their respective experimental decisions.

*Explicit bias questionnaires.* Under an aversive racism paradigm, this study also sought to gauge whether participants felt more or less willing to communicate their explicit biases because of their defendant’s characteristics. In order to measure participants’ communicable explicit biases, participants were asked to complete a series of explicit bias questionnaires.
These questionnaires addressed two major types of bias. The first type, measured by a shortened Social Distance Scale (SDS), sought to gauge participants’ willingness to disclose their biases about specific groups (Appendix D). SDSs are one of the oldest and most commonly used scales that measure explicit bias (Bogardus, 1933). Through this scale, participants are directly asked to rate how “coldly” (0) or “warmly” (100) they feel about members of certain social groups on a 100-point sliding scale, ultimately indicating how socially distant they feel from certain people based on those people’s characteristics. In the present studies, this scale was adapted to include questions that directly measured participants’ feelings about relevant social groups like White people, Black people, people who use hard drugs, and people with mental illnesses. However, many other questions about unrelated groups, such as elderly people, wealthy people, women, etc., were also included in order to obscure the present studies’ focus on these experimentally relevant groups. In turn, participants’ willingness to admit that they feel socially distant from these specific experimental groups, as well as from groups unrelated to the experiment, could be measured directly with this scale.

The second type, measured by a full Social Dominance Orientation questionnaire (or SDO), sought to gauge participants’ willingness to disclose more general discriminatory beliefs (Appendix E). Unlike SDSs, SDO questionnaires do not measure participants’ explicit beliefs about specific groups, but instead measure participants’ willingness to partake in group-based discrimination on a personal level (Pratto et al., 1994; Sidanius & Pratto, 1999). Through this questionnaire, participants in the present studies were asked to consider how much they agree with or disagree with a series of statements that reflect concepts like meritocracy, intergroup relationships, and hierarchical structures. This SDO was included because, unlike the SDS, this measure may be more generalizable and may also be less directly hindered by social desirability
biases, as the questions are not directed at a single group. Further, past studies have specifically related higher SDO scores to harsher juridical decisions, suggesting that any relationship between a defendant’s secondary characteristics and participants’ responses on this questionnaire could provide especially powerful evidence for aversive racism paradigms in juror decision making (Huggon, 2012).

**Social motivation scales.** Also under an aversive racism paradigm, this study sought to explore whether an increased awareness of social pressures might influence juror decision making. As such, the present studies also sought to measure participants’ respective awareness social motivations. Specifically, adapted Internal and External Motivation to Respond Without Prejudice Scales (or Internal and External MRWPs) were utilized to measure participants’ awareness of motivations to act in nondiscriminatory ways (Appendix F). While these scales were originally designed to only measure participants’ motivations to respond without prejudice to Black people (Plant & Devine, 1998), the present study also included two variations of these scales that were adapted to also measure participants’ motivations to respond without prejudice to people with mental illnesses and to people who use hard drugs. Each of these scales asked participants to consider how much they agree with or disagree with a series of statements that described either external motivations to be unbiased such as “Because of today’s politically correct standards I try to appear nonprejudiced toward Black people” or internal motivations to be unbiased such as “I attempt to act in nonprejudiced ways toward Black people because it is personally important to me” and respond on a likert scale. For the present studies, these scales were included in order to gauge how a participants’ experimental condition might influence their awareness of these motivations as they relate to different extralegal characteristics their defendant might have.
*Juridical decision questionnaire.* Finally, in order to record participants’ juridical decisions the present studies included four questions related to the culpability and sentencing of their defendant that were modelled after those used in past juror decision making studies (Mitchell et al., 2005, Granot et al., 2014, Appendix G).

Participants were first asked to rate the defendant’s culpability, or deliver a verdict on how innocent or guilty they believed the defendant was. In Study 1, this question was asked on scale from 1 (innocent) to 6 (guilty), whereas this scale was expanded from 1-6 points to 1-8 points to increase the complexity of participants’ responses in Study 2. Nevertheless, both of these scales included an even number of possible responses so that participants, like real world jurors, were not offered a “neutral” option.

Additionally, after participants answered this self-reported culpability question, they were then asked to determine how culpable others might consider the defendant. Past studies have included similar questions in order to gauge participants’ sentiments when they no longer feel personally responsible for their answers (Granot et al., 2014). This is to say that, according to these past analyses, these questions might record participants’ decisions when they are no longer directly influenced by their own social desirability biases. However, it is also possible that these questions target participants’ true beliefs about what they think others might believe, suggesting that these responses reflect a greater awareness of a juror’s real-world social pressures and motivations. Regardless of exactly how participants might process this question, this other-rated culpability question was included in order to potentially measure how this external framing might change participants’ responses.

Finally, participants were also asked to make self-rated and other-rated sentencing decisions, as it is common for juror decision making studies to also include these measures
(Mitchel et al., 2005; Sweeny & Haney, 1992). Specifically, they were also asked to suggest a sentence for the defendant if he was indeed found guilty on a scale from 1 years to 7 years, as well as predict what sentence others would most likely advocate for. Participants were correctly informed that this particular range represents the typical sentences received for third degree felony larceny. Most importantly, these questions were asked after participants had already made their self-rated and other-rated culpability decisions, as asking participants to determine the defendant’s sentence before they had determined the defendant’s culpability might have led participants to presuppose that the defendant is guilty and as a result might have subsequently biased their culpability decisions. Overall, the inclusion of both culpability and sentencing questions allowed the present studies to measure multiple ways that participants might process and make juridical decisions about their respective defendant.

**Tobii X2-60 compact eye tracker.** Finally, as Study 2 hoped to measure participants visual fixation patterns while viewing the legal materials, Study 2 collected a considerable amount of data using a Tobii X2-60 compact eye tracker. This particular eye tracker records participants’ eye movements while they naturally gaze at stimuli that is presented on a computer screen. The Tobii X2-60 compact eye tracker links eye movements to precise regions on a computer screen by emitting infrared beams toward a participant’s eyes and using a high resolution camera to capture the angle of the reflection that is produced when these beams refract off of participants’ corneas and pupils.

As a participant moves their eyes to look at different locations on the screen, these measured refraction angles will vary. However, similar refraction angles are produced each time a participant looks at the same spot on the screen. Through a short calibration task, which requires participants to follow a circle with their eyes as the circle moves around the screen and
changes in size, a large number of data points related to these refraction angles are collected. The Tobii processing system, Tobii Studios, then uses these data points to map the participants’ eye movements onto the screen, as well as check the precision and accuracy of the generated map by relating the recorded refraction angles to those that would indicate that participants were indeed looking at the circle as it moved around the screen. During later experimental phases, each new recorded data point is checked against the data generated during this calibration in order to further estimate the validity of the data as it is collected.

Further, the Tobii X2-60 compact’s data is collected at 60 hz or approximately one data point per 3.3-33 ms, resulting in a nearly continuous mapping of a participant's’ visual perceptual behaviors. Furthermore, the infrared beam emitted by the Tobii X2-60 is harmless, as both the retinal and corneal irradiation it produces are well below the maximum standards for safe use set by the United States (which are $10^{-1}\text{W/cm}^2$) as well as the more conservative standards set by scientific literature (which are $10^{-2}\text{W/cm}^2$). In terms of bodily comfort, this eye tracker allows participants to keep their glasses or contacts on during the procedure, sit at a safe distance from the computer screen (24 inches), make free head movements (up to 20 inches to the left or right, and up to 14 inches up or down), and blink normally (Tobii, 2014). As a result, this eye tracker allows for a viewing experience that is experientially the same as viewing any other computer screen.

Finally, it is important to note that this eye tracker’s data is primarily collected as coordinates which relate to areas on the associated screen. When programing eye tracking stimuli, or the information that is presented onscreen during eye tracking procedures, experimenters can design Areas of Interest (AOIs) so that recorded data points can easily be associated to larger areas or images during analyses. In other words, coordinates inside a
predetermined area are categorized as “on” that AOI, and coordinates outside a predetermined area are recorded as “off” that AOI.

For this experiment, AOIs were drawn that corresponded with the normative section of the legal brief, the informational section of the legal brief, and the eye and mouth regions on the photograph of the defendant (See Figure 2). As such, the present study was able to clearly record how much participants fixated on each of these AOIs, and, during the legal brief, whether or not they preferred one region over the other. Importantly, the respective AOIs that were drawn on the legal brief were the same dimensions for both the normative section and the informational section, all of these AOIs were the same dimensions across conditions, and all of these AOIs corresponded to the same coordinates on the screen across conditions as well. In turn, the size or positioning of these AOIs did not confound eye tracking results. Ultimately, these AOIs allowed the present studies to contextualize participants’ visual perceptual patterns while they reviewed these legal materials.

Crucially, it should be noted that for Study 2, fixation was analyzed both directly and proportionally. This means that participants’ fixation scores both took into account the raw number of fixations participants made, but also the proportional fixations participants made. While it is normal to consider raw fixations, it is less common to analyze fixations proportionately. However, this measure is uniquely able to control for slight changes in the total number of fixations that are recorded for each participant. While raw fixation numbers are merely the total number of fixations made for each AOI, the proportional fixation value is calculated by averaging the number of fixations participants made per AOI by the total number of fixations a participant made per visual stimuli. In other words, if a participant made 1200 fixations on the normative AOI while viewing the legal brief and made a total of 3600 fixations
while viewing the legal brief, then their raw fixation number score for the normative factors on the legal brief would be 1200 and their proportional fixation score would be 0.33. Nevertheless, even though this measure is less common, it is in fact common to analyze participants’ fixation patterns in a number of ways (Granot et al., 2014).

**Procedure**

**Study 1.** The first experiment was launched on Amazon Mechanical Turk. Participants first completed a consent form, and then, if they met the eligibility criteria and agreed to participate, proceeded to the experiment. At this point, participants were given a brief explanation of the basic duties of a juror, which highlighted the need to remember key facts. Participants then read the legal brief and viewed the visual stimuli, with a short instructional page separating the legal brief from the visual stimuli. The legal brief, this short instructional page, and each visual stimulus were all displayed on different pages in a set order, and only the legal brief and the image of the defendant were varied by condition. Given that this was an online experiment, no eye tracking data was collected during this phase, and participants were able to spend as much or as little time as they wanted on each page. However, participants were unable to return to previous pages once they had advanced.

Once participants had completed this phase, they then proceeded to the behavioral phase. Participants first completed the manipulation check questionnaire. Each manipulation check question was presented on the same page, and the order of each question was randomized to avoid ordering effects. After completing the manipulation check, participants advanced to the juridical decision questionnaire. Before this phase, participants were reminded that they would need to keep the opinions of other jurors in mind on certain questions. Both the self-rated and
other-rated culpability questions were then presented to them on the first page of this questionnaire, in that order. Then, following a short explanation of the role of a juror in sentencing decisions, participants answered the self-rated and other-rated sentencing questions. Again, participants were unable to return to previous pages of this questionnaire once they had advanced.

Finally, after completing the juridical decision questionnaire, participants advanced to complete the explicit bias and social motivation questionnaires. These questionnaires were not directly linked to juror decision making, and were instead framed as a series of general questions that investigated participants’ opinions and beliefs. The first page of this questionnaire included the SDS, and the ordering of this scale’s questions were randomized in order to avoid ordering effects. The next few pages of this questionnaire included the SDO questionnaire and the MRWP questionnaires. Each of the questions included within the SDO and the MRWPs, as they are measured on the same Likert scale, were mixed together and the order of these questions was randomized for each participant. Participants answered ten of these questions per page, and were unable to return to previous pages once they had advanced.

Finally, participants answered a brief exit questionnaire. This questionnaire asked participants for their demographic information including their age, gender, and race. It also included, on a separate page, questions that asked participants to report the estimated time it took them to complete this study, what they believed was the main purpose of the study, and if they noticed anything strange or uncomfortable during the study. Once participants had completed this exit questionnaire, they were then debriefed, asked if they still consented to the use of their data in this experiment, and concluded the study.
Study 2. The second experiment was run in-person in Bard College’s psychology building Preston Hall. Participants first completed the consent process. Once they had completed this process, they were introduced to the computer where the experiment would take place. Participants then began the eye tracking phase of the experiment, starting first with the short calibration task. During this task, participants watched a grey dot as it moved around the otherwise blank white screen while the eye tracker collected data necessary for calibration. After completing this calibration task, participants then began the main eye tracking task. During this phase, eye tracking data was collected continuously and participants were unable to return to previous pages after they had advanced. Participants first read a brief explanation of their role as a juror, which highlighted the need to remember key facts and that participants would have a set amount of time to study the legal brief. After reading this explanation, participants then read the legal brief. Participants were required to remain on the legal brief screen for exactly 60 seconds. Once this time had passed, they were immediately advanced to an instruction page that explained the purpose of visual evidence and outlined that participants would have a set time to study each piece of visual evidence. For each visual stimulus, participants were required to remain on the screen for exactly 10 seconds and were, again, immediately advanced to the next screen when this time had passed. After viewing every visual stimulus, participants were instructed to let their experimenter know that they had completed the eye tracking phase. Which legal brief and image of the defendant participants viewed were the only aspect of this phase that varied by condition.

Participants were then directed to the behavioral phase of this experiment. This phase closely resembled the behavioral phase of Study 1. The only differences between this phase and the behavioral phase of the previous study related to the juridical decision questionnaire and the exit questionnaire. During this experiment, participants read the same instructions advising them
that they would be asked to determine what other jurors might think on some questions. However, instead of presenting self-rated and other-rated culpability questions together and self-rated and other-rated sentencing questions together on two separate pages, each question in this questionnaire was presented to participants on their own page. Additionally, the scale for each culpability question was expanded to range from 1 (Innocent) to 8 (Guilty) instead of from 1 (Innocent) to 6 (Guilty). Finally, participants in this experiment were not required during the exit questionnaire to estimate how long they took to complete this experiment or report any strange or uncomfortable experiences. Instead, participants were verbally asked to describe any strange or uncomfortable experiences they might have had during their participation during the debriefing process.

**Study 1**

**Participants.**

For this study, behavioral data was collected from 150 online participants through Amazon Mechanical Turk (MTurk). Each participant was paid one dollar as compensation for participating in this experiment. As five participants did not consent and one was not eligible to participate due to their age, data was available for a total of 144 usable participants. These participants were 56.9% White and 6.3% Black, were 61.1% male, and had a mean age of 33. However, after considering manipulation check exclusion criteria, data from only 93 participants was analyzed. These participants were 63.4% White and 8.6% Black, were 52.7% male, and had a mean age of 33.
Data Preparation

**Manipulation check exclusions.** In order to observe the influence of extralegal characteristics on juridical behaviors under a proposed mechanistic aversive racism paradigm (Figure 1B), only participants who were able to consciously recall the specific extralegal characteristics of their respective condition were considered in this study’s main analyses. This was necessary, as even theoretical aversive racism paradigms posit that a substantial amount of a person’s aversively racist decision making process is based on conscious rationalizations about these characteristics. If a participant could not remember these characteristics, then they likely could not have considered them when making later decisions. However, it is important to acknowledge that this led to the exclusion of 35% of the study’s usable participants \(n = 51\). Again, this conservative exclusion criteria was necessary to ensure that the final sample reflected six distinct conditions whose responses might have been influenced by both explicit and implicit considerations of their respective defendant’s extralegal characteristics.

While it may be interesting for another study to investigate the exact reasons for these recall inaccuracies or more directly take into account the role of more implicit responses to a defendant’s characteristics within aversive racism paradigms, the nature of MTurk as an experimental platform prevents this present study from differentiating participants whose recall accuracy was due to these more complex factors from participants who were merely not participating to the best of their ability. In fact, participants who were excluded due to this measure were on average only 64.01% likely to answer each of the 11 questions included in the manipulation check correctly, whereas participants who were not excluded were 94.43% likely to answer each of the manipulation check questions correctly. Given that these questions were yes or no questions, a 64.01% average accuracy rate is dangerously close to random responses. And
so, along with the fact that there were no significant differences between conditions on recall accuracy for the questions considered as manipulation check criteria, this would suggest that these participants’ inabilities to remember their conditional factors were more likely due to an overall lack of attention rather than any of these other more complex explanations. Nevertheless, in the interest of full transparency, the results for statistical tests that did not take into account these manipulation check exclusions can be found in the appendix (Appendix H).

**Reliability analyses.** Finally, for each of the scales utilized in this analysis, cronbach’s alpha was analyzed in order to insure reliability. Both the SDO (16 items; $\alpha = 0.95$) and SDS (12 items; $\alpha = 0.86$) measures were found to be highly reliable. The compiled External MRWP scale was also highly reliable (15 items; $\alpha = 0.96$), as were the broken down External MRWP to Black people (5 items; $\alpha = 0.91$), External MRWP to people with mental illnesses (5 items; $\alpha = 0.89$), and External MRWP to people who use hard drugs scales (5 items; $\alpha = 0.93$). Finally, the compiled Internal MRWP scale was also highly reliable (15 items; $\alpha = 0.91$), as were the broken down Internal MRWP to Black people (5 items; $\alpha = 0.87$), Internal MRWP to people with mental illnesses (5 items; $\alpha = 0.85$), and Internal MRWP to people who use hard drugs scales (5 items; $\alpha = 0.89$).

**Results**

As this study was interested in identifying potential extralegal factors for aversive racism as well as exploring how these extralegal characteristics might relate to mock jurors’ differential focus on normative or informational factors, differential willingness to communicate explicit biases, differential awarenesses of various social motivations, and differential juridical decisions
under a mechanistic aversive racism paradigm (Figure 1B), a variety of statistical tests were run to in order to analyze the influence of a mock juror’s condition on these outcomes.

**Focus on normative factors.** The first major goal of this study was to begin to explore the foundational mechanisms of aversive racism. Overall, it was proposed that a mock juror’s reliance on normative influences might predispose them to adopt aversive racism paradigms during their decision making. If this were in fact the case, then it should be shown that mock jurors may begin to seek out potentially normative factors before they even begin making juridical decisions. In order to test this hypothesis, the present study considered mock jurors’ preferential memory for their defendant’s normative or informational factors (Normative Recall minus Informational Recall) on the manipulation check questionnaire. If this study’s mock jurors were preferencing normative influences from the point that they were reading about their defendant in the legal materials, it would be hypothesized that mock jurors who might later adopt an aversive racism paradigm for decision making should show this preferential memory for their defendant’s normative factors. Hence, if this process could be linked to the later adoption of aversive racism paradigms, then mock jurors whose defendant was Black and had potentially positive or negative secondary extralegal characteristics should have the most preferential memory for the normative factors described in their defendant’s legal brief when compared to mock jurors in any other conditions.

While there were no significant differences across condition in mock jurors’ ability to remember the complete set of questions included in the manipulation check or in mock jurors’ ability to remember the factors specifically related to their condition even before manipulation check exclusions (Appendix H), there were in fact significant differences in mock jurors’ preferential memory for the normative factors included in the legal brief across conditions.
However, these differences complicated normative decision making modes’ foundational role within the proposed mechanistic model of aversive racism. Although all mock jurors showed a better memory for informational factors, a 2 (Race: Black or White) X 3 (Mental Health: NMI, MI, MID) factorial ANOVA actually found no significant main effect of race $F(1,87) = 0.61, p = 0.44$ or any significant interactions $F(2,87) = 0.28, p = 0.76$. Instead, only a significant main effect of mental health was found $F(2,87) = 6.47, p < 0.01$ and LSD post hoc tests revealed that mock jurors in the NMI condition (M = -0.15) were significantly less likely to show a preferential memory for normative influences than mock jurors in the MI conditions (M = -0.03, $p = 0.01$) or mock jurors in the MID conditions (M = -0.01, $p < 0.01$). Further, mock jurors in the MI condition showed no significant differences from mock jurors in the MID conditions ($p = 0.66$).

Overall, these results suggest that mock jurors who viewed a defendant with no history of mental illness were in fact less likely to preference normative factors than mock jurors whose defendant had potentially positive or negative secondary characteristics. This finding supports the hypothesis that these mock jurors, most likely due to the fact that their defendant had no relevant secondary extralegal characteristics, were operating under less of a normative decision making mode. Alternatively, other mock jurors whose defendant did have relevant secondary extralegal characteristics, seemed to be operating under more of a normative decision making mode. However, the fact that there was no main effect of race or any interactions complicates this finding’s place as a clear foundation for the adoption of aversive racism paradigms, as it suggests that these secondary characteristics themselves were leading mock jurors to act in more normative ways rather than the race of the defendant. In conclusion, these findings instead
propose that all mock jurors whose defendant had some history of mental illness were likely to preference normative decision making modes.

Nonetheless, the aversive racism paradigm does not directly consider the role of normative influences. Although this decision making mode may predispose mock jurors to act in aversively racist ways, their decisions would only begin to fit directly within a mechanistic aversive racism paradigm if they do indeed harness this normative mode in order to make harsh decisions about Black defendants. In fact, mock jurors in a variety of settings, including jurors not directly operating under an aversive racism paradigm, could be operating under a more normative decision making mode. These findings merely suggest that mock jurors whose defendant does not have potentially positive or negative secondary characteristics may be more likely to preference normative influences. As such, these findings can support the idea that an adoption of this mode can be foundational for aversive racism, although later mechanisms would need to explain what leads to particularly racist decisions.

**Willingness to communicate explicit biases.** As such, the present study also sought to explore how the influence of defendants’ extralegal characteristics might also be related to mechanisms that are directly considered under a mechanistic model of aversive racism. For example, the preferencing of normative influences might lead someone to adopt any number of biased decision making paradigms, but only under the aversive racism paradigm would mock jurors feel more or less willing to be explicitly biased because of their defendant’s characteristics.

In order to explore this particular mechanism, this study hypothesized that mock jurors operating under an aversive racism paradigm would feel more willing to communicate their aversive feelings. More specifically, mock jurors whose defendant was Black and had potentially
negative secondary characteristics should be more willing to communicate their explicit biases, for these mock jurors would have successfully identified a characteristic that could justify these aversive feelings. Conversely, mock jurors whose defendant was Black and had potentially positive secondary characteristics should be less willing to communicate their explicit biases, for these mock jurors alternatively identified positive characteristics that further led them to want to mask their aversive feelings. Finally, any mock jurors whose defendant was White or whose defendant was Black and had no potentially positive or negative secondary characteristics should have a more neutral willingness to communicate their explicit biases.

Like the findings for preferential normative decision making, however, the results of this study yet again complicated these hypotheses (Figure 3). First, a 2 (race: Black or White) X 3 (mental health: NMI, MI, MID) factorial ANOVA focusing on mock jurors’ responses to the SDO questionnaire (Figure 3A) only found a significant main effect of mental health $F(2,87) = 4.07, p = 0.02$, such that LSD post hoc tests showed that mock jurors in the MID conditions ($M=53.94$) were more willing to explicitly advocate for social dominance than mock jurors in the NMI conditions ($M = 40.58, p = 0.01$) or mock jurors in the MI conditions ($M = 41.03, p = 0.02$), whereas no significant differences between the NMI and MI conditions were found ($p = 0.93$). This test did not find any main effects of race $F(1,87) = 0.62, p = 0.43$ or any interactions $F(2,87) = 0.74, p = 0.48$. Instead of supporting the proposed mechanistic aversive racism paradigm, this finding actually indicates that all mock jurors whose defendant had a history of drug-related mental illness felt more willing to advocate for general concepts of social dominance.

Second, another 2 X 3 factorial ANOVA focusing on mock jurors’ responses to the compiled SDS that also took into account groups not directly considered within this study’s
experimental conditions additionally found this significant main effect of mental health $F(2,86) = 66.33, p < 0.01$ (Figure 3B). LSD post hoc tests yet again determined that although there were no significant differences between mock jurors in NMI (M = 759.16) and MI conditions (M = 717.7, $p = 0.37$), mock jurors in the MID conditions (M = 589.96) were more willing to communicate that they felt socially distant from groups based on those groups’ extralegal characteristics than mock jurors in either the NMI ($p < 0.01$) or the MI conditions ($p = 0.01$). This test also did not find any main effects of race $F(1,86) = 0.75, p = 0.39$ or any interactions $F(2,86) = 0.07, p = 0.94$. These findings further deviate from the proposed mechanistic aversive racism paradigm and instead suggests that seeing this potentially negative secondary characteristic would influence mock jurors, regardless of their defendant’s race, to feel more willing to communicate their feelings of social distance from specific and potentially protected groups.

This particular finding becomes even more interesting when it is broken down to focus on individual SDS questions (Table 2). Most SDS questions reflected the results of the compiled SDS, as ANOVAs that focused on mock jurors’ communicated feelings of social distance from elderly people, teenagers, poor people, wealthy people, men, and women all only found significant or near significant main effects of mental health. Further, the SDS questions that directly measured mock jurors’ communicated feelings about Black people, White people, and people with schizophrenia all followed these same trends, as ANOVAs still found significant or near significant effects of mental health (Figure 3 C-E). Moreover, in each of these cases, LSD post hoc tests revealed that these effects were caused by mock jurors in the MID conditions who were more willing to report that they felt socially distant from these groups than mock jurors in either the NMI or MI conditions. As such, it is clear that even mock jurors’ responses to these
isolated SDS questions indicate that any mock juror who encountered the potentially negative secondary characteristic of drug-related mental illness felt more willing to communicate their explicit biases.

Nevertheless, a few SDS questions did not find these particular results. In fact, an ANOVA focusing on mock jurors’ communicated feelings of social distance from Latinx people uniquely found both a near significant main effect of mental health and a significant main effect of race. While LSD post hoc tests showed that this effect of mental health reflected those found by other SDS questions as it was driven by mock jurors in the MID conditions, mock jurors were additionally more willing to communicate their explicit biases about this group when their defendant was Black (M = 51.65) when compared to mock jurors whose defendant was White (M = 65.15). Although the present study did not directly consider how viewing a Black defendant or a defendant with a history of drug-related mental illness might influence mock jurors’ willingness to communicate their biases about Latinx people specifically, this finding could highlight a potential area for future study. For instance, this finding may perhaps suggest an area through which these mock jurors felt more comfortable communicating their racial biases without specifically implicating their social distance from Black people or it may suggest that the intersection between these biases itself might be a factor for aversive racism in other cases. Nevertheless, in the context of this study, it does not directly implicate mock jurors as more willing to be explicitly biased because of their defendant’s race because it this finding is only related to mock jurors’ responses to one isolated group and other indirect measures of explicit bias such as the SDO failed to find any effect of race. In turn, this finding likely does not demonstrate that mock jurors used this question to communicate their more general biases about Black people.
Finally, the only other SDS questions to diverge from the general results of these analyses were those related to drug users. Notably, the SDS question related to people who use soft drugs such as marijuana was the only question to show no main effects or interactions. Even more crucial to the present study, an ANOVA focusing on mock jurors’ feelings of social distance from people who use hard drugs also uniquely failed to find a main effect of mental health (Figure 3F). It did, however, find a near significant main effect of race such that mock jurors in the Black conditions (M = 23.52) were marginally more willing to communicate their explicit biases about hard drug users than mock jurors in the White conditions (M = 32.28).

While this finding is not as statistically significant under traditional conservative measures as some of the other explicit bias findings were, it does suggest that there might be a relationship between seeing a Black defendant and feeling more willing to communicate biases about people who use hard drugs. Moreover, these comparatively less statistically significant results may in part be due to the fact that mock jurors’ responses to this SDS question were lower than any other individual SDS question (Figure 4). This might suggest that there may have been a floor effect in mock jurors’ responses that inhibited the variation necessary to find as clear a significant difference as was found in the analyses of mock jurors’ responses to other SDS questions. However, given the scarcity of undeniable statistical backing for this particular finding, the fact that it uniquely seems to suggest that the race of a mock jurors’ defendant has the ability to influence their willingness to communicate their explicit biases about hard drug users cannot stand against these other findings as evidence that the mechanisms of explicit bias within an aversive racism paradigm follow the proposed mechanistic model. As a result, the true mechanisms of explicit bias seem to, like the mechanisms of more foundational normative making modes, rely more on the secondary factors of a defendant than the race of that defendant.
**Awareness of social motivations.** The other mechanism of the proposed mechanistic aversive racism paradigm explored by this study focuses on the influence a defendants’ secondary extralegal characteristics might have on mock jurors’ awareness of social motivations. When considering the mechanisms of aversive racism in juror decision making settings, it is especially important to explore the mechanistic role of social motivations, as a juror’s decision making is closely attuned to the social pressures placed on them by their fellow jurors. As such, real-world jurors operating under aversive racism would be particularly aware of how others might critique them for their biased responses toward certain groups.

Similar to a willingness to communicate explicit biases, the proposed mechanistic model of aversive racism would hypothesize that only mock jurors whose defendant was Black and had potentially positive or negative secondary characteristics should show differences in their awareness of social pressures, as only these mock jurors would have made their decisions under an aversive racism paradigm.

Unlike the past analyses related to normative decision making or a willingness to communicate explicit biases, the present study overall supported these hypotheses. When looking at a 2 (Race: Black or White) X 3 (Mental Health: NMI, MI, MID) factorial ANOVA that focused on mock jurors’ compiled responses to each external MRWP scales, mock jurors did show a near significant main effect of mental health $F(2,85) = 2.55, p = 0.08$ and a significant interaction $F(2,85) = 3.5, p = 0.04$. An LSD post hoc test showed that this near main effect of mental health was driven by a significant difference between mock jurors’ awareness of external motivations in the MID conditions ($M = 59.6$) when compared to mock jurors in the MI conditions ($M = 47.5, p = 0.03$) and a near significant difference between mock jurors’ awareness of external motivations in the MID conditions when compared to mock jurors in the
NMI conditions (M = 50.55, p = 0.099), although there were no significant differences between the NMI and MI conditions (p = 0.55). Furthermore, the significant interaction that was found by these analyses clarifies that the bulk of this effect was due to mock jurors in the Black MID condition (M = 67.58), as mock jurors in the White MID condition actually reported that they felt much less aware of social pressure in comparison (M = 51.62).

As no main effect of race was found $F(1,85) = 0.05$, $p = 0.83$, this interaction further suggests that only mock jurors whose defendant was Black and had a history of non-drug related mental illness showed this increased awareness of social pressures. While the potentially positive characteristic of non-drug-related mental illness failed to show any effects, this could merely indicate that mock jurors in this subject pool failed to see it as a potentially positive factor. As a result, this finding specifically supports the hypotheses of mechanistic aversive racism paradigms, for mock jurors who saw a Black defendant with potentially negative secondary characteristics were indeed more aware of social pressures to respond without prejudice. This indicates that these mock jurors were in fact more attuned to these pressures during their decision making.

After breaking these results down to focus on each individual External MRWP scale (Figure 5), these findings become even more illuminating to the mechanisms of social motivations under a mechanistic aversive racism paradigm. For example, an ANOVA focusing on mock jurors’ external motivations to respond without prejudice to Black people in particular only found a marginally significant main effect of mental health and a marginally significant interaction (Table 3). These results resembled those of the compiled External MRWP analyses, as LSD post hoc tests revealed that mock jurors in MID conditions (M = 21.232) were significantly more likely to report that they felt external pressure to respond without prejudice to
Black people than mock jurors in the MI conditions (M = 16.59, p = 0.03), although there were no significant difference between mock jurors in the MID and NMI conditions (M = 18.92, p = 0.26) or between mock jurors in the NMI and MI conditions (p = 0.23). Further, the near significant interaction that was found yet again indicates that much of this effect was due to the unusually high awareness of external social pressure reported by mock jurors in the Black MID condition (Figure 5A).

These basic results were also demonstrated by an ANOVA that focused on mock jurors’ external motivations to respond without prejudice to people with mental illnesses. While these analyses found no significant main effects of race or mental health (Table 3), a significant interaction caused by the unusually high social motivations of mock jurors in the Black MID condition (M = 22.17) was once again found. Both of these analyses clarify that mock jurors who saw a Black defendant with a history of drug-related mental illness did indeed feel greater social motivations to respond without prejudice and protected groups like Black people and potentially protected groups like people with mental illnesses. This further indicates that these mock jurors had in fact put greater consideration into the social pressures to respond without prejudice to these groups during their decision making.

Moreover, and perhaps most interestingly, the External MRWP to people who use hard drugs scale further supported this trend. While this scale also found no main effect of race, it did find a significant main effect of mental health (Table 3), such that LSD post hoc tests showed that mock jurors in the MID conditions (M = 19.08) were significantly more likely to feel external social pressure than mock jurors in the MI conditions (M = 14.18, p = 0.01) or mock jurors in the NMI conditions (M = 15.1, p = 0.04), whereas there was no difference between mock jurors in the MI and NMI conditions (p = 0.61). Further, another near significant
interaction indicates that this significant difference was mainly influenced by mock jurors in the Black MID condition (M = 21.17).

It is important to note, though, that unlike mock jurors’ responses to the external MRWP to Black people or people with schizophrenia scales, it is interesting that mock jurors whose defendant was Black and had a history of drug-related mental illness were also more attuned to the social motivations to protect hard drug users than mock jurors in other conditions. This might suggest that, under an aversive racism paradigm, mock jurors whose defendant had a history of drug-related mental illness were still aware of social pressures to protect drug users, this awareness just might have factored less into their final juridical decisions.

Finally, though, it is important to also note that, as internal motivations are not theoretically considered under an aversive racism paradigm, there is no evidence that these motivations should change as a result of seeing any particular defendant. This was, in fact, what was demonstrated by this study, as a 2 X 3 factorial ANOVA focusing on mock jurors’ compiled Internal MRWP scores found no main effect of race F(1,85) = 0.69, p = 0.41, no main effect of mental health F(2,85) = 1.9, p = 0.16, and no interactions F(2,85) = 0.54, p = 0.59. Even when these results were broken down by individual Internal MRWP scales, no effects or interactions were found (Table 3). This supports the idea that mock jurors’ internal motivations to protect a defendant based on that defendant’s extralegal characteristics are not changed by the positive or negative factors they encounter. As a result, the theoretical exclusion of internal motivations as a mechanism with a mechanistic aversive racism paradigm is supported by these analyses and the results of this study can be distanced from the theoretical assumptions of researchers like Sommers and Ellsworth, who instead attribute differences in mock jurors’ responses to their
internal motivations to seem nonbiased. As such, solely external social motivations should be considered as mechanistically related to aversive racism paradigms.

**Juridical decisions.** Another goal of this study was to contextualize these mechanisms alongside mock jurors’ final juridical decisions. In line with other juror decision making studies (Minero & Espinoza, 2016), this study considered the influence of a defendant’s extralegal characteristics on mock jurors’ ultimate decisions about their defendant’s culpability and sentencing. In this study, mock jurors made these decisions both from their own perspectives (self-rated) as well as from the assumed perspectives of others (other-rated). As self-rated decisions may be more attuned to social desirability biases or internal motivations, past studies have regarded this secondary perspective as able to allow mock jurors to more free to communicate their biases (Granot et al., 2014). Moreover, in the context of this study, this secondary perspective might allow mock jurors to begin to imagine what it might be like to make decisions in the context of a group.

**Self-rated decisions.** For self-rated decisions, it was hypothesized under an aversive racism paradigm that mock jurors might attempt to hide their biases about their defendant when that defendant was Black or had a history on non-drug-related mental illness, but would feel more free to act in biased ways toward their defendant if their defendant had a history of drug-related mental illness.

However, the results of this present study only complicated these hypotheses (Figure 6 A-B). Although 2 (race: Black or White) X 3 (mental health: NMI, MI, MID) factorial ANOVA focusing on mock jurors’ self-rated culpability decisions found a near main effect of race $F(1,87) = 3.39, p = 0.07$ such that mock jurors who saw a White defendant ($M = 4.6$) rated their defendant as slightly more culpable than mock jurors who saw a Black defendant ($M = 4.36$), it
is perplexing that this trend suggests that these mock jurors acted to protect most Black defendants. Less confusingly, this test did find a significant main effect of mental health $F(2, 87) = 3.36, p = 0.04$, and an LSD post hoc test revealed that mock jurors in both MID conditions ($M = 4.98$) rated their defendants as significantly more culpable than mock jurors in both NMI conditions ($M = 4.21, p = 0.01$), whereas no significant differences were found between mock jurors’ culpability ratings in the MID conditions and MI conditions ($M = 4.54, p = 0.15$) or in the NMI and MI conditions ($p = 0.24$). However, this main effect of mental health was not related to the near significant interaction that was found in any expected way $F(2, 87) = 2.45, p = 0.09$, as this interaction only indicated that mock jurors in the White MI condition uniquely rated their defendant as slightly less culpable than mock jurors in other White conditions and that mock jurors in the Black NMI condition seemed to drive the main effect of mental health.

Ultimately, this finding deviates significantly from an aversive racism paradigm. By making biased decisions that favored Black defendants, making biased decisions that punished all defendants with a history of drug-related mental illness, and only making decisions that uniquely seemed to protect White defendants with a history of non-drug-related mental illness, mock jurors seemed to forgo aversively racist decision making altogether. However, this may be due to the fact that these decisions were framed through their own perspectives, making mock jurors feel the need to over-report their desire to protect Black defendants and White defendants with potentially positive secondary characteristics, but still allowing them to continue to report their negative feelings about people with a history of drug-related mental illness.

Perhaps more interesting is that fact that a similar factorial ANOVA focusing on mock jurors’ self-rated sentencing decisions found no main effect of mental health $F(2, 87) = 1.36, p = 0.26$ or any interactions $F(2, 87) = 2.18, p = 0.12$. These analyses only found a near main effect
of race $F(1,87) = 2.99, p = 0.09$, as mock jurors in the White conditions (M=3.31) yet again advocated for slightly longer sentences for their defendants than mock jurors in the Black conditions (M = 2.72). This further suggests that, for this self-rated question, mock jurors were also not operating under an aversive racism paradigm at all, and were only demonstrating a slight desire to protect Black defendants.

**Other-rated decisions.** It would still stand, then, that when not responding from their own perspectives, mock jurors should feel better able to act within an aversive racism paradigm, as they would either feel less personally responsible for their decisions or would be more directly considering the social motivations of their imagined fellow jurors.

In fact, mock jurors’ responses to questions that were framed through the perspectives of their fellow jurors did more directly indicate that this study’s mock jurors were operating under an aversive racism paradigm (Figure 6 C-D). For other-rated sentencing decisions, a 2 X 3 factorial ANOVA found no main effects of race $F(1,87) = 0.5, p = 0.48$ or mental health $F(2,87) = 1.42, p = 0.25$, but did find a significant interaction $F(2,87) = 5.32, p < 0.01$ such that mock jurors in the Black MID condition (M = 4.92) overwhelmingly reported that others would suggest much longer sentences for their defendant, even when compared to other mock jurors in Black conditions (M = 3.86) or mock jurors in the White MID condition (M = 3.21). This supports the hypothesis that, when asked to frame their decisions through the decisions other jurors would also support, mock jurors uniquely made harsh decisions about Black defendants with a history of drug-related mental illness.

However, it is still important to clarify that no similar results were found for other-rated culpability decisions, as a 2 X 3 factorial ANOVA found no significant main effect of race $F(1,87) = 2, p = 0.16$, no main effect of mental health $F(2,87) = 1.79, p = 0.17$, and no
interactions $F(2,87) = 0.3, p = 0.69$. In turn, mock jurors yet again did not seem to be acting under an aversive racism paradigm when answering this particular question.

**Identifying factors for aversive racism.** The final major goal of this study was to begin to identify whether or not mental health could operate as either a positive factor for aversive racism if it were unrelated to drug use or as a negative factor for aversive racism if it were related to drug use. While all of the analyses that took into account the effect these secondary characteristics had on the proposed mechanisms of aversive racism found multiple points of evidence to support the idea that drug use can be a negative factor for aversive racism, no evidence was provided to the idea that support mental illness without drug use can be a positive factor. In fact, no evidence was found to suggest that mock jurors treat Black defendants with a history of non-drug related mental illness differently than defendants with no history of mental illness.

However, it is also necessary to explore this study’s mock jurors’ overall feelings about groups with these extralegal characteristics outside of these conditional effects, as these analyses could demonstrate that these other findings could hold up even if mock jurors had viewed a different defendant. As such, the present study considered how all mock jurors responded to mental health factors, both in terms of how willing they were to communicate their biases about Black people, people with schizophrenia, or people who use hard drugs, as well as how aware they were of social pressures that might inhibit their prejudicial responses to these groups.

In turn, it hypothesized that mock jurors would report that they have much higher explicit biases about people who use hard drugs than people who have schizophrenia or Black people, further indicating that this factor can be a negative factor. Further, it was also hypothesized that mock jurors would report that they have a much lower awareness of motivations to respond
without prejudice to hard drug users than they have to respond without prejudice to people who have mental illnesses or to Black people. This would additionally provide isolated evidence that this factor has the capacity to be a negative factor for aversive racism. Finally, despite the fact that all other analyses found that non-drug-related mental illness had no effects on the mechanisms of aversive racism, there could still be some evidence that, at least in other cases, this factor could operate as a positive factor if mock jurors did indeed indicate that they had similar levels of explicit biases or awarenesses of social motivations to respond without prejudice to this group as they did to Black people.

The hypothesis that drug use can be a negative factor was supported by the present analyses (Figure 7). When considering all mock jurors’ reported willingness to communicate their explicit biases, paired samples t-tests comparing mock jurors’ feelings of explicit bias about hard drug users to their feelings of explicit bias about people with schizophrenia $t(92) = 7.21, p < 0.01$ as well as about Black people $t(92) = 11.95, p < 0.01$ both found that this study’s mock jurors overwhelmingly reported that they felt more socially distant from hard drug users than they did from people with schizophrenia or from Black people (Figure 7A). These same findings were replicated by analyses that considered this study’s mock jurors’ relative awarenesses of social motivations to respond without prejudice to each of these groups (Figure 7B). Paired samples t-tests comparing the differences between mock jurors’ awareness of social pressures related to hard drug users and related to people with mental illness $t(92) = 3.2, p < 0.01$ and between hard drug users and Black people $t(92) = 4.32, p < 0.01$ yet again demonstrated that all mock jurors in this study reported that they did indeed feel significantly less external motivation to respond without prejudice to people who use hard drugs than they did to respond without prejudice to people with mental illnesses or to Black people. All of this isolated evidence
supports the idea that even for mock jurors in other conditions, drug use was viewed as a potentially negative factor that they could be more explicitly biased about or that others would show less social pressure to protect.

Alternatively, a paired sample t-test comparing this study’s mock jurors’ reported feelings of explicit bias about people with schizophrenia to their reported feelings of explicit bias about Black people \( t(92) = 5.794, p < 0.01 \) also found that mock jurors were much more willing to report that they felt socially distant from people with schizophrenia than they did from Black people (Figure 7A). Further, similar analyses also found that this study’s mock jurors once more reported that they felt significantly less externally motivated to respond without prejudice to people with a history of mental illness when compared to Black people \( t(92) = 2.671, p = 0.01 \) (Figure 7B). Like the conditionally-influenced findings, these analyses also demonstrate that all mock jurors failed to view non-drug-related mental illness as possible a positive factor.

Interestingly, these findings were even supported by paired sample t-tests that took into account this study’s mock jurors’ levels of internal motivation to respond without prejudice to these groups (Figure 7C). These analyses showed that mock jurors also reported that they felt less internally motivated to respond without prejudice to people who use hard drugs than they did to Black people \( t(92) = 8.08, p < 0.01 \) or than they did to people with a history of mental illness \( t(92) = 7.88, p < 0.01 \). Further, these analyses also indicated that this study’s mock jurors felt less internally motivated to respond without prejudice to people with a history of mental illness than they did to Black people \( t(92) = 2.08, p = 0.04 \). This specifies that these internal motivations to respond without prejudice to people based on their mental health also suggest that this study’s mock jurors also viewed drug use as a negative factor and non-drug-related mental
illness as more of a neutral factor, although these motivations did not shift based on which defendant these mock jurors saw during this study.

In conclusion, these analyses only seem to support the idea that drug use can operate as a negative factor for aversive racism. Nevertheless, these analyses may not be entirely accurate, as they are based in measures that were influenced by mock jurors’ experimental conditions, leading some mock jurors’ data to potentially bias these outcomes. As such, while these analyses begin to provide some additional data that could comment on whether or not people generally feel willing to communicate their biases about these groups or whether people feel overall more or less aware of social pressures about these groups, future analyses would be necessary to consider these trends in populations that have not already been contaminated by the present study’s experimental conditions.

Discussion

As a result, the findings of this study provide a wealth of information in regard to the mechanisms of aversive racism. In part, these findings recommend a few key changes to the proposed mechanistic aversive racism paradigm that has been outlined by past researchers (Cohn et al., 2012; Dovidio & Gaertner, 2004; Pearson et al., 2007). More specifically, the findings of this study seem to suggest that certain aspects of proposed mechanistic aversive racism paradigms, such as a mock juror’s increased likelihood to preferentially focus on normative factors or a mock juror’s increased willingness to communicate their explicit biases, are not related to the race of a defendant, but are more directly influenced by the potentially negative secondary characteristics of a defendant. Alternatively, while these findings did indicate that mock jurors whose defendant was Black and had potentially negative secondary characteristics
like a history of drug-related mental illness are in fact more likely to demonstrate an awareness of social motivations, the present study only managed to contextualize these findings within mock jurors’ final other-rated sentencing decisions.

**A new mechanistic aversive racism paradigm.** Considering these findings, it may be necessary to revise the proposed mechanistic aversive racism paradigm (Figure 8A). In fact, these findings provide overwhelming evidence that a preferential focus on normative influences, the selection of potentially negative characteristics, and an increased willingness to communicate explicit biases about otherwise protected groups may all actually be foundational for the later adoption of an aversive racism paradigm (Figure 8B-C). In turn, adapted mechanistic aversive racism paradigms should view this recognition of negative factors as well as these other related mechanisms as capable of predisposing mock jurors to later become influenced by the race of their defendant and adopt an aversive racism paradigm.

If anything, this adapted paradigm would only further allow aspects of aversive racism paradigms, or perhaps more foundationally aversive paradigms, to begin to apply to the psychological mechanisms of any case where decision making might be influenced by a preference for normative decision making modes, an awareness of negative factors, or an increased willingness to communicate explicit biases. Further, this might explain why certain researchers have in fact found that a mock juror’s personality characteristics which might inhibit their adoption of normative decision making modes can prevent them from making biased juridical decisions (Gunnell & Ceci, 2010; Huggon, 2012). If it is the case that each of these mechanisms are necessary in order to predispose someone adopt aversive racism paradigms at a later point, then anything that might inhibit a mock juror from operating within these mechanisms would prevent them from making any aversively racist decisions. As such, any
future research into the mechanisms of aversive racism paradigms specifically should consider whether or not their mock jurors are in fact predisposed to aversive racism.

Nevertheless, this present study’s mock jurors did in fact overwhelmingly operate within these mechanisms. As a result, it is possible to suggest from the results of this study that a defendant’s negative secondary characteristics can lead the majority of people to differentially preference normative influences and feel more willing to communicate their explicit biases. In turn, the present study did not only identify that these mechanisms might predispose a mock juror to act in aversively racist ways, but this study also provides tangible evidence that most mock jurors shared a foundational reaction to their defendant’s characteristics.

However, although this study did also find clear evidence that a defendant’s negative secondary characteristics uniquely lead mock jurors who saw a Black defendant to report a heightened awareness of social motivations to respond without prejudice, this awareness only managed to relate to these mock jurors’ final juridical decisions when those decisions were made through the perspectives of others (Figure 8B). As such, it is possible to argue that new mechanistic aversive racism paradigms, especially those related to juridical decisions, should explicitly focus on these juridical decisions that are, like real-world decisions, framed through the perspectives of a group.

Self-rated juridical decisions. Alternatively, other explanations might be needed in order to identify the mechanisms involved in mock jurors’ decisions when those decisions are made through their own perspectives (Figure 8C). While this study does provide overwhelming evidence that all mock jurors whose defendant had a negative secondary characteristic were still preferencing normative influences, were more willing to communicate biases about protected groups in general, and did in fact make harsher juridical decisions from their own perspectives,
these effects did not intersect with race such that these mock jurors were more harsh toward Black defendants in their self-rated juridical decisions. Instead, all mock jurors, regardless of their increased awareness of social pressure, actually made more harsh decisions about White defendants from their own perspectives. This specific finding actually seems to fall more in line with the theories proposed by Sommer and Ellsworth, as they propose that mock jurors, even those attuned to social motivations, might still attempt to overcorrect for their racial biases in their final juridical decisions (2001, 2009).

However, it is not entirely necessary for the aversive racism paradigm to directly relate to self-rated juridical decisions, as these sorts of isolated decisions are not common in naturalistic juror decision making (Baddeley & Parkinson, 2012; Nemeth & Goncalo, 2005). Instead, a juror’s decisions are naturally made with a consideration of the decisions of others, as was the case in this study’s other-rated juridical decisions. As such, the complicated findings of this study’s self-rated juridical decisions do not only reflect Sommers and Ellsworth’s conclusions that mock jurors might attempt to moderate their responses, but they further support Sommers and Ellsworth’s ultimate conclusion that juror decision making studies need to begin to frame their juridical decisions within group decision making contexts if they hope to be at all generalizable (2001). By failing to provide any possible link between mock jurors’ mechanistic behaviors and their defendants’ characteristics to their final juridical decisions, this study begins to indicate that isolated, individualized decisions simply might not reflect the psychological processes involved in real-world juridical decisions.

Nonetheless, this shift toward juridical decisions that are exclusively made through the perspectives of others may prevent the aversive racism paradigm from explaining the results of all past juror decision making research (Devine & Caughlin, 2014; Mitchell et al., 2005), as it is
unknown whether these past studies framed their juridical decision questions in this other-rated way. However, if it is the case that aversive racism does indeed reflect a juror’s decision making in more naturalistic settings, than this paradigm might be especially crucial for any future research that does attempt to frame juridical decisions within real-world group decision making contexts.

**A negative extralegal factor for aversive racism.** Moreover, it is important to note that this present study only managed to identify a potentially negative factor for aversive racism. Mock jurors within this study not only reported on the whole that they felt more socially distant from people with schizophrenia than they did Black people and that they felt less social motivation to respond without prejudice to people with mental illnesses than they did to Black people, but almost every analysis in this study failed to demonstrate any unique influence of the non-drug-related mental illness manipulation. Only through mock jurors’ self-rated culpability decisions did any desire to protect people with non-drug-related mental illnesses even begin to emerge, and this desire to protect these defendants was only marginally applied to White defendants. As a result, the present study cannot comment on the role positive factors might play in mechanistic aversive racism paradigms.

However, this measure should still be included in future studies like Study 2, as it allows analyses to consider the effect of drug use as a negative factor even when that drug use is framed as directly related to this overall more neutral factor of mental illness. One of the most important findings of this present study was that, even when drug use was described at a mental illness and was not related to the crime a defendant was being charged for, mock jurors still acted in aversive ways. This finding directly implicates this extralegal characteristic as not only capable of acting as a factor under an aversive racism paradigm, but it also begins to explain why jurors
may even act in particularly discriminatory ways toward Black drug users when legal structures make the effort to frame drug use in this way (Bureau of Justice Statistics, 2018; Feix & Wolber, 2007; Ward et al., 2016).

Limitations. Considering the novelty of these findings, is necessary to caveat the limitations of this study. First, it is challenging for this study to make any claims about the predominance of aversive racism paradigms in juror decision making due to the large number of participants who needed to be excluded due to their failure to remember their defendant’s extralegal characteristics. Indeed, this trend could imply that these participants were making decisions under another paradigm. However, it is perhaps more likely that these participants were simply not acting as mock jurors at all, as the nature of their responses suggests that they were randomly answering questions without any regard to their defendant’s characteristics or even to the facts of their defendant’s case. Nonetheless, it is only possible to state from the results of this present study that, when mock jurors did indeed remember the facts of their defendant’s case, then they were overwhelmingly likely to act in certain aversively racist ways.

Second, it is potentially problematic that the findings related to aversive racism paradigms’ influence on mock jurors’ final juridical decisions were not replicated by mock juror’s other-rated culpability decisions. Nevertheless, this trend may be due to methodological aspects of this study’s culpability questions. For example, mock jurors in this study answered their self-rated and other-rated culpability questions on the same page. Due to the fact that mock jurors’ culpability decisions were measured using a discrete scale rather than a sliding scale like mock jurors’ sentencing decisions, it is possible that mock jurors may have been more aware of how they were changing their decisions and may have moderated their responses as a result. Further, this study’s mock jurors were offered fewer possible responses to the culpability
questions, suggesting that their responses may have lacked the variability necessary to observe minute psychological changes when these questions were asked from the perspectives of others. As such, these self-rated and other-rated questions should be asked on different pages and should expand the range of possible responses for culpability decisions in Study 2 in order to gauge whether these methodological limitations did indeed prevent this study’s other-rated culpability question from finding evidence for aversive racism paradigms.

Moreover, the findings of this study may not directly relate to the precise mechanisms of all aversive racism paradigms. For example, many past studies have only tested the ways legally relevant characteristics may lead mock jurors to act in aversively racist ways (Hodson et al., 2005; Johnson et al., 1995; Pearson et al., 2007). In fact, these other characteristics may not require an awareness of social motivations to respond without prejudice in order to influence self-rated decisions, as mock jurors in these cases may never even begin to consider how acting in aversive ways toward these non-social characteristics may be perceived as biased. As such, these factors may, in other cases, even manage to influence juridical decisions that are framed in an isolated way, for mock jurors may never begin to moderate their responses in order to appear less biased.

Nevertheless, even if this particular mechanistic aversive racism paradigm can only directly apply to the ways a defendant’s extralegal characteristics can influence a juror’s decision making, this paradigm is still extremely necessary if the field hopes to also explain how Black people with intersecting identities may also be particularly vulnerable to legal discrimination. Additionally, these findings allow this present study’s adapted mechanistic paradigms to explain the psychological mechanisms employed by mock jurors in past studies that also referenced extralegal characteristics when making aversively racist decisions (Minero & Espinoza, 2016).
Finally, it is crucial to note that this study only attempted to test each of these mechanisms in isolation. Methodologically, this prohibits this particular study from fully concluding that any of these mechanisms cause the next, as they were asked out of order during the behavioral phase of this experiment. As such, these findings can only comment on what seemed foundational or what seemed related, and in turn can only theoretically propose an adapted aversive racism paradigm that might explain what mechanisms come into play at different stages in a juror’s decision making process. Given that no past studies have even begun to test these mechanisms of aversive racism in this way, this proposed mechanistic aversive racism paradigm is in and of itself necessary for any future research that hopes to apply this paradigm to juror decision making or explain what foundationally leads mock jurors to adopt this paradigm. However, future research is necessary in order to causally test how these mechanisms relate to one another. At the very least, this present study provides evidence that a defendant’s extralegal characteristics can cause a mock juror to adopt these particular mechanisms of aversive racism.

**Future directions.** In the end, it is important to recognize one last time that, despite these methodological concerns and limitations, this present study did, unlike past studies on juror decision making, manage to provide clear evidence as to how the theoretical mechanisms of aversive racism paradigms can be influenced by the extralegal characteristics of a mock juror’s defendant. These mechanistic findings are extremely necessary in order to design studies that explore the ways aversive racism paradigms specifically explain certain variable outcomes in juror decision making settings. However, as this experiment is the first experiment to test these mechanisms in a tangible way, future research should attempt to replicate these findings, as well
as begin to seek more concrete evidence that certain mechanisms are indeed foundational for others.

**Study 2**

**Participants**

For this study, data was collected from 49 participants. The participants were recruited from the Bard College campus and surrounding areas and were entered for a chance to win one of two 50-dollar Amazon gift cards for their participation. These participants were 75.5% White and 4.1% Black, were 26.5% male, and had a mean age of 20. After considering manipulation check and eye tracking exclusion criteria, eight participants were excluded, and so only data from the remaining 41 participants was analyzed. These participants were 73.2% White and 2.4% Black, 26.8% male, and had a mean age of 20.

All of these participants went through a multi-stage recruitment process that repeatedly reminded each potential participant that this experiment specifically used an eye tracker and was interested in participants’ attention and memory behaviors. As such, every participant was made aware both before their participation and during the consent process that participants should not have any diagnosed attention deficit disorders or related learning disabilities and should have normal or corrected to normal vision in order to be eligible to participate. This exclusion criteria was included in order to reduce the influence attention-related confounding variables might have on participants’ data during the eye tracking phase. However, it is important to note that this exclusion criteria was only measured by participants’ own discretion during the recruitment process (Appendix I).
Data Preparation

**Manipulation check exclusions.** As was the case in Study 1, participants were only included in these analyses if they were indeed able to remember the race, mental health history, and drug use history of their defendant during the manipulation check. This was done in order to ensure that the final data pool would only reflect participants that could have consciously considered these factors during deliberation. Unlike Study 1, however, this criteria only led to the exclusion of a small number of participants \( n = 5 \). This comparatively lower exclusion rate could be due to the in-person nature of this study’s experimental design, as this design allowed the experimenter to ensure that participants did in fact have the legal materials available to them for a set amount of time.

Nevertheless, the in-person nature of this experiment also suggests that because these specific exclusions were likely not due to someone advancing too quickly through the legal materials or outright ignoring that phase of the experiment as was most likely the case in Study 1, these exclusions could have been caused by some other more complex attention or memory component. However, due to the comparatively lower number of participants excluded for this reason, this trend had less implications for the predominance of whatever decision making paradigm might have led certain participants to forget these factors. In turn, the decision making paradigm ultimately used by the remaining participants whose data was analyzed in this study could in fact be described as a more predominant decision making paradigm within this population.

**Eye tracking exclusions.** As this present study also collected eye tracking data, specific exclusion criteria were considered that directly related to these analyses. As a result, an additional three participants were excluded because of technical malfunctions during the eye
tracking phase. These malfunctions were either due to the complete failure to record eye tracking data \((n = 1)\) or to the fact that participants’ average recorded validity scores when viewing the legal brief or the defendant photo were greater than 1 \((n = 2)\). Considering these exclusions, the remaining participants had an average eye tracking validity of 0.24 when viewing the defendant’s legal brief and an average eye tracking validity of 0.26 when viewing the defendant’s photograph. Given that these scores were measured on a scale of 0-4 for every single collected eye tracking data point, with 0 indicating maximum validity and 4 indicating minimum validity, it is possible to conclude that the final average validity of the eye tracking data analysed in this experiment is quite high.

**Reliability analyses.** Cronbach’s alpha was analyzed in order to insure the reliability for each of the scales used in this study. Both the SDO (16 items; \(\alpha = 0.84\)) and the SDS (12 items; \(\alpha = 0.88\)) proved to be highly reliable. Further, the compiled External MRWP scales also had an incredibly high level of reliability (15 items; \(\alpha = 0.92\)) and maintained this level of reliability even when broken down to look specifically at the External MRWP to Black people (5 items; \(\alpha = 0.89\)), the External MRWP to people with mental illnesses (5 items; \(\alpha = 0.81\)), and the External MRWP to people who use hard drug scales (5 items; \(\alpha = 0.86\)). Finally, the compiled Internal MRWP scales were also highly reliable (15 items; \(\alpha = 0.93\)), as were the isolated Internal MRWP to Black people (5 items; \(\alpha = 0.84\)), Internal MRWP to people with mental illnesses (5 items; \(\alpha = 0.91\)), and Internal MRWP to people who use hard drugs scales (5 items; \(\alpha = 0.9\)).

**Results**

The main goals of this study were to replicate the findings of Study 1 as well as gather more precise evidence through eye tracking in order to further explore how mock jurors might be
preferencing normative factors when they read about their defendant. This second way of measuring mock jurors’ preference for normative influences would allow this study to comment on how this foundational aspect of aversive racism paradigms might operate on a nonconscious level and could predispose the majority of mock jurors to adopt these biased decision making paradigms without their knowledge.

As such, following the adapted mechanistic aversive racism paradigm outlined in the discussion section of Study 1 (Figure 8), it would be hypothesized that all mock jurors whose defendant had a history of drug-related mental illnesses would focus more on the normative factors outlined in their defendant’s legal brief, focus less on their defendant’s eye-mouth region when viewing the image of their defendant, show a preferential memory for their defendant’s normative factors, and demonstrate a greater willingness to communicate their explicit biases. Further, it would also be hypothesized along the mechanistic paradigm set by Study 1 that mock jurors would only show a greater awareness of social pressures to respond without prejudice when their defendant was Black and had a history of drug-related mental illness, as only these mock jurors would have demonstrated these mechanisms when acting under an aversive racism paradigm. Finally, this increased awareness of social motivations should relate to harsher other-rated juridical decisions. Overall, this study should provide even more evidence that hard drug use, even when it is closely related to mental illness, is a negative factor under mechanistic aversive racism paradigms.

**Focus on normative influences.** The first set of hypotheses that were tested by this study explored mock jurors’ preference for normative decision making modes as a potential foundation for the later adoption of aversive racism paradigms in juror decision making settings. In testing this hypothesis, this study considered mock jurors’ preferential focus on potentially normative
factors when viewing their defendants’ legal brief, differential focus on their defendant’s eye-mouth region when viewing the defendant’s photograph, and preferential memory for normative factors when recalling the details of their defendant’s case during the manipulation check questionnaire. If a mock juror was indeed preferencing these normative influences in the same way as mock jurors in Study 1, then mock jurors in the NMI conditions should show less of a preferential fixation on their defendant’s normative factors in the legal brief, should make more fixations on their defendant’s eye-mouth region, and should show the least preferential memory for their defendant’s normative factors. This would not only provide even more evidence that mock jurors’ preference for normative decision making modes can be influenced by their defendant’s secondary characteristics, but would also provide evidence that these normative influences have the capacity to change mock jurors’ visual perceptual behaviors in a way that might predispose them to adopt aversive racism paradigms during their decision making.

However, the present study’s eye tracking analyses failed to support these hypotheses (Figure 9). In fact, a 2 (Race: Black or White) X 3 (Mental Health: NMI, MI, MID) factorial ANOVA considering mock jurors’ preferential proportional fixations on the normative section of the legal brief when compared to their proportional fixations on the informational section of the legal brief (normative proportional fixations - informational proportional fixations) found no significant main effects of mental health $F(2,35) = 1.38, p = 0.27$, no significant main effect of race $F(1,35) = 1.93, p = 0.17$, and no significant interactions $F(2,35) = 0.12, p = 0.89$. Even when this preferential fixation on normative factors was analyzed through mock jurors’ comparative raw number of fixations, there were still no main effects of mental health $F(2,35) = 0.66, p = 0.53$, no main effects of race $F(1,35) = 0.14, p = 0.71$, or any interactions $F(2,35) = 0.03, p = 0.97$. This suggests that the normative factors included in the legal brief did not manage
to change mock jurors’ preference for normative decision making modes on a nonconscious visual perceptual level.

Additionally, a similar set of 2 X 3 ANOVAs considering mock jurors’ differences in fixations on their defendant’s eye-mouth region also found no significant main effects of mental health \( F(2,35) = 0.14, p = 0.87 \), no significant main effect of race \( F(1,35) = 0.76, p = 0.39 \) and no interactions \( F(2,35) = 0.26, p = 0.77 \) when considering proportional fixations. Also, when these analyses instead considered mock jurors’ raw fixational numbers, they still found no main effects of mental health \( F(2,35) = 0.89, p = 0.42 \), no main effect of race \( F(1,35) = 1.16, p = 0.29 \), and no interactions \( F(2,35) = 0.04, p = 0.96 \). This yet again shows that, regardless of the potentially positive or negative characteristics described in the defendants’ legal brief, mock jurors’ visual perceptual behaviors did not vary when they viewed an image of their defendant.

Even when these results were broken down to focus on mock jurors’ isolated proportional fixations and raw number of fixations on each individual AOI (Table 4), almost no significant effects were found. The only isolated fixation measure to find any significance was mock jurors’ proportional fixation on the section the legal brief that detailed their defendant’s race (Figure 9C). Here, analyses found a near significant main effect of race such that mock jurors whose defendant was Black (\( M = 0.02 \)) spent slightly more time on average focused on this section of the legal brief than mock jurors whose defendant was White (\( M = 0.01 \)). All of this indicates that the only normative visual perceptual behavior mock jurors demonstrated in this study was to fixate proportionally longer on the defendant’s race if that defendant was Black.

While this does provide some evidence that normative factors have the ability to influence visual perceptual behaviors, the fact that this effect was caused by the race of a mock juror’s defendant rather than the mental health history of their defendant complicated the
hypothesized results that would have been expected if these mock jurors were following the mechanistic paradigm outlined by Study 1. As a result, it cannot be suggested that the secondary extralegal characteristics of a defendant that are related to that defendant’s mental health have the ability to differentiate a mock juror’s visual perceptual behavior. Alternatively, it could be suggested from these findings that, although these trends were not recorded in Study 1, normative factors related to race might have the potential to change certain visual perceptual behaviors for factors specifically related to race.

Nevertheless, when analyzing mock jurors’ preferential memory for normative factors, the findings of this study even further deviated from the findings of Study 1. While a 2 X 3 factorial ANOVA focusing on mock jurors’ preferential memory for normative factors found no main effects of race $F(1,35) = 2.1, p = 0.16$ or any interactions $F(2,35) = 1.01, p = 0.38$, it did find a marginally significant main effect of mental health $F(2,35) = 2.53, p = 0.08$. However, LSD post hoc tests clarified that this effect was driven by mock jurors in the MID conditions who were not only uniquely shown to have a preferential memory for informational factors ($M = -0.2$), but who were significantly more likely to show this preferential memory for informational factors when compared to mock jurors in either the MI conditions ($M = 0, p = 0.047$) or the NMI conditions ($M = 0.01, p = 0.047$), whereas there were no significant differences between mock jurors in the MI and NMI conditions ($p = 0.94$).

In turn, this finding that mock jurors whose defendant had a history of drug-related mental illness showed a higher preference for informational factors actually indicates that mock jurors in these groups were acting in the least normative ways, despite the fact that mock jurors whose defendants had no history of mental illness were the only mock jurors to show a significantly higher preference for informational factors in Study 1. This is an extremely
confusing finding, as it cannot be explained by any of the theoretical, mechanistic, or adapted hypotheses of any aversive racism paradigms.

In conclusion, this study not only failed to find additional evidence to support the hypothesis that mock jurors are more likely to operate under normative decision making modes when their defendants have a negative secondary characteristic, but also failed to replicate Study 1’s finding that mock jurors show a preferential memory for normative factors when their defendants have secondary extralegal characteristics. The only clear findings this study managed to identify were that mock jurors were more likely to fixate on their defendant’s race if their defendant was Black and that mock jurors whose defendant had a history of drug-related mental illness showed a preferential memory for informational factors when recalling details of the legal materials. Again, these findings seem to indicate that mock jurors in this study may not have been preferencing normative decision making modes in such a way that would predispose them to aversive racism paradigms later on.

**Willingness to communicate explicit biases.** Nevertheless, it is important to acknowledge once more that the adoption of a normative decision making mode is only tangentially related to aversive racism paradigms. While Study 1 did find some evidence that the adoption of this mode could be related to aversively racist decisions, this finding has not been supported elsewhere. On the other hand, mechanisms like a willingness to communicate explicit biases are more directly seen as crucial to these paradigms on both a theoretical and mechanistic level.

In exploring this mechanism, Study 1 found that mock jurors were more willing to communicate their explicit biases when their defendant had a history of drug-related mental illness regardless of that defendant’s race. This indicated that it was actually the presence of a
negative secondary characteristic that empowered these mock jurors to disclose more of their biases and act in generally aversive ways, not the defendant’s race itself. From these findings, it could be proposed that this mechanism is also foundational for the later adoption of specifically aversively racist paradigms for decision making. In an attempt to replicate these findings from Study 1, mock jurors’ willingness to communicate their explicit biases was also explored by this experiment. As a result, it was hypothesized that, in line with the findings of Study 1, all mock jurors whose defendant had a history of drug-related mental illness should show a greater willingness to communicate their explicit biases.

However, this study failed to replicate these findings as well. A 2 (Race: Black or White) X 3 (NMI, MI, MID) factorial ANOVA focusing on mock jurors’ overall willingness to communicate their feelings of social distance from members of particular groups found no main effects of mental health $F(2,35) = 0.28, p = 0.76$, no main effect of race $F(1,35) = 0.08, p = 0.78$, and no interactions $F(3,35) = 1.09, p = 0.35$. Even when broken down to consider each individual SDS question, no effects or interactions were found (Table 5). This instead shows that mock jurors’ willingness to communicate their feelings of social distance from specific groups was unrelated to the characteristics of their defendant in this study.

Even more detrimental to the mechanistic paradigm proposed in Study 1, a 2 X 3 factorial ANOVA focusing on mock jurors’ responses to the more general SDO questionnaire also found no significant main effects of mental health $F(2,35) = 0.72, p = 0.5$ or any interactions $F(2,35) = 0.02, p = 0.84$. Alternatively, these analyses did find a near significant main effect of race $F(1,35) = 3.19, p = 0.08$, as mock jurors whose defendant was Black ($M = 31.3$) were slightly more willing to support concepts of social dominance than mock jurors whose defendant was White ($M = 25.46$). These results are particularly perplexing, as no theoretical or mechanistic
aversive racism paradigm provides an explanation for this difference given that no interactions related this effect to the defendant’s secondary characteristics.

Instead, these findings suggest that mock jurors did not need to encounter any potentially negative secondary characteristics in order to feel more willing to communicate their support for concepts of social dominance, but that mock jurors only needed to see a Black defendant to show this effect. While this could indicate a spillover effect of these mock jurors’ aversive feelings, as these questions might have allowed mock jurors to act more aversively without directly implicating themselves as racist, it does not indicate that they were operating under a complete aversive racism paradigm due to the fact that these results provide no evidence that these mock jurors considered the secondary characteristics of their defendant while communicating these biases.

Before moving on, however, it is perhaps important to note that the mock jurors in this study provided very different responses to both the SDS and the SDO when compared to the responses of mock jurors in Study 1 (Figure 10). In fact, mock jurors in this study overall communicated lower feelings of social distance from potentially protected groups (Figure 10A) and were overall much less likely to advocate for concepts of social dominance (Figure 10B). Even when looking at these mock jurors’ responses to each of the isolated SDS questions that focused on this experiment’s conditional factors, the mock jurors in this study showed lower feelings of social distance from every group except White people when compared to the mock jurors in Study 1 (Figure 10C). As such, it is reasonable to suggest that, in terms of their willingness to communicate their explicit biases, the mock jurors of this present study reflect a very different population than the population sampled for Study 1.
Awareness of social motivations. In continuing to attempt to replicate the findings of Study 1, it is perhaps the most important to consider the mechanistic role of an awareness of social motivations to respond without prejudice. Although Study 1 did suggest that normative influences and a willingness to communicate explicit biases might be foundation for the later adoption of aversive racism paradigms, Study 1 did not explore these mechanisms in a directly causal way. As a result, it may be the case that other unknown foundational mechanisms may also exist. Overall, the mock jurors in this study may have still been able to adopt aversive racism paradigms if they did go on to later consider how their defendant’s extralegal characteristics may or may not be protected by others.

For this mechanism, Study 1 found that mock jurors felt uniquely more aware of social pressures to respond without prejudice to Black people, people with mental illnesses, and people who use hard drugs when their defendant was Black and had a history of drug-related mental illness. This finding clearly supported an aversive racism paradigm, as only mock jurors in the condition most likely to operate in aversively racist ways showed this result and indicated that they had more closely considered how these motivations might influence their decisions. As such, if this study were to replicate Study 1, it would be hypothesized that mock jurors whose defendant was Black and had a history of drug related mental illness would yet again demonstrate the greatest awareness of these external social motivations.

However, the present study once more failed to support this hypothesis. Instead, a 2 (Race: Black or White) X 3 (Mental Health: NMI, MI, MID) factorial ANOVA focusing on mock jurors’ awareness of social motivations to respond without prejudice to each of these groups found no significant main effect of mental health $F(2,35) = 0.38, p = 0.69$ or race $F(1,35) = 0.77, p = 0.39$. Although this ANOVA did find a near significant interaction $F(2,35) = 2.82, p$
0.07, this interaction was very different from the one identified in Study 1. Instead, these analyses found that, although mock jurors who saw a Black defendant (M = 52.91) seemed to be slightly more aware of external pressures to respond without prejudice when compared to mock jurors whose defendant was White and had a history of drug-related (M = 40.5) or non-drug-related mental illness (M = 44.5), mock jurors whose defendant was White and had no history of mental illness reported an unusually heightened awareness of social motivations to respond without prejudice (M = 59.88). This, yet again, is unexplainable by an aversive racism paradigm, as mock jurors whose defendant was White and had no potentially positive or negative secondary characteristics should feel the least attuned to social pressures about these groups as they did not need to consider these motivations during their decision making.

Further, even when these results were broken down to consider each External MRWP scale, these results continued to seem perplexing (Table 6). In fact, while no main effects or interactions were found for mock jurors’ responses to the External MRWP scale that directly measured their feeling of social pressure regarding Black people, the External MRWP to people with mental illness scale and the External MRWP to people who use hard drugs scales both found near significant and significant interactions respectively. Moreover, the direction of these interactions differed. In fact, for the External MRWP to people with mental illnesses scale, all mock jurors seemed to report a similar level of awareness of social motivations except for mock jurors in the White MID condition, who indicated a much lower awareness. Conversely, the External MRWP to people who use hard drugs scale found an interaction which more directly resembled that of the compiled scale, as mock jurors in the White NMI condition indicated a much higher awareness of social pressures to respond without prejudice to hard drug users, especially when compared to other mock jurors whose defendant was White (M = 14.08). Each
of these findings sharply diverges from even theoretical aversive racism paradigms, as it suggests that mock jurors whose defendant was White were actually more aware of social motivations to respond without prejudice to every group except Black people despite the fact that this increased awareness should only be felt by mock jurors who acted in aversively racist ways under this paradigm.

Finally, and also unlike Study 1, this study did indeed find evidence that mock jurors were differentially focused on their internal motivations to respond without prejudice because of their defendant’s characteristics (Table 6). In fact, each level of these analyses except for the specific Internal MRWP to Black people scale all found a significant or near significant effect of race. More specifically, mock jurors whose defendant was White (M = 91.8) indicated that they were significantly more attuned to these internal motivations to respond without prejudice than mock jurors whose defendant was Black (M = 81.38). This finding cleanly deviates from an aversive racism paradigm, as these paradigms do not theoretically or mechanistically consider these internal motivations. Instead, these internal motivations more directly indicate that mock jurors may have been responding to other, more individualized decision making paradigms. Furthermore, by suggesting that mock jurors in this study were comparatively more aware of these pressures when their defendant was White, this finding also indicates that the variation in these motivations was only reported by mock juror that could not have been operating in an aversively racist way. All of this suggests that some other decision making paradigm was potentially influencing these mock jurors’ responses, especially when these mock jurors viewed a White defendant.

**Juridical decisions.** Regardless of whether this study replicated the mechanisms of the aversive racism paradigm as they were outlined by Study 1, it was perhaps more important for
this study to explore how a defendant’s characteristics might still influence a mock juror’s final juridical decisions. In doing so, this study could relate these findings to the past findings of other juror decision making research (Devine & Caughlin, 2014; Mitchell et al., 2005), and could potentially comment on whether those past findings better resemble an aversive racism paradigm or some other decision making paradigm.

Here, Study 1 had two separate findings. First, Study 1 found that mock jurors’ self-rated decisions seemed influenced by their defendant’s race, as mock jurors made more lenient decisions about Black defendants. These mock jurors’ self-rated culpability decisions also seemed influenced by their defendant’s mental health, as mock jurors made more harsh decisions about defendants with a history of drug-related mental illness. Second, Study 1 found that mock jurors’ other-rated decisions seemed to more closely follow an aversive racism paradigm, as that study’s mock jurors made harsher other-rated sentencing decisions when their defendant was Black and had a history of drug-related mental illness.

For self-rated decisions (Figure 11 A-B), the present study only managed to replicate Study 1’s main effect of race. For example, a 2 (Race: Black or White) X 3 (Mental Health: NMI, MI, MID) factorial ANOVA focusing on mock jurors’ self-rated culpability decisions found a significant main effect of race $F(1,35) = 8.63, p = 0.01$ such that mock jurors whose defendant was White (M = 5.83) yet again rated their defendant as more culpable than mock jurors whose defendant was Black (M = 4.53). This test did not find any main effects of mental health $F(2,35) = 0.58, p = 0.57$ or any interactions $F(2,35) = 0.27, p = 0.76$. Alternatively, an ANOVA focusing on mock jurors’ self-rated sentencing decisions failed to find any main effect of race $F(1,35) = 2.08, p = 0.16$, any main effects of mental health $F(2,35) = 0.19, p = 0.83$, or any interactions $F(2,35) = 0.96, p = 0.39$. Overall, these analyses show that these results only
differed from the results of Study 1 in that they failed to find any main effect of drug-related mental illness, but did reflect the results of Study 1 in that they found that mock jurors’ self-rated culpability decisions protected Black defendants.

Additionally, like Study 1, this study failed to find any significant main effects of race $F(1,35) = 0.374, p = 0.55$, any main effects of mental health $F(2,35) = 0.45, p = 0.64$, or any interactions $F(2,35) = 0.56, p = 0.58$ for mock jurors’ other-rated culpability decisions (Figure 11C). Nevertheless, it also did not find any main effects of race $F(1,35) = 0.31, p = 0.58$, any main effects of mental health $F(2,35) = 0.16, p = 0.85$, or any interactions $F(2,35) = 0.42, p = 0.66$ for mock jurors’ other-rated sentencing decisions (Figure 11D). This completely divorces these results from resembling an aversive racism paradigm at all, as it indicates that all mock jurors would find their defendants equally culpable and would advocate for similar sentences when their decisions were made through the perspectives of other jurors.

In turn, although mock jurors’ self-rated decisions demonstrated the same effects of race that were found in Study 1, these results still differed from the results of Study 1 in a number of ways. First, a defendant’s secondary characteristics never seemed to have an influence of mock jurors’ final decisions. Second, the mock jurors in this study showed no significant biases in their other-rated decisions. Both of these findings further indicate that the mock jurors in this study were not operating in aversively racist ways, as these results clearly demonstrate that they were neither considering their defendant’s secondary characteristics as justification for potentially biased decisions, nor were they able to act in aversively racist ways when making their decision through the perspectives of others. In the end, this study’s mock jurors only acted to protect all Black decisions in their self-rated culpability decisions.
**Identifying factors for aversive racism.** Despite the fact that these analyses failed to support an aversive racism paradigm on multiple levels and that mock jurors showed incredibly different levels of explicit bias about the groups considered in these analyses when compared to the mock jurors in Study 1, it is still interesting to check whether or not these mock jurors were overall more or less likely to consider mental illness a positive or negative factor depending on its relationship to drug use. As such, the present analyses also compared all mock jurors’ responses to the isolated SDS questions relating to Black people, people with schizophrenia, and people who use hard drugs as well as all mock jurors’ responses to the External and Internal MRWP scales about Black people, people with mental illness, and people who use hard drugs.

Like Study 1, this study found that mock jurors not only overwhelmingly reported greater feelings of social distance from hard drug users (M = 42.12) when compared to Black people (M = 74.22), \( t(40) = 8.53, p < 0.01 \), and when compared to people with schizophrenia (M = 62.56), \( t(40) = 7.91, p < 0.01 \), but that mock jurors also reported greater feelings of social distance from people with schizophrenia when compared to Black people, \( t(40) = 8.53, p < 0.01 \). However, while this study also found that mock jurors reported a lower awareness of social motivations to respond without prejudice to hard drug users (M = 14.76) when compared to Black people (M = 18.8), \( t(40) = 3.86, p < 0.01 \), or to people with mental illnesses (M = 14.76), \( t(40) = 4.13, p < 0.01 \), the mock jurors in this study alternatively showed no significant differences in their awareness of external motivations to respond without prejudice to people with mental illness when compared to their awarenesses of social motivations to protect Black people \( t(40) = 1.19, p = 0.24 \). This uniquely provides evidence to suggest that, at least within this population, mental illness may have been seen as a socially protected factor. Nevertheless, these results were not supported by these mock jurors’ awareness of internal motivations. As was the case in Study 1,
these mock jurors did indeed demonstrate that they felt less internal motivations to respond without prejudice to people who use hard drugs (M = 24.29) when compared to Black people (M = 31.8), t(40) = 8.05, p < 0.01, or to people with mental illness (M = 30.1), t(40) = 7.08, p < 0.01, but also reported that they felt less internal pressure to respond without prejudice to people with mental illness when compared to Black people t(40) = 2.5, p =0.02.

While these results seem to reinforce the idea that all mock jurors see drug use as a negative factor as well as provide some new evidence that these particular mock jurors felt the same social pressure to respond without prejudice to Black people as they did to people with mental illness, it is crucial to acknowledge that these trends had no impact on mock jurors’ potential aversively racist behavior. In fact, the only influence these factors had regardless of the defendant’s race was to lead mock jurors’ whose defendant had a history of drug-related mental illness to preferentially remember the informational factors included in the legal brief. All other effects observed in this study were due to the defendant’s race, and all observed interactions between these secondary characteristics and a defendant’s race were only shown in mock jurors whose defendant was White. As a result, any evidence that these factors may or may not be positive or negative factors for aversive racism cannot be contextualized in the results of this study, as they failed to lead mock jurors to act in mechanistically aversively racist ways at any point.

Discussion.

In turn, this present study failed to replicate almost every finding from Study 1 and also failed to replicate every finding related to aversive racism paradigms. Mock jurors were not more likely to preference normative factors based on their defendant’s secondary characteristics, were
not more willing to communicate explicit biases when their defendant had a potentially negative secondary characteristic, were not uniquely aware of social motivations to respond without prejudice when their defendant was Black and had a history of drug-related mental illness, were not more likely to be harsh toward these particular defendants in their other-rated sentencing decisions, and were not particularly harsh toward defendants with a history of drug-related mental illness in their self-rated culpability decisions. Each of these findings, especially those that failed to find any influence of the defendant’s secondary characteristics, cleanly separate the effects found in this study from a mechanistic aversive racism paradigm on every level.

The only findings that were replicated from Study 1 were that mock jurors’ self-rated culpability decisions seemed to overwhelmingly protect Black defendants and that all mock jurors seemed to recognize drug use as a comparatively negative factor according to their explicit biases about this group as well as their motivations to protect this group. However, these findings still cannot link the results of this study to even theoretical aversive racism paradigms. More specifically, theoretical aversive racism paradigms are only interested in the outcomes of aversively racist decisions, and the mechanistic paradigm outlined by Study 1 clarifies that these decisions are the most likely to be apparent in other-rated juridical decisions. As a result, it is unimportant under aversive racism paradigms that the mock jurors in this study reported that they saw drug use as a negative factor because that viewpoint never caused any outcomes. Further, it is also unimportant under aversive racism paradigms that mock jurors protected Black people in juridical decisions that were made from their own perspectives because of a few reasons. First, theoretical aversive racism paradigms would take issue with the fact that these mock jurors did not also make harsher self-rated juridical decisions about people with negative secondary characteristics. Second, mechanistic aversive racism paradigms would primarily want
to focus on mock jurors’ other-rated decisions, meaning that any converging results found among self-rated juridical decisions would be irrelevant. In short, even the findings of this study that did replicate the findings of Study 1 cannot relate these mock jurors’ decision making to an aversive racism paradigm.

**A different decision making paradigm.** As a result, given that these results failed to reflect the mechanisms or theoretical outcomes of aversive racism at any level, a different decision making paradigm may be needed in order to explain the mechanisms and outcomes of this study. To expand on this claim, it is necessary to take a critical look at the variety of new mechanisms that were demonstrated by this study. Through these mechanisms, it may be possible to theorize what the specifics of this different decision making paradigm might be.

The first major mechanistic finding of this study was that, when reading about their defendant, these mock jurors already seemed to fixate more on the race of their defendant when that defendant was Black. Further, mock jurors whose defendant had a history of drug use alternatively seemed to show a preferential memory for informational influences when compared to other mock jurors. If we are to continue to assume that normative influences are foundational for the later adoption of certain socially biased decision making modes (Deutsch & Gerard, 1955; Kaplan, 1984), then it would seem that the mock jurors in this study were more likely to begin to operate under normative decision making modes when their defendants were Black, but were actually less likely to begin to operate under these modes when their defendant had a history of drug-related mental illness.

Further, this study was only able to find that mock jurors were more willing to communicate certain explicit biases when their defendant was Black. More specifically, mock jurors who saw a Black defendant made more explicitly biased responses on the general SDO,
indicating that they may have been slightly more willing to communicate these non-specific feelings of social dominance because of their defendant’s race. If we accept the results of Study 1 and see this mechanism as also foundational for the later adoption of potentially biased decision making modes, then it would seem that only mock jurors whose defendant was Black could have been predisposed to these sorts of biased decision making modes. Moreover, given that these very same mock jurors were not willing to communicate explicit biases about specific groups, it could also be concluded that this increased willingness to communicate explicit biases was already attenuated such that it only applied to the most general biases.

Additionally, mock jurors whose defendant was Black also seemed less aware of internal motivations to respond without prejudice to people with mental illness or to people who use hard drugs. Most directly, this finding suggests that these mock jurors had, unlike mock jurors whose defendant was White, started to take internal motivations to respond without prejudice into account during their decision making. Furthermore, the fact that only a handful of mock jurors in this study seemed to be more or less aware of social motivations to respond without prejudice clarifies that the mock jurors in this study, especially those whose defendant was Black, seemed unaffected by the characteristics of their defendant on this particular mechanistic level. In fact, only mock jurors who saw a White defendant with no history of mental illness showed an increased awareness of social motivations, whereas mock jurors who saw a White defendant with a history of drug-related mental illness actually showed a comparatively decreased awareness of social motivations.

Taking all of these motivational trends into account, it is possible to conclude that the characteristics of a defendant, or more specifically that defendant’s race, was uniquely able to influence the internal motivations of mock jurors. Further, the secondary characteristics of a
defendant only seemed to increase a mock juror’s awareness of social motivations when that mock juror saw a White defendant who had no secondary characteristics. From this conclusion, then, it is possible to suggest that the mock jurors in this study were more likely to focus on internal, personal reasons to respond without prejudice when their defendant was Black and were only more likely to focus on external, social reasons to respond without prejudice when their defendant was White and had no history of mental illness.

Finally, it is necessary to note that none of these mechanisms that might seem to suggest that the mock jurors in this study who saw a Black defendant may be predisposed to biased decision making modes managed to lead to traditional racially biased outcomes. Instead, this study’s mock jurors were only shown to protect Black defendants despite the fact that these earlier mechanisms might have suggested that mock jurors whose defendant was Black were more likely to preference normative factors and felt more willing to communicate certain explicit biases. From this finding, it is possible to posit that the mock jurors in this study had to have somehow overcome these earlier mechanisms in order to arrive as these protective juridical decisions.

The active moderation of juridical decisions. In response to these complex findings, it might be applicable to return to the arguments made by Sommers and Ellsworth (2001, 2009). Outlined at the beginning of this project, Sommers and Ellsworth highlight that, when mock jurors realize an experiment is about race, such as when they view a Black defendant and something about the study makes it obvious that the experimenter is interested in racially salient decision making, mock jurors will moderate any negative feelings they have about Black people so that their final decisions appear nonracist. This paradigm could explain why mock jurors in this study actively made lenient decisions about Black defendants even though these mock jurors
also demonstrated that they were operating under normative influences, were more willing to communicate their general explicit biases, and were more aware of internal motivations to protect other groups. Here, Sommers and Ellsworth would argue that these other possibly racist mechanisms ceased to matter when these mock jurors decided to make nonracist juridical decisions. In short, Sommers and Ellsworth might explain that the mock jurors in this study who encountered a Black defendant actively moderated their final decisions in order to appear less racist than they actually were.

However, similar to the pitfalls of Sommers and Ellsworth’s own analyses (2001), this conclusion cannot explain why mock jurors whose defendant was White showed variable awarenesses of social motivations, as their paradigm only begins to explain the decision making processes of people who are trying to act in these nonracist ways. Their paradigm does not, for example, focus on the psychological mechanisms of mock jurors who view a White defendant, even if that defendant has other potentially biasing secondary characteristics. Further, given that this particular study did not make race salient to mock jurors whose defendant was White at the point that they made their juridical decisions, Sommers and Ellsworth’s conclusions also cannot explain why these mock jurors made comparatively harsher decisions about their defendant’s culpability when they were answering from their own perspective, as they do not outline any reason why these mock jurors would have made this decision. In turn, Sommers and Ellsworth can only explain the juridical decisions of mock jurors who were actively trying to hide their racist beliefs.

On a more meta-analytic level, these analyses that focus on the effect of a study’s racial salience may not be able to explain why the mechanisms and outcomes of the mock jurors in this study differed so severely from the mock jurors in Study 1, as the methods of both studies were
virtually the same. The only possible methodological aspects of this study that could have made race more salient was its in-person nature or the fact that the experimenter was present during the study. This could have made any assumed intentions or motivations of the experimenter slightly more salient to mock jurors in this present study. However, even Sommers and Ellsworth theorize that the mere proximity of an authority figure like professional legal actors or an experimenter should not overwhelm a juror’s decision making if mock jurors are in fact focused on the decision making of their group rather than on their own internal motivations (2001). Furthermore, conducting studies in-person has never been implicated as necessarily preventing experiments from finding evidence of racial biases (Devine & Caughlin, 2014; Mitchell et al., 2005). Nevertheless, as some mock jurors in this study did show variable internal motivations to respond without prejudice and Sommers and Ellsworth do suggest that this may be indicative of decision making paradigms that respond to the social motivations of an experimenter in particular (2001), it is still important to note that this particular methodological aspect may have played some role in the mechanisms and outcomes of some of this study’s mock jurors.

Limitations. Nonetheless, it not be particularly necessary to labor over the mechanisms or outcomes of these mock jurors’ decision making processes because of this present study’s numerous limitations. First and foremost, this study focused on an extremely small sample size, even when compared to Study 1’s reduced sample. As a result, each condition only had 7 or 8 mock jurors, and one condition, the White MID condition, only had 4 mock jurors because two were excluded on eye tracking criteria and two others were excluded on manipulation check criteria. Overall, these extremely small sample sizes may have led a few mock jurors’ data to greatly influence the trends of their condition.
Eye Tracking Limitations. Moreover, while this study uniquely attempted to find evidence that would suggest that normative visual perceptual behaviors are foundational for the adoption of aversive racism paradigms or other biased decision making paradigms, this present study failed to reflect the findings of any of the past studies that have indeed implicated that visual perceptual behaviors can be biased by potentially normative influences (Bruner & Goodman, 1947; Gobel et al., 2015; Granot et al., 2014; Risko et al., 2016; Rothkirch et al., 2015; Stern et al., 2016). Indeed, this study only found evidence through one of two possible measures relating to a preferential focus on the defendant’s race that mock jurors’ visual perceptual behaviors were influenced by the characteristics of their defendant. As a result, this present study’s eye tracking data may have been limited in some way when compared to these past studies.

For example, it is possible to argue that this study’s results were limited due to the amount time the legal materials were available on the screen. Past studies that have used eye tracking methods have recognized that the time a stimulus is presented on the screen might be closely related to these how participants preference certain influences (Pärnamets et al., 2015; Risko et al., 2016). Although these researchers have been divided on whether participants are more likely to act in normative ways immediately and become less normatively influenced with time (Pärnamets et al., 2015) or whether participants are less likely to act in normative ways immediately and only become normatively influenced as they become accustomed to the eye tracker (Risko et al., 2016), it is possible that the particular amount of time this study’s visual stimuli were presented on the screen may have inhibited participants’ visual perceptual behaviors from becoming normatively influenced.
Furthermore, this study’s eye tracking methodologies were slightly unique when compared to past complex decision making studies that have found that visual perceptual behaviors can become normatively influenced. First, it is important to note that the legal brief was presented onscreen for a full minute. If it is the case that normative decision making modes happen immediately and people only begin to correct for these biases with time (Pärnamets et al., 2015), then it is possible that the mock jurors in this study were able to later return to certain factors they would have neglected if they had more of a time pressure. Alternatively, if it is the case that normative decision making modes are only adopted once participants become accustomed to the eye tracker, then it is possible that the mock jurors in this study never started to become less aware of the eye tracker’s presence. For instance, it may have been the case that past findings that have managed to link normatively influenced visual perceptual processes to juror decision making were only able to do so because they utilized constantly updating video visual stimuli and because their particular eye tracker was hidden from their participants’ awareness (Granot et al., 2014). As such, the findings of this study cannot stand as clear evidence that mock jurors do or do not make normatively influenced visual perceptions, but should instead stand as evidence that, under some circumstances, methodological aspects may in fact lead mock jurors to begin to act in less biased ways on a visual perceptual level. As a result, future research that takes these methodological limitations into account would be necessary in order for any of this study’s eye tracking analyses to stand.

Implications for a unique population. Additionally, this study’s sample reflected a potentially unique population. First, this study’s mock jurors much younger than the mock jurors in Study 1 and were also from a college population unlike the mock jurors in Study 1. Both of these factors have been implicated as factors that may make populations less likely to
demonstrate juridical biases (Mitchell et al., 2005). Second, and perhaps more importantly, these mock jurors also reported overall much lower explicit biases than were reported by the mock juror in Study 1. In fact, the mock jurors in this study not only showed noticeably lower average responses to each of the SDO questions (M = 1.78) when compared to mock jurors in Study 1 (M = 2.8), but they also showed lower average responses to these questions when compared to the published average responses that have been outlined by analyses that considered the responses of hundreds of people (M = 2.9, Pratto et al., 1994). This indicates that the mock jurors in this study not only differed from the mock jurors sampled in Study 1, but that these mock jurors, unlike Study 1’s, also differed from the general population in that they were overall less likely to advocate for concepts of social dominance than average people.

Furthermore, this particular limitation has its own enormous implications for why these mock jurors’ decision making processes mechanistically differed from the decision making processes of Study 1’s mock jurors. In fact, past studies have acknowledged that a person’s reported social dominance orientation can be closely related to how they participate in juridical settings (Huggon, 2012). Crucial to this present study’s results, these past studies have concluded that mock jurors with particularly low social dominance orientations are actually more likely to actively moderate any biases they may feel when making juridical decisions.

As such, the unusual social dominance orientations of this study’s mock jurors could potentially explain some of this experiment’s more perplexing results in a way that could not be explained by Sommers and Ellsworth’s conclusions alone. More specifically, this populations’ low social dominance orientations could explain why mock jurors whose defendant was White and had no history of mental illness showed a heightened awareness of social motivations, as these past findings would clarify that these mock jurors were the only mock jurors that never
encountered any extralegal characteristics that might have led them to feel the need to moderate their responses on that questionnaire. Alternatively, these past findings would explain that mock jurors whose defendant was White and did have a history of drug-related mental illness may have reported a lower awareness of social motivations to protect people with mental illness or may have increased their focus on that defendant’s informational factors in an attempt to moderate their own biases about their defendant’s secondary extralegal characteristics. All of these explanations are only further supported by the fact that mock jurors in all of the White conditions did in fact report an overall lower willingness to advocate for concepts of social dominance, as this would indicate that these lower social dominance orientations are what led some mock jurors whose defendants were White to seemingly moderate their responses, even during their final juridical decisions, despite the fact that there is no other apparent reason why they might have done so.

Ultimately, this study’s findings may reflect the decision making processes of a population that has a uniquely powerful desire to moderate all of their biases, including those unrelated to race. As such, these mock jurors would not have sought out an aversive racism paradigm in order to justify their biases nor would they have relied exclusively on a paradigm related to racial salience. Instead, these mock juror’s social dominance orientations would have led them to want to moderate all of their biases about each of their defendants’ extralegal characteristics. In conclusion, these results do in fact represent an entirely different paradigm for juror decision making.

**Future directions.** However, this difference may be due to a few unusual participants or, even if the trends of this group were to hold up in a similar but larger sample size, may be due to the influence of these mock jurors’ exceptionally low social dominance orientations. Moreover,
given that this participant pool does reflect such an unusual population, it is perhaps less important for future research to investigate the mechanisms of their decision making as they likely represent a very small facet of the mock jurors that have been considered or would be considered in other studies and they also likely represent a very small facet of people who are likely to become real-world jurors and influence naturalistic juror decision making trends. Nevertheless, the findings of this study can provide interesting insights, especially when put in context with the findings of Study 1.

**General Discussion**

Ultimately, these two studies provide a plethora of information that might contribute to our understanding of juror decision making. First, Study 1 was able to, for the very first time, explore the mechanisms of aversive racism paradigms that have only ever been theoretically linked to aversively racist decision making processes. Second, Study 2, despite the fact that it was unable to replicate Study 1, did in fact provide interesting data that might complicate our understanding of juror decision making even under mechanistic aversive racism paradigms. Finally, both of these studies provide complex evidence that might suggest the need for future research into the ways a defendant's history of drug use might influence juror decision making or that might even suggest the need for a major shift in the way we pursue juridical reforms.

**A Proposed Mechanistic Aversive Racism Paradigm**

In Study 1, the proposed theoretical mechanisms of aversive racism were explored in synthesis for the very first time. More specifically, the ways that a defendant’s extralegal characteristics either do or do not change these mechanisms was directly tested. For example, it
was clarified that the negative secondary characteristics of a defendant alone have the capacity to change a mock juror’s preference for normative influences or willingness to communicate explicit biases. Further, it was also experimentally shown that mock jurors are in fact more likely to demonstrate an awareness of social motivations to respond without prejudice when they see a defendant that is both Black and has a negative secondary characteristic. Finally, it was specified that these very same mock jurors will only demonstrate juridical biases about a Black defendant with negative secondary characteristics when their decisions are framed through the perspectives of others.

These findings allow for juror decision making researchers to begin to construct a more clear mechanistic aversive racism paradigm. For instance, these findings suggest that both a preference for normative decision making modes and an increased willingness to communicate explicit biases might be foundational for the later adoption of biased paradigms for decision making like the aversive racism paradigm. Furthermore, these findings also suggest that aversive racism paradigms may in fact be predominant in group-based juridical decisions, as they support the idea that a heightened awareness of social motivations may be related to juridical decisions when those decisions take these social motivations into account.

However, this adapted mechanistic aversive racism paradigm necessitates future research if this paradigm hopes to be used to directly comment on larger juror decision making trends. For example, each of these mechanisms was explored in isolation. Due to the methodology of this study, questions relating to mock jurors’ willingness to communicate explicit biases and awareness of motivations to respond without prejudice were only asked after these mock jurors had already made their final juridical decisions. As such, it is hard to prove from these analyses that any one mechanism causes the outcome of the next. Study 1 can only provide isolated
evidence that this mechanistic aversive racism paradigm could be functionally sound. Future studies are needed in order to more directly investigate whether, for instance, changes in a mock juror’s awareness of social motivations itself could cause a mock juror to alter their juridical decisions when those decisions are framed through the perspectives of others. Nonetheless, given the results of Study 1, those future studies are more overtly justified.

Additionally, other meta-analyses that more directly take into account how juror decision making researchers have been framing the language of their culpability or sentencing decisions are also necessary if these findings hope to comment on what might have caused the variability in past studies. If it is the case that all past studies have actually framed their final juridical decisions in such a way that mock jurors are not reminded that they would need to take the possible perspectives of others into account, then it would seem to be the case that the results of past meta-analyses could not be explained though Study 1’s proposed mechanistic model of aversive racism.

Regardless, the fact that Study 1 did find that mock jurors were more likely to operate in aversively racist ways when their decisions were framed through the perspectives of others would, without needing to relate to past studies that have had their mock jurors make decision in isolation, support the idea that future juror decision making studies that do hope to methodologically reflect the real-world thought processes of jurors should consider how aversive racism might influence their results. However, as Study 1 only had mock jurors imagine what this group decision making process might be like, it is also important for future studies to test how this mechanistic aversive racism paradigm might hold up in actual simulated group decisions. These particular experiments are necessary in order to more directly relate the findings of Study 1 to the lived experiences of real-world jurors.
Conversely, it is important to consider how the limitations of this study may prevent it from wholeheartedly supporting the idea that jurors will be biased when they make decisions from the perspectives of others. For instance, it is presently inexplicable why mock jurors in this study only made aversively racist sentencing decisions when asked to frame their decisions through the perspectives of others. While Study 2 hoped to explore whether certain methodological aspects may have limited a mock juror’s response to the other-rated culpability question, the fact that Study 2’s mock jurors operated under a completely different decision making paradigm means that these studies cannot assume that these methodological limitations caused this confusing outcome. As a result, future studies should consider these possible limitations when constructing their experimental designs, but should also begin to explore other possible explanations as to why participants may be responding differently on each of these juridical questions.

Further, some may claim that these studies’ results cannot speak to past or future juror decision making research because these studies opted to include non-White participants. The field of juror decision making research has indeed almost exclusively observed the behaviors of solely White mock jurors (Cohn et al., 2012; Devine & Caughlin, 2014; Mazzella et al., 1994; Mitchell et al., 2005; Sommers & Ellsworth, 2009). Moreover, recent reports have indicated that when Black community members are included in juries, most juridical racial biases disappear (Anwar et al., 2012). These sorts of findings do in fact make a field-wide focus on the decision making of White jurors particularly compelling. In turn, future research may claim that the results of this study speak to a population that is separate from the populations that this field seeks to test.
However, given that the mock jurors in these present studies were indeed predominantly White (64.3% in Study 1 and 73.2% in Study 2) and that these present studies had very few Black participants (8.6% in Study 1 and 2.4% in Study 2), they are still capable of existing within this research field, even if that field continues to overwhelmingly focus on all-White populations. For instance, the predominance of White participants in these studies suggests that it is still possible to conclude that the general trends of these studies do more closely reflect the decision making processes of White jurors. Nevertheless, this field may want to acknowledge that the results of Study 1 do begin to suggest that these sorts of aversively racist trends are not only identifiable within all-White participant pools, but can also be identified when other non-White participants are included. In the end, this particular limitation does not necessarily delegitimize the findings of Study 1, but instead suggests that aversive racism paradigms may actually apply to a variety of White and non-White jurors.

**Implications of Study 2’s Results**

Alternatively, the most perplexing aspect of these present studies was Study 2’s identification of an entirely different paradigm for juror decision making. In this case, mock jurors did not act in aversively racist ways. Instead, there is some admittedly statistically suspect evidence that Study 2’s mock jurors may have been attempting to moderate their biases about any potentially disadvantaged group due to their social dominance orientations, leading even mock jurors whose defendant was White to show possibly moderated results in this study.

While future research into the mechanisms of this process could be considered, as studies may want to explore what happens when mock jurors are explicitly told to act like the mock jurors in Study 2 and try to be impartial to all defendants by moderating their explicit biases
about all of their defendant’s extralegal characteristics, it is unlikely that most juror decision making biases are currently the result of these sorts of decision making processes due to the specific and uncommon attributes of this population. In turn, it is perhaps more important for the field to focus on the decision making processes of populations that more directly represent the general population, such as those sampled by Study 1.

Nevertheless, some of the ways a defendant’s extralegal characteristics did manage to influence the responses of Study 2’s mock jurors could have implications for the mechanisms of aversive racism paradigms. For example, if we are to assume that the results of Study 2 were due to these mock jurors’ desire to moderate their biases about disadvantaged groups, then it is incredibly illuminating that mock jurors who saw a Black defendant were still more likely to preferentially fixate on their defendant’s race, were slightly more likely to advocate for concepts of social dominance, and were uniquely less likely to demonstrate an awareness of internal motivations to respond without prejudice to people with mental illnesses or people who use hard drugs. These findings might suggest that these responses to a defendant’s race could not have been actively moderated. This would implicate these processes as implicit, and would suggest that they might make up some of the implicit aspects of other decision making processes like those outlined by aversive racism paradigms.

Further, the aspects of Study 2’s results that diverged from the results of Study 1, such as the fact that mock jurors did sometimes show differences in their preferential memory for informational factors, did not show differences in their willingness to communicate their feelings of social distance from specific groups, and did not show differences in their awareness of external social motivations because of their defendant’s race, might represent aspects of these mock jurors’ decision making that could be actively moderated. As such, these findings might
suggest that these responses to a defendant’s extralegal characteristics could be actively moderated. This would implicat these processes as more explicit, and would suggest that they might make up the explicit aspects of aversive racism paradigms. Nevertheless, future research is necessary in order to investigate whether this is in fact the case in more general populations, or even whether mock jurors could also manage to moderate these other processes in the absence of personality factors like a low social dominance orientation.

**Normative Decision Making Modes**

Additionally, it is especially important to directly acknowledge where the findings of these two very different studies did begin to converge. First, both of these studies did find that mock jurors’ likelihood to preference normative factors could change depending on some of their defendant’s extralegal characteristics. While these normative decision making modes were adopted by very different groups for apparently different reasons, both of these studies support the idea that even if mock jurors represent very different populations, they still tend to seek out normative influences under some conditions and not seek out normative influences under other conditions.

As such, these present studies indicate that it is unlikely that normative decision making is a foundation for all juror decision making, or even that there is a uniform way that potential jurors come to adopt and use this decision making mode. However, if we are to focus on the most likely way that mock jurors seek out these normative decision making modes in order to inform future research or inform widely applicable juridical reforms, then it is perhaps best to consider the ways these normative modes operated within Study 1’s population. As a result, it is crucial for the sorts of endeavors that hope to make juror decision making more egalitarian to
consider how secondary extralegal characteristics are discussed in legal settings, as they may begin to lead some jurors down a path that ends in more biased decisions.

Further, given that these secondary characteristics also began to influence mock jurors even when their defendants were White, it is may be necessary to begin to apply the language of normative decision making modes and a consideration of how normative influences can be associated with a variety of extralegal characteristics to cases that are not likely to be directly influenced by the race of a defendant. Nevertheless, the fact that the interaction between race and these secondary extralegal characteristics uniquely led to particularly harsh decisions when juridical decisions were framed in a more naturalistic way might suggest that it is more important to continue to base our discussion of normative influences around the ways these influences go on to empower paradigms like the aversive racism paradigm. However, future research is still needed in order to fully claim that normative influences will predispose the vast majority of people to these particular normative decision making modes that cause them to adopt aversive racism paradigms during their decision making, as Study 1 can only provide evidence that merely demonstrates that normative influences might be linked to aversively racist decision making when mock jurors are actually able to remember their defendant’s characteristics.

A Defendant’s History of Drug Use

Moreover, both of these studies managed to provide evidence that all of the mock jurors included in these analyses considered drug use a potentially negative secondary characteristic. Although only mock jurors in Study 1 acted on these sorts of biases, the fact that even the mock jurors in Study 2 who may have moderated the ways they made decisions about defendants with this characteristic demonstrated this bias does have implications for how all jurors may treat...
defendants with a history of hard drug use, even when that hard drug use is both explained using mental health-related language and when that drug use is not directly related to the crime a defendant is being charged for.

For example, it is possible that, although the mock jurors in Study 2 were able to moderate their biases about hard drug users when making their decisions in isolation, they may still be at risk for other conformity influences that would exist in real-world group decision making settings. This suggestion becomes more compelling when one considers past findings that have shown that mock jurors will revise lenient decisions when they realize that other people have made more harsh decisions than they have (Fabbri & Carbonara, 2017) or the findings that show that mock jurors that realize they are in the minority are likely to change their decisions in order to appeal to the majority opinion of their fellow jurors despite their own value systems (Nemeth & Goncalo, 2005). Since the mock jurors in Study 2 already did seem to indicate that they felt more socially distant from hard drug users and since many of Study 2’s decision making processes can be related to the sorts of paradigms that primarily exist in isolated experimental settings (Sommers & Ellsworth, 2001), they may in fact stop moderating their biases about members of this group if they were to face these direct group-based pressures to do so. Nevertheless, future, more overtly group-based studies would be needed in order to fully draw these sorts of conclusions.

**Juridical Reforms and the Construction of a New Racial Bias**

Finally, it is interesting that, when all mock jurors were asked to determine their defendant’s culpability from their own perspectives, mock jurors in both Study 1 and Study 2 seemed to punish White defendants. Again, while current juries do not make decisions within
this isolated decision making context, many of the potential juridical reforms that may be implicated by the results of this study involve the devaluation of external pressures and an adoption of more individualized, albeit informational, decision making modes. For example, Kaplan suggested that if normative decision making modes are found to lead jurors to make biased decisions, as was the case in Study 1, then courtroom actors should overtly attempt to remind jurors that they should not care about how their decisions relate to the social motivations of their fellow jurors (1984). As a result, it may be the case that these reforms that attempt to fix problems caused by aversive racism paradigms actually lead jurors to act in more discriminatory ways toward White defendants.

Ethically, this is an extremely important problem that any research into juror decision making needs to consider. The commonly unspoken goal underlying most juror decision making research, including this specific research project, is to identify ways to make juror decisions more egalitarian in order to uphold the symbolic “blindness” we would idealistically want in our justice system. If it is the case that these experimentally-informed reforms are in fact creating new biases in order to correct for old biases, then this would fundamentally shift the way juror decision making researchers need to view the outcomes of their findings. In turn, we may need to embrace the idea that this egalitarian blindness is merely a symbol that we strive for that can never be a true reality.

For instance, legal theorist Shoshana Feldman considered, among many other things, what happens when juries attempt to fix past societal traumas or legal disenfranchisements within a courtroom (1997). More specifically, she analyzed the O.J. Simpson trial as evidentiary of a case that attempted to overcome a lack of legal egalitarianism on a number of levels. On one level, this case was responding to the historical legal disenfranchisement of Black men, but, on
another level, this case was responding to the historical lack of legal reciprocity for domestic violence. Ultimately, Feldman concludes that although the verdict of this trial represented a unique point within the justice system that managed to correct for the historical disenfranchisement of Black men, it only furthered the historical disenfranchisement of domestic abuse victims. Overall, Feldman’s analyses highlight that any attempts to make juridical decisions that are more egalitarian on certain levels have the capacity to reinforce disenfranchisement on other levels.

And while the present studies’ mock jurors were not reinforcing past biases but were instead constructing new biases about White men, this tradeoff is still something that needs to be considered. For example, reforms that are specifically based in aversive racism may not be able to fully address the biases that were faced by White drug users in Study 1. Moreover, the structure of courtrooms, which require their imperfect actors to make extremely complex decisions, may still be influenced by the values and perspectives of the actors within them. The question we must ask ourselves, then, may not be whether we can construct a justice system that reflects Gieng’s symbolic ideals, but whether we can begin to construct a justice system that better responds to our current social goals.

As a result, our duty as jurors may not be to combat the biases of legal professionals by acting in perfectly objective egalitarian ways, but to instead combat legal discrimination by protecting those who need the help of their community. Presently, given the extreme violence faced by Black men within the justice system, it is perhaps necessary that we as a society begin to reform our justice system not so that it upholds an impossible egalitarian ideal, but so that it begins to protect this group even if this protection leads to the comparative disenfranchizement of some others. As was seen in both Study 1 and Study 2’s population, it is perhaps possible,
even if we cannot strip ourselves of every influence of our societally imbued biases, to begin to limit the way we as jurors make biased decisions about Black people. We simply need to place the onus of our juridical decisions on ourselves.

**Conclusion**

Ultimately, the findings of both of these studies can begin to provide necessary mechanistic explanations for multiple juror decision making paradigms. Study 1, for the first time, explored the mechanistic underpinnings of aversive racism paradigms and in turn highlighted that a defendant’s secondary extralegal characteristics can in fact influence each of these mechanisms. And, although Study 2 mainly meant to replicate these findings, it instead managed to explain how a mock juror’s social dominance orientation could be related to the active process of moderating one’s final juridical decisions in order to appear less biased even when those biases are not specifically racist. In conclusion, both of these findings can possibly explain certain reasons why past juror decision making research has found such variable results.

Furthermore, these findings have major implications for future research and for future juridical reforms. First, these findings provide direct evidence that aversive racism paradigms are better able to lead mock jurors to make biased decisions when they are asked to consider the possible opinions of their fellow jurors. This would indicate that, even if past research has not had their mock jurors consider these perspectives, any future research that hopes to comment on the naturalistic biases of jurors should adopt these group-based methodologies and consider the role of aversive racism paradigms.

Finally, these findings begin to suggest that even if we were to implement some of the juridical reforms that have been implicated by past studies like this one, these reforms may never
achieve perfect egalitarianism. Given that these present studies’ mock jurors, in adopting more informational decision making modes and disregarding the biasing influences of others, started to act in more biased ways toward White defendants, a fundamental ethical shift is perhaps necessary within the field of psychological juror decision making research. Perhaps we as a field should not dedicate our efforts to discovering an entirely symbolic egalitarian justice system, but should instead dedicate our efforts to combatting the most egregious discriminatory patterns within our justice system, such as the intolerable treatment of Black men, especially Black drug users, that currently dominates the American Justice system. As was quoted at the start of this project, author Primo Levi one stated that countries are only considered civilized when their laws protect the most vulnerable among us. As a research field and as a society, it may be necessary for us to hear these sorts of ethical accounts and realign our goals so that we deprioritize the myth of perfect egalitarianism and instead begin to address the greatest points of disenfranchisement within our country.
References


Social issues in living color: Challenges and solutions from the perspective of ethnic minority psychology (pp. 243-274).


Table 1. Defendant Photograph Norming Ratings for Relevant Factors. For these analyses, attractiveness (M=2.67, SD=0.68), trustworthiness (M=2.81, SD=0.62), and threateningness (M=2.06, SD=0.57) were rated on a scale of 1-7, whereas racial prototypicality (M=4.23, SD=0.99) was rated on a scale of 1-5. The only trait shown above that was not properly matched was threateningness. However, while studies have shown that attractiveness (Gunnell & Ceci, 2010), trustworthiness (Korva et al., 2013, Porter et al., 2010), and racial prototypicality (Osborne et al., 2016) can impact juror decision making, no studies have isolated facial threateningness as an independent factor capable of influencing juror decisions. Finally, matching was completed based on compiled Z-scores, not split Z-scores, in order to achieve the closest trait-based matching. Split Z-scores are included in this chart because there was a significant effect of race on trustworthiness \( t(184) = 12.013, p < 0.01 \), threateningness \( t(184) = 24.388, p < 0.01 \), and racial prototypicality \( t(184) = 24.294, p < 0.01 \) such that Black photographs were rated less trustworthy, less threatening, and more racially prototypical than White photographs. As a result, split Z-scores were included in order to note that, even on traits that were significantly different, each selected photograph was still representative of their own racial group on possible confounding factors as well.

<table>
<thead>
<tr>
<th>Factor</th>
<th>Mean - Black Photo</th>
<th>Mean - White Photo</th>
<th>Z-Score - Black Photo</th>
<th>Z-Score - White Photo</th>
<th>Split Z-Score - Black Photo</th>
<th>Split Z-Score - White Photo</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>27.86</td>
<td>30.4</td>
<td>-0.13</td>
<td>0.26</td>
<td>-0.29</td>
<td>0.47</td>
</tr>
<tr>
<td>Attractiveness</td>
<td>3.57</td>
<td>3.26</td>
<td>1.26</td>
<td>0.86</td>
<td>1.81</td>
<td>0.49</td>
</tr>
<tr>
<td>Trustworthiness</td>
<td>2.95</td>
<td>3.08</td>
<td>0.22</td>
<td>0.44</td>
<td>0.95</td>
<td>-0.38</td>
</tr>
<tr>
<td>Threateningness</td>
<td>1.66</td>
<td>3.06</td>
<td>-0.7</td>
<td>1.74</td>
<td>-0.2</td>
<td>1.16</td>
</tr>
<tr>
<td>Racial Prototypeality</td>
<td>4.88</td>
<td>4.02</td>
<td>0.66</td>
<td>-0.22</td>
<td>-0.16</td>
<td>0.63</td>
</tr>
</tbody>
</table>
Table 2. Responses to Isolated SDS Questions by Race and by Mental Health for Study 1. For this table, a (*) indicates significance at $p < 0.1$ and (**) indicates significance at $p <0.05$. For all isolated responses, mock jurors answered on a scale from 0-100, with 0 representing the maximum possible feelings of social distance. For the compiled responses, the combination of each individual scale resulted in a possible range of responses from 0-1200, with 0 still representing the maximum possible feelings of social distance. LSD post hoc tests revealed that, for all of these main effects of mental health, mock jurors in the MID conditions reported significantly or near significantly more feelings of social distance than mock jurors in either the MI or NMI conditions, except for the SDS question related to poor people, where mock jurors in the MID condition were only significantly different from mock jurors in the NMI conditions.
<table>
<thead>
<tr>
<th>MRWP</th>
<th>External Black</th>
<th>External MI</th>
<th>External Drug</th>
<th>External Compiled</th>
<th>Internal Black</th>
<th>Internal MI</th>
<th>Internal Drug</th>
<th>Internal Compiled</th>
</tr>
</thead>
<tbody>
<tr>
<td>ME MH</td>
<td>0.09 *</td>
<td>0.31</td>
<td>0.03 **</td>
<td>0.08 *</td>
<td>0.25</td>
<td>0.26</td>
<td>0.32</td>
<td>0.16</td>
</tr>
<tr>
<td>ME Race</td>
<td>0.61</td>
<td>0.82</td>
<td>0.8</td>
<td>0.83</td>
<td>0.41</td>
<td>0.2</td>
<td>0.97</td>
<td>0.41</td>
</tr>
<tr>
<td>Interaction</td>
<td>0.07 *</td>
<td>0.03 **</td>
<td>0.06 *</td>
<td>0.04 **</td>
<td>0.99</td>
<td>0.58</td>
<td>0.12</td>
<td>0.59</td>
</tr>
</tbody>
</table>

Table 3. Significance of External and Internal MRWP Scales for Study 1. For this table, a (*) indicates significance at \( p < 0.1 \) and (**) indicates significance at \( p <0.05 \). LSD post hoc tests revealed that all significant interactions were due to mock jurors in the Black MID condition.
Table 4. Normative Influences on Fixation Durations for Study 2. For this table, a (***) indicates significance at \( p < 0.05 \). For all proportional scores, values reflect the number of data points mock jurors spent fixated on each region’s associated AOI related to their overall number of data points collected during each stimuli’s presentation on the screen.
Table 5. Responses to Isolated SDS Questions by Race and by Mental Health for Study 2. For all isolated responses, mock jurors answered on a scale from 0-100, with 0 representing the maximum possible feelings of social distance. For the compiled responses, the combination of each individual scale resulted in a possible range of responses from 0-1200, with 0 still representing the maximum possible feelings of social distance. Given the small sample size of this study, it may be notable that mock jurors’ responses on the isolated questions relating to Black people, White people, Latinx people, and teenagers did start to show some trends. In each of these cases, mock jurors who saw a White defendant sometimes began to show interactions. For the isolated SDS questions related to Black people, Latinx people, and teenagers, mock jurors whose defendant was White and had a history of non-drug-related mental illness reported that they felt more socially distant from these groups. For the isolated SDS question related to White people, mock jurors whose defendant was White and had a history of drug-related mental illness alternatively reported that they felt less socially distant from this group. Nevertheless, none of these interactions were significant at even liberal levels.

<table>
<thead>
<tr>
<th>SDS Question</th>
<th>Mean (SE) Black</th>
<th>Mean (SE) White</th>
<th>ME Race p-Value</th>
<th>Mean (SE) NMI</th>
<th>Mean (SE) MI</th>
<th>Mean (SE) MID</th>
<th>ME MH p-Value</th>
<th>Interaction p-Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>74.88 (4.3)</td>
<td>71.71 (4.61)</td>
<td>0.62</td>
<td>75.95 (5.06)</td>
<td>71.94 (5.28)</td>
<td>72 (5.99)</td>
<td>0.83</td>
<td>0.13</td>
</tr>
<tr>
<td>White</td>
<td>65.26 (4.74)</td>
<td>61.88 (5.08)</td>
<td>0.63</td>
<td>64.19 (5.58)</td>
<td>67.71 (5.81)</td>
<td>58.81 (6.6)</td>
<td>0.60</td>
<td>0.13</td>
</tr>
<tr>
<td>Schizophrenic</td>
<td>59.98 (5.71)</td>
<td>64.88 (6.12)</td>
<td>0.56</td>
<td>56.21 (6.72)</td>
<td>66.69 (7.01)</td>
<td>64.38 (7.95)</td>
<td>0.53</td>
<td>0.86</td>
</tr>
<tr>
<td>Hard Drugs</td>
<td>39.31 (6.28)</td>
<td>44.67 (6.74)</td>
<td>0.57</td>
<td>38.82 (7.4)</td>
<td>46.58 (7.72)</td>
<td>40.56 (8.75)</td>
<td>0.76</td>
<td>0.72</td>
</tr>
<tr>
<td>Latinx</td>
<td>74.72 (4.34)</td>
<td>77.46 (4.66)</td>
<td>0.67</td>
<td>78.52 (5.11)</td>
<td>71.69 (5.33)</td>
<td>78.06 (6.05)</td>
<td>0.61</td>
<td>0.13</td>
</tr>
<tr>
<td>Elderly</td>
<td>76.22 (4.71)</td>
<td>70.71 (5.05)</td>
<td>0.43</td>
<td>80.29 (5.54)</td>
<td>71.6 (5.79)</td>
<td>68.5 (6.56)</td>
<td>0.35</td>
<td>0.49</td>
</tr>
<tr>
<td>Teens</td>
<td>66.55 (4.7)</td>
<td>66.25 (5.04)</td>
<td>0.97</td>
<td>68.47 (5.53)</td>
<td>67.6 (5.78)</td>
<td>63.13 (6.55)</td>
<td>0.81</td>
<td>0.11</td>
</tr>
<tr>
<td>Soft Drugs</td>
<td>62.19 (5.77)</td>
<td>64.79 (6.19)</td>
<td>0.75</td>
<td>64.17 (6.79)</td>
<td>65.92 (7.09)</td>
<td>60.44 (8.04)</td>
<td>0.88</td>
<td>0.33</td>
</tr>
<tr>
<td>Poor</td>
<td>73.68 (4.42)</td>
<td>77.13 (4.74)</td>
<td>0.60</td>
<td>75.5 (5.21)</td>
<td>76.65 (5.43)</td>
<td>74.06 (6.16)</td>
<td>0.95</td>
<td>0.96</td>
</tr>
<tr>
<td>Wealthy</td>
<td>50.47 (6.79)</td>
<td>43.58 (7.09)</td>
<td>0.49</td>
<td>53.54 (8.12)</td>
<td>52.79 (8.12)</td>
<td>34.75 (9.21)</td>
<td>0.25</td>
<td>0.74</td>
</tr>
<tr>
<td>Men</td>
<td>58.55 (6)</td>
<td>49.21 (6.4)</td>
<td>0.29</td>
<td>51.68 (7.03)</td>
<td>60.4 (7.34)</td>
<td>49.56 (8.33)</td>
<td>0.57</td>
<td>0.50</td>
</tr>
<tr>
<td>Women</td>
<td>84.32 (4.03)</td>
<td>82.33 (4.33)</td>
<td>0.74</td>
<td>85.08 (4.75)</td>
<td>79.9 (4.96)</td>
<td>85 (5.62)</td>
<td>0.71</td>
<td>0.49</td>
</tr>
<tr>
<td>Compiled</td>
<td>792.08 (42.45)</td>
<td>774.58 (44.36)</td>
<td>0.78</td>
<td>801.92 (50.8)</td>
<td>799.46 (50.8)</td>
<td>749.25 (57.61)</td>
<td>0.76</td>
<td>0.35</td>
</tr>
</tbody>
</table>
### Table 6. Responses to MRWP Scales by Condition for Study 2

For this table, a (*) indicates significance at $p < 0.1$ and (**) indicates significance at $p < 0.05$.

<table>
<thead>
<tr>
<th>Condition</th>
<th>Mean (SE) B-NMI</th>
<th>Mean (SE) B-MI</th>
<th>Mean (SE) B-MID</th>
<th>Mean (SE) W-NMI</th>
<th>Mean (SE) W-MI</th>
<th>Mean (SE) W-MID</th>
<th>ME Race p-Value</th>
<th>ME MH p-Value</th>
<th>Interaction p-Value</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>External</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Compiled</td>
<td>46.57 (6.19)</td>
<td>54.17 (6.69)</td>
<td>57 (5.79)</td>
<td>59.88 (5.8)</td>
<td>44.5 (5.8)</td>
<td>40.5 (8.19)</td>
<td>0.39</td>
<td>0.69</td>
<td>0.07*</td>
</tr>
<tr>
<td>Black</td>
<td>17.57 (2.84)</td>
<td>19.67 (3.07)</td>
<td>21.38 (2.66)</td>
<td>21.25 (2.66)</td>
<td>15.25 (2.67)</td>
<td>16.75 (2.76)</td>
<td>0.47</td>
<td>0.78</td>
<td>0.28</td>
</tr>
<tr>
<td>MI</td>
<td>16.86 (2.35)</td>
<td>18.17 (2.53)</td>
<td>20.38 (2.19)</td>
<td>20.25 (2.19)</td>
<td>16.63 (2.19)</td>
<td>12.5 (3.1)</td>
<td>0.32</td>
<td>0.69</td>
<td>0.09*</td>
</tr>
<tr>
<td>Drug</td>
<td>13.14 (1.96)</td>
<td>16.33 (2.12)</td>
<td>15.25 (1.84)</td>
<td>18.38 (1.84)</td>
<td>12.63 (1.84)</td>
<td>11.25 (2.6)</td>
<td>0.63</td>
<td>0.49</td>
<td>0.04**</td>
</tr>
<tr>
<td><strong>Internal</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Compiled</td>
<td>78.43 (5.51)</td>
<td>85 (6.52)</td>
<td>80.71 (5.51)</td>
<td>88.5 (5.15)</td>
<td>91.38 (5.15)</td>
<td>95.5 (7.29)</td>
<td>0.04*</td>
<td>0.63</td>
<td>0.79</td>
</tr>
<tr>
<td>Black</td>
<td>29.86 (1.44)</td>
<td>31.5 (1.55)</td>
<td>31.75 (1.35)</td>
<td>31.5 (1.35)</td>
<td>33.38 (1.35)</td>
<td>33.25 (1.9)</td>
<td>0.18</td>
<td>0.37</td>
<td>0.99</td>
</tr>
<tr>
<td>MI</td>
<td>26.43 (2.04)</td>
<td>30 (2.41)</td>
<td>28.14 (2.04)</td>
<td>31.5 (1.9)</td>
<td>32.38 (1.9)</td>
<td>32.75 (2.7)</td>
<td>0.03**</td>
<td>0.55</td>
<td>0.8</td>
</tr>
<tr>
<td>Drug</td>
<td>22.14 (2.72)</td>
<td>24 (2.93)</td>
<td>21.25 (2.54)</td>
<td>25.5 (2.54)</td>
<td>25.63 (2.54)</td>
<td>29.5 (3.5)</td>
<td>0.07*</td>
<td>0.86</td>
<td>0.52</td>
</tr>
</tbody>
</table>
Figure 1. Theoretical and Proposed Mechanistic Aversive Racism Paradigms. While past research has operated on a simplified theoretical aversive racism paradigm (A), the present studies seek to test the mechanisms assumed by this theoretical paradigm through a proposed mechanistic paradigm (B). All proposed mechanisms are highlighted in blue.
Figure 2. AOIS. For the Black (A) and White (B) defendant photographs, eye regions are marked with purple and mouth regions are marked with pink. These regions were measured together to tabulate the eye-mouth region. For the legal brief (C), the normative factor regions are marked with yellow and the informational factor regions are marked with green. Other AOIs also include a pink race AOI, an orange mental health history AOI, and a blue drug use history AOI. As these AOIs overlap the AOI related to the defendant’s normative factors, the data for each of these overlapping AOIs was collected simultaneously.
Figure 3. Willingness to Communicate Explicit Bias for Study 1. All blue values represent Black conditions whereas all red values represent White conditions. All error bars represent ±1 standard error. A (*) indicates significance at $p < 0.1$ and a (**) indicates significance at $p < 0.05$. For SDO responses (A), scores were computed on a scale from 16-112. For compiled SDS responses (B), scores were computed on a scale from 0-1200, and for the isolated SDS questions relating to mock jurors’ SDS responses to Black people (C), White people (D), people with schizophrenia (E), and people who use hard drugs (F), responses were computed on a scale from 0-100.
Figure 4. Average Responses to Each Isolated SDS Question for Study 1. For this graph, error bars mark ±1 standard deviation from the mean. The y-axis on this graph represents the full range of possible responses.
Figure 5. Responses to Specific MRWP Scales for Study 1. All blue values represent Black conditions whereas all red values represent White conditions. A (*) indicates significance at $p < 0.1$ and (**) indicates significance at $p < 0.05$. For all of these scales, including the External (A) and Internal (B) MRWP to Black people, External (C) and Internal (D) MRWP to people with mental illness, and External (E) and Internal (F) MRWP to people who use hard drugs scales, scores were computed on a scale from 5-35.
Figure 6. Juridical Decisions for Study 1. All blue values represent Black conditions whereas all red values represent White conditions. All error bars represent ±1 standard error. A (**) indicates significance at $p < 0.05$. For self-rated culpability decisions (A), self-rated sentencing decisions (B), other-rated culpability decisions (C), and other-rated sentencing decisions (D), the y-axis on these graphs represents the full range of possible responses.
Figure 7. Evidence for Negative and Positive Aversive Racism Factors from Study 1. A (*) indicates significance at $p < 0.1$ and (**) indicates significance at $p < 0.05$. For each of isolated SDS question (A), responses were computed on a scale from 0-100, with a score of 0 representing the maximum possible feeling of social distance from these groups. For each External (B) and Internal (C) MRWP scale, scores were computed on a scale from 5-35.
Figure 8. A New Proposed Mechanistic Aversive Racism Paradigm. Following the results of Study 1, it is necessary to redesign the proposed mechanistic aversive racism paradigm (A). For other-rated decisions (B), the new paradigm would suggest that normative influences and willingness to communicate explicit biases precede the influence of a defendant’s race. For self-rated decisions (C), the present study failed to construct an aversive racism paradigm, as the influence of social motivations could not explain mock jurors’ final decisions.
Figure 9. Fixation Trends by Race in Study 2. All blue values represent Black conditions whereas all red values represent White conditions. All error bars represent ±1 standard error. A (**) indicates significance at $p < 0.05$. For proportional fixation scores on the normative and informational AOIs (A) and the proportional fixation scores on the AOIs relating to manipulation factors (C), and the proportional fixation scores on the defendant’s photograph AOIs (E), the full possible range of scores was 0-1, with 1 indicating a greater proportional fixation. For raw fixation scores on the normative and informational AOIs (B), raw fixation scores on the AOIs relating to manipulation factors (D), and raw fixation scores on the defendant’s photograph AOIs (F), there was no set range of possible scores. However, most participants made about 3600 fixations on the legal brief and 600 fixations on the defendant’s photograph.
Figure 10. Average Responses to Each Explicit Bias Scale Across Studies. All error bars represent ±1 standard error. For the compiled SDS (A), responses were computed on a scale from 0-1200 with a score of 0 representing the maximum possible feeling of social distance, for the SDO (B), responses were computed on a scale from 16-112 with a score of 112 representing the maximum possible feeling of social dominance, and for each of isolated SDS question (C), responses were computed on a scale from 0-100, with a score of 0 representing the maximum possible feeling of social distance from these groups.
Figure 11. Juridical Decisions in Study 2. All blue values represent Black conditions whereas all red values represent White conditions. All error bars represent ±1 standard error. For self-rated culpability decisions (A), self-rated sentencing decisions (B), other-rated culpability decisions (C), and other-rated sentencing decisions (D), the y-axis on these graphs represents the full range of possible responses.
Appendices

Appendix A. Language Utilized in the Legal Brief

**PEOPLE v. BRANDT - Defense Intake Form**

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<td><strong>Employer:</strong></td>
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<tr>
<td><strong>Date of Arrest:</strong></td>
<td>May 12, 2016</td>
</tr>
<tr>
<td><strong>Reason for Arrest:</strong></td>
<td>Possession of 8,000 dollars, stolen</td>
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<tr>
<td><strong>Charge:</strong></td>
<td>Grand Larceny in the Third Degree (New York Penal Law 155.35, Grand Theft)</td>
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**Arrest Report Brief:** On May 12, 2016, George A. Brandt was arrested and charged with Grand Larceny in the Third Degree, a class D felony, for allegedly stealing approximately 8,000 U.S. dollars from his place of work, Clifton Park Mechanic and Auto Repair. Upon his arrest, the police discovered the money in Mr. Brandt’s car. When asked for a statement, Mr. Brandt claimed that he did not know who had put the money in his car. A witness told the arresting officer that they saw Mr. Brandt leave work early that day, and that he had seemed unusually agitated.
Appendix B. Visual Stimuli

(A) Photo of Stolen Money
(B) Photo of Defendant’s Car
(C) Mugshot of Defendant, White Conditions
(D) Mugshot of Defendant, Black Conditions
Appendix C. Manipulation Check Questionnaire

All questions in this survey will be measured with direct “Yes” or “No” responses.

- “Is the defendant’s name Gary?”
- “Is the defendant white?”
- “Was the defendant charged with grand larceny?”
- “Does the defendant work for a mechanic?”
- “Does the defendant have children?”
- “Does the defendant have a history of mental illness?”
- “Was there a witness?”
- “Did the defendant graduate from High School?”
- “Is the defendant a drug user?”
- “Is the defendant married?”
- “Had the defendant been arrested before?”

Appendix D. Social Distance Scale (adapted from Bogardus, 1933)

All responses in this questionnaire were measured on a 100 point sliding scale from “cold” to “warm.” The order of these questions was randomized.

- “How coldly or warmly do you feel toward the following social groups?”
  - “Black People”
  - “White People”
  - “Latinx People”
  - “Elderly People”
  - “Teenagers”
  - “Schizophrenic People”
  - “Drug Users”
  - “Poor People”
  - “Wealthy People”
  - “Men”
  - “Women”
Appendix E. Social Dominance Orientation (Malle et al., 1994)

All responses in this questionnaire were measured using a Likert scale from “strongly oppose” to “strongly agree.” The order of these questions was randomized and mixed with the questions from the Internal and External MRWPs.

- “Some groups of people must be kept in their place”
- “It’s probably a good thing that certain groups are at the top and other groups are at the bottom”
- “An ideal society requires some groups to be on the top and others to be on the bottom”
- “Some groups of people are simply inferior to other groups”
- “Groups at the bottom are just as deserving as groups at the top” (Reverse Coded)
- “No one group should dominate society” (Reverse Coded)
- “Groups at the bottom should not have to stay in their place” (Reverse Coded)
- “Group dominance is a poor principle” (Reverse Coded)
- “We should not push for group equality”
- “We shouldn’t guarantee that every group has the same quality of life”
- “It is unjust to try to make groups equal”
- “Group equality should be our primary goal” (Reverse Coded)
- “We should work to give all groups an equal chance to succeed” (Reverse Coded)
- “We should do what we can to equalize conditions for different groups” (Reverse Coded)
- “No matter how much effort it takes, we ought to strive to ensure that all groups have the same chance in life” (Reverse Coded)
- “Group equality should be our ideal” (Reverse Coded)

Appendix F. Internal and External Motivation to Respond Without Prejudice Scale (adapted from Plant & Devine, 1998)

All responses in this questionnaire was measured using a Likert scale from “strongly oppose” to “strongly agree.” This survey was adapted to measure biases toward people with mental illnesses or people who use recreational drugs. The order of these questions was randomized and mixed with the SDO questions.

External MRWP - Black People

- “Because of today’s politically correct standards I try to appear nonprejudiced toward Black people.”
- “I try to hide any negative thoughts about Black people in order to avoid negative reactions from others.”
- “If I acted prejudiced toward Black people, I would be concerned that others would be angry with me.”
- “I attempt to appear nonprejudiced toward Black people in order to avoid disapproval from others.”
- “I try to act nonprejudiced toward Black people because of pressure from others.”

Internal MRWP - Black People

- “I attempt to act in nonprejudiced ways toward Black people because it is personally important to me.”
- “According to my personal values, using stereotypes about Black people is OK.” (Reverse Coded)
- “I am personally motivated by my beliefs to be nonprejudiced toward Black people.”
- “Because of my personal values, I believe that using stereotypes about Black people is wrong.”
- “Being nonprejudiced toward Black people is important to my self-concept.”

External MRWP - People with Mental Illness

- “Because of today’s politically correct standards I try to appear nonprejudiced toward people with mental illnesses.”
- “I try to hide any negative thoughts about people with mental illnesses in order to avoid negative reactions from others.”
- “If I acted prejudiced toward people with mental illnesses, I would be concerned that others would be angry with me.”
- “I attempt to appear nonprejudiced toward people with mental illnesses in order to avoid disapproval from others.”
- “I try to act nonprejudiced toward people with mental illnesses because of pressure from others.”
Internal MRWP - People with Mental Illness
- “I attempt to act in nonprejudiced ways toward people with mental illnesses because it is personally important to me.”
- “According to my personal values, using stereotypes about people with mental illnesses is OK.” (Reverse Coded)
- “I am personally motivated by my beliefs to be nonprejudiced toward people with mental illnesses.”
- “Because of my personal values, I believe that using stereotypes about people with mental illnesses is wrong.”
- “Being nonprejudiced toward people with mental illnesses is important to my self-concept.”

External MRWP - People who use Hard Drugs
- “Because of today’s politically correct standards I try to appear nonprejudiced toward people who use ”hard” drugs.”
- “I try to hide any negative thoughts about people who use “hard” drugs in order to avoid negative reactions from others.”
- “If I acted prejudiced toward people who use “hard” drugs, I would be concerned that others would be angry with me.”
- “I attempt to appear nonprejudiced toward people who use “hard” drugs in order to avoid disapproval from others.”
- “I try to act nonprejudiced toward people who use “hard” drugs because of pressure from others.”

Internal MRWP - People who use Hard Drugs
- “I attempt to act in nonprejudiced ways toward people who use “hard” drugs because it is personally important to me.”
- “According to my personal values, using stereotypes about people who use “hard” drugs is OK.” (Reverse Coded)
- “I am personally motivated by my beliefs to be nonprejudiced toward people who use “hard” drugs.”
- “Because of my personal values, I believe that using stereotypes about people who use “hard” drugs is wrong.”
- “Being nonprejudiced toward people who use “hard” drugs is important to my self-concept.”

Appendix G. Juridical Questionnaire (adapted from Granot et al., 2014)
- “How innocent or guilty do you think the defendant is?”
  - Measured on an Innocent or Guilty scale with no midpoint (6/8 options)
- “How innocent or guilty do you think other people will think the defendant is?”
  - Measured on an Innocent or Guilty scale with no midpoint (6/8 options)
- “If this defendant was found guilty, what sentence would you advocate for?”
  - Measured using a sliding scale
- “If this defendant was found guilty, what sentence do you think other people would advocate for?”
  - Measured using a sliding scale
Appendix H. Results with Manipulation Check Exclusions

For each of the following tables, the values highlighted in white represent the results with manipulation check exclusions considered, and the values to the right that are highlighted in gray represent the results without manipulation check exclusions considered.

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### AVERAGE RACISM AND JURIDICAL DECISIONS

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### Condition on Intern MRWPs

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Drug - Interactions

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Self-Rated Culpability Decisions

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Self-Rated Sentencing Decisions

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Other-Rated Culpability Decisions
Other-Rated Sentencing Decisions

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Appendix I. Language of Study 2 Recruitment Materials

Looking at Socially Stigmatized Defendants

Subject: Is He Innocent or Guilty? Participate in a Psychology Senior Project and Decide for Yourself!

Body: Despite being presented with the same evidence, many jurors come to different conclusions about the innocence or guilt of a defendant in criminal court cases. For my Psychology Senior Project, I hope to learn more about why people might arrive at these different conclusions in these cases. In order to do so, I need your help!

If you’ve always dreamt of experiencing jury duty in 30 minutes or less, please consider participating in an experiment that takes place in Bard’s psychology building, Preston Hall. As a participant, you will be asked to study the primary information about a non-violent criminal court case and then recall this information in order to make decisions about the defendant’s culpability. While this is taking place, your attention will be monitored using an eye tracker, which is a non-invasive technology that functions much like a digital camera. In exchange for your time, you will be entered for a chance to win a prize, and you will have access to snacks while you participate!

To be eligible, you must:

- Be 18-35 years of age
- Have normal or corrected-to-normal vision (glasses and contacts are okay, although you may need to clean your glasses upon arrival - generic cleaning materials will be provided to you if necessary)
- NOT have a diagnosed attention deficit disorder, learning disability, or neurological condition
- Be willing to have your eye movements recorded by a non-invasive eye tracker
# Appendix J. IRB Proposal

Please enter the following information about yourself:

<table>
<thead>
<tr>
<th>Name</th>
<th>Clarence Bronte</th>
</tr>
</thead>
<tbody>
<tr>
<td>Email</td>
<td><a href="mailto:bb6616@bard.edu">bb6616@bard.edu</a></td>
</tr>
<tr>
<td>Phone</td>
<td>(484) 624-2181</td>
</tr>
<tr>
<td>Your academic program:</td>
<td>Psychology</td>
</tr>
<tr>
<td>Your status (faculty, grad, undergrad):</td>
<td>Undergrad</td>
</tr>
<tr>
<td>Name of your adviser or faculty sponsor:</td>
<td>Thomas Cain</td>
</tr>
<tr>
<td>Your adviser's or faculty sponsor's email address:</td>
<td><a href="mailto:tcain@bard.edu">tcain@bard.edu</a></td>
</tr>
<tr>
<td>Today's date:</td>
<td>Nov 07, 2017</td>
</tr>
</tbody>
</table>

I have read the IRB’s Categories of Review, and my proposal qualifies for a **Expedited Review**

Do you have external funding for this research? **No**

If so, state name of granting institution and the title of the project as it was submitted to that institution. **N/A**

When do you plan to begin collecting data for this project? **Dec 01, 2017**

When do you plan to end your data collection for this project? **Mar 31, 2018**

**What is the title of your project?**

Looking at Socially Stigmatized Defendants

**Describe your research question briefly (approximately 250 words or less):**

Research has shown that, when people make complex decisions, they tend to visually seek out information that reaffirms their preconceived beliefs (Pärnamets et al., 2015, Granot, 2014). Further, other research has shown that, when people interact with images of members of stigmatized groups, they tend to spend a significantly less time looking at this stigmatized target's eyes (Gobel et al., 2015). Considering these two findings, this study seeks to apply this research to legal decisions and ask, when a defendant is a member of a stigmatized group, do participants’ gaze behaviors vary when studying information about the trial or when looking at images of the defendant in a way that reflects this social stigmatization? Further, this study seeks to investigate how these differential gaze behaviors may relate to participants' subsequent decisions regarding the culpability of this defendant. Finally, this study hopes to compare the dynamics of these biases to participants’ own self-reported explicit biases (or lack thereof), such that we may identify that, in some cases, these implicit gaze biases supersede one’s explicit desire to be equitable when making legal decisions. This work may have implications for strategies to better mediate the impacts of these implicit biases on how we process incredibly important legal information or look at members of socially stigmatized groups.
Will your participants include individuals from specific populations (e.g., children, pregnant women, prisoners, or the cognitively impaired)?

No

If your participants will include individuals from specific populations, please specify the population(s) and briefly describe any special precautions you will use.

N/A

Briefly describe how you will recruit participants. (e.g., Who will approach participants? What is the source of the participants?)

Participants (healthy adults with normal or corrected-to-normal vision who are free of any attention or learning disabilities that might prevent them from completing the experimental tasks) will be collected from Bard and the surrounding area. Participants will be between the ages of 18 and 35. Further, participants will be informed during recruitment that the experiment consists of a short legal decision making and memory task and that their gaze behaviors (ie, where they are looking on the screen) will be recorded during some of this task. With this information, recruitment will be targeted to participants who are comfortable participating in these tasks and having their gaze behaviors recorded by an eye tracker. Potential participants will be informed that the eye tracker (Tobii X2-60 compact) is a non-invasive technology that merely records a participant's focal point on a screen much like a digital camera would, and as a result it is not associated with any health risks. Given that the experiment requires the collection of this eye tracking data, recruitment will specifically appeal to participants that are comfortable with this form of recording. Further, participants will be informed that, if they wear glasses, they may have to clean their glasses at the start of the procedure using generic cleaning materials that will be provided to them. Finally, participants will be made aware of the fact that this study takes approximately 30 minutes to complete, and that they will be entered for a chance to win a prize in exchange for their time. Only participants who are comfortable with all of these aspects of the procedure will be invited to participate.

Recruitment materials such as posters and flyers will provide potential participants with a brief description of the experimental procedure and direct them to my email (bb6616@bard.edu) for more complete information (for sample recruitment language, see Appendix A). I also plan to recruit participants in person at tables around the Bard area, where I plan to verbally provide potential participants with necessary information regarding eligibility and direct them to where they can sign up for an appointment. Appointments will be managed online through Google Forms, where participants will once again be provided all of the relevant information that is outlined above. This Google Form will be created such that only the experimenter is a collaborator and all of the responses the form collects will be kept private to the collaborator. As such, the form’s respondents, the study’s potential participants, will only be able to make responses and will be prohibited from seeing the forms’ associated summary charts or the text responses of other respondents. Participants will, at this time, be asked to confirm their eligibility and provide their email address for further correspondence after they have scheduled an appointment.

Upon their arrival, participants will go through the informed consent process (see Appendix B) and be shown the room where the experiment will take place as well as any potential technologies that will be used during their trial. For compensation, all participants will be entered into a lottery for a chance to win Amazon gift cards (up to 50 dollars). They also be provided snacks (such as baked goods, candy, etc) during in-person recruitment, the experimental procedure, or debriefing to further compensate participation.

For piloting purposes, some participants may be recruited to complete an entirely online version of this experiment. These participants will be provided with the same information as other participants (except for the information that details the use of the eye tracker, as these trials will not include this measure). These participants may be offered the same compensation as the primary study's participants (ie, a chance to win a gift card), or may be offered a small monetary compensation. These participants would be collected using snowball sampling or using an online recruitment site like Amazon Mechanical Turk.
Briefly describe the procedures you will be using to conduct your research. Include descriptions of what tasks your participants will be asked to do, and about how much time will be expected of each individual. NOTE: If you have supporting materials (recruitment posters, printed surveys, etc.) please email these documents separately as attachments to IRB@bard.edu. Name your attachments with your last name and a brief description (e.g., “WatsonConsentForm.doc”).

This experiments’ basic procedures are modeled after some potential experiences jurors may have when making legal decisions. These procedures are also loosely adapted from eye tracking studies like those completed by Philip Pärnamets and colleagues at Lund University, Yael Granot and colleagues at New York University, and Matthias S. Gobel at University College London.

Pre-experimental Procedures: Before the experiment, participants will complete the informed consent process (detailed below) and will be provided with a detailed overview of the experimental space/mechanisms. They will be informed at this time that the remainder of the experiment will take place on a computer and will include the presentation of words and images relating to a non-violent criminal court case, as well as a series of questionnaires.

Eye Tracking Procedures: Eye movements will be recorded during the following experimental procedures using a Tobii X2-60 compact eye tracker. This eye tracker records eye movements while participants gaze naturally at a computer screen, allowing them to keep their glasses or contacts on during the procedure, make generally free head movements, and blink regularly. Collecting raw data points at 60 hz or approximately one raw data point per 3.3-33 ms, the Tobii X2-60 compact eye tracker operates by emitting an infrared beam toward a participant’s eyes and capturing the angle of the generated reflection off of the participant’s corneas and pupils using a high resolution camera. This infrared beam is harmless, as both the retinal and corneal irradiation it produces are well below the standards for safe use set by the United States (which are 10^-1 W/cm²) as well as the more conservative standards set by scientific literature (which are 10^-2 W/cm²). As a result, the use of this eye tracker is as safe and comfortable to use as any other computer camera which emits light in order to capture images. However, the data recorded by the eye tracker will not include any video or visual images of the participant themselves. Again, participants who wear corrective lenses will be able to keep their glasses or contacts on during the procedure, but some participants may need to clean their glasses before moving onto the main experimental procedures. They will be provided the materials to do so, which will consist of a safe, hypoallergenic generic glasses cleaner.

At the start of the experimental procedure that utilize the eye tracker, participants will first familiarize themselves with the eye tracker through a brief calibration task. These tasks are simple and are not stressful, as they only require participants to look at various points on the computer screen when instructed to do so. These tasks are also incredibly short (less than one minute in duration), so despite the simplicity of this task, participants should not get bored.

Following the completion of this calibration, participants will then proceed to the main eye tracking tasks. Each of these tasks consists of the presentation of text or photographs on the computer screen, during which the eye tracker will collect continuous data about where on the screen the participant is looking. Participants will be asked to study this information as it is presented, and will be informed that they may need to recall this information at a later point in the experiment. Sample stimuli can be found in the appendix of this proposal (see Appendix C). Despite the fact that these information reflect a criminal court case, none of these stimuli are particularly emotionally valent. As a result, reading these materials should not cause any unforeseen stress to participants. Further, these stimuli will be presented on the screen for a set duration between 10 and 60 seconds, so as to allow for a balance wherein participants are not made to feel anxious about how little time they have to study the materials nor are they made to feel bored about how much time they have to inspect the materials.

Behavioral Questionnaires: Following the completion of these eye tracking procedures, participants will answer a series of questionnaires. These questionnaires will be presented to participants on Qualtrics and will be recorded with a random subject number, meaning that participants responses will be kept confidential. Participants will be reminded of this before completing these questionnaires so as to minimize any stress participants may have about the implications of any of their responses.

Before the first questionnaire is presented to participants, a brief description of the role of a juror will be provided to participants so as to frame the relevance of these questionnaires. The first two questionnaires are modeled after those used by other researchers who focus on simulated legal decision making (Granot et al., 2014). Both questionnaires can be found in the appendix of this proposal (see Appendix D for sample questions). The questions in the first questionnaire (e.g. “Is the defendant’s name ‘Gary?’” and “Is the defendant a drug user?”) merely serve as a manipulation check so as to ensure that participants were indeed studying the information provided to them by the legal brief. The second questionnaire, on the other hand, requires participants to make judgment about the defendant’s culpability.

Next, participants will complete a third questionnaire, which will combine questions from a number of commonly used explicit bias surveys and scales (see Appendix D for a complete sampling of the scales that may be used). Prior to the presentation of this questionnaires, a brief reminder that individual responses will be kept confidential and, due to the nature of Qualtrics’ survey system, only the experimenter will have access to their responses. Further, they will be informed that their responses will only be recorded using a randomized subject number. These questions will then be presented as one questionnaire, wherein the questions

AVERIVE RACISM AND JURIDICAL DECISIONS
will be ordered randomly. While many of these questions consider potentially upsetting viewpoints (e.g., “According to my personal values, using stereotypes about Black people is OK”), each of these questionnaires originates from a peer reviewed study and has been used in numerous peer reviewed studies since their development that found that the content of these questions was not causing any harm to their participants. Furthermore, participants will be informed during debriefing that the purpose of this experiment is to investigate the nature of biases so that they may be combated. As such, any potential anxiety that may be produced due to the nature of these questions should be mitigated during debriefing.

Finally, participants may complete a very short demographic questionnaire. This questionnaire will merely ask for participants’ gender, age, and race/ethnicity. The purpose of this questionnaire is to collect basic information about the participant that may be used for later analysis. This information will also be kept confidential.

Debriefing: Following the completion of the experimental procedures, participants will be provided with a debriefing form that describes the hypothesis that is being tested and the logic of the experiment (i.e., how does the experiment test this hypothesis). The experimenter will answer any questions that the participant still has at this time. A sample debriefing statement can be found in the appendix (see Appendix F for sample language). Finally, participants will be asked to refrain from discussing the experiment with others so as to prevent them from sharing this information with other potential subjects. They will later be alerted of the date when this restriction no longer applies.
Approximately how many individuals do you expect to participate in your study? 150

Please describe any risks and benefits your research may have for your participants. (For example, one study’s risks might include minor emotional discomfort and eye strain. The same study’s benefits might include satisfaction from contributing to scientific knowledge and greater self-awareness.)

Risks: This study involves minimal risks for participants, and the development of this experiment will seek to reduce the potential discomfort some participants may feel. Some potential points of discomfort participants may encounter include eye strain, discomfort produced by the nature of the explicit questionnaires, general test-taking anxiety that might be brought about by having to recall information in a questionnaire, and the awareness that even unbiased people might implicitly demonstrate bias through their physiological behaviors. The eye strain involved in this study might originate from the necessity to stare at a computer for the duration of the study (less than 30 minutes), however many individuals between the ages of 18 and 35 do this on a daily basis. Furthermore, the eye tracker provides no more risks than the average light-based camera (as outlined above), so this should be the only point of eye-related discomfort. Finally, participants will only be asked to look intently for a brief period of time (ie, during the eye tracker tasks), and even during this phase, the eye tracker allows for generally free head movements and regular blinking so as not to make participants uncomfortable.

The discomfort associated with the explicit questionnaires should be mitigated by the fact that participants will be reminded that their responses will be kept confidential. Further, participants who personally react to the presentation of the biases that these questionnaires describe should be calmed somewhat by the idea that this research specifically seeks to provide necessary insights that may help to combat the presence of these biases in our physiological behaviors. Further, the experimenter will work to answer any other questions about the source of these explicit bias questionnaires and how they have also been used by other similar studies to combat biases during the debriefing process if necessary.

Additionally, as some participants may feel naturally uncomfortable when asked to study and recall the information that is presented to them, the design of this study seeks to mitigate this discomfort. For example, participants will be told from the point at which they are recruited for this study that the experiment incorporates these tasks, so participants should be aware of and ready for these tasks. Additionally, participants will be given ample time to respond to these questions, so they should not feel unnecessarily pressured. Finally, if needed, the experimenter will remind participants that correct answers are not necessary, and that these questions primarily seek to determine what information participants have remembered, and that not every participant is expected to remember every question.

Finally, while participants may feel uncomfortable when informed that this research seeks to investigate how even individuals who do not believe in the stigmatization of others may embody physiological biases through gaze behaviors, this discomfort will be addressed in a few ways. First, during debriefing, participants will be reminded that, through awareness, people may begin to combat these biases. Many people are simply unaware of these manifestations and have not even started to learn how to combat them. Second, the experimenter, during debriefing, will answer any further questions relating to the nature of these manifestations, including how other studies have shown that participants are able to subvert these biases when personally motivated to do so (Granot et al., 2014).

Benefits: This study will provide a number of potential indirect benefits. All participants will be entered into a lottery for a chance to win a gift card as direct compensation. Further, snacks will be provided to any participants who want them. Participants may also benefit from the knowledge that they have provided necessary data that may be used to comment on the dynamics of gaze behavior and bias in legal decision making such that people may begin to reform the way that their behaviors perpetuate these biases. Additionally, they may benefit from knowing that these sorts of studies might have the capacity to help people learn to mediate these biases and limit the way they act to entrench stigmatization of marginalized peoples. Personally, they may benefit from being made aware of these biases so that they may begin to address how they themselves are replicating these biases. Finally, participants may benefit from knowing that they are supporting a Bard undergraduate in the completion of their senior project as well as the general Bard research community in their research pursuits.

Have you prepared a consent form and emailed it as an attachment to IRB@bard.edu? Yes
Please note: you must submit all necessary consent forms before your proposal is considered complete.
Please include here the verbal description of the consent process (how you will explain the consent form and the consent process to your participants):

Before being introduced to the consent form, all participants will be given a tour of the experimental space (a room in Preston Hall that is commonly used for experiments). At this time, they will be introduced to the computer where they will complete the experimental procedure. At this time, they will be briefly shown the eye tracker and will be provided a short description of how it functions. The experimenter will then give them the opportunity to ask any questions relating to the experimental space or the technologies that will be utilized.

Participants will then read the complete consent form such that they are thoroughly exposed to the information it details. They will be told generally that the study is interested in how attention relates to legal decision making. Further, participants will be reminded that they can ask any questions during the duration of the experiment, and that, before each new task, they will be provided with detailed instructions regarding what the task requires them to do.

Before signing the consent form, all participants will be asked to briefly describe the experimental procedure, the potential risks and benefits the experiment may pose, and any other questions that may help the experimenter determine whether they have indeed read and understood the contents of the consent form. They will also, at this point, be reminded of the study's eligibility requirements. Finally, they will be reminded that, at the completion of the experiment, they will be fully debriefed to the complete hypotheses and logic of the experiment, at which point they will be able to ask any other detailed questions relating to the purpose of the experiment. Should they still consent to participate, having indicated an understanding of what their participation entails, they will be invited to sign the consent agreement.

They will then, again, be reminded that they have the ability to withdraw this consent at any time, and that they may continue to ask any questions to the experimenter as they arise. Any participants who withdraw consent at any point during or after the experiment will have their data deleted.

A modified consent form will be used for online pilot participants. The language of this form can be found in Appendix B. After participants have read this form, they will be asked to indicate that they are indeed 18 or older, that they have read and understood the consent form, and if they consent to participate. If they indicate that they consent, that they read the informed consent agreement, and that they are 18 or older, they will continue to the study. If they indicate that they do not consent, that they did not read the informed consent agreement, or that they are younger than 18, they will be dismissed from the experiment.

If your project will require that you use only a verbal consent process (no written consent forms), please describe why this process is necessary, how verbal consent will be obtained, and any additional precautions you will take to ensure the confidentiality of your participants.

N/A

What procedures will you use to ensure that the information your participants provide will remain confidential?

Prior to data collection, potential participants’ names and contact information will be kept private through Google Form’s one-way private response collection option, where non-collaborators are prohibited from viewing the summary charts or text responses collected by the form. Once the raffle is complete and compensation has been finalized, all information will be erased from this Google Form to further ensure the security of their personal information. At the point of the experiment, all data will be collected and coded using only a randomly assigned subject number. The information collected by the eye tracker will be kept on a password protected computer within the laboratory space, which itself is kept locked. Further, any information collected by Qualtrics will not only be kept confidential due to the site’s password protection, but will also only be coded using these randomly assigned subject numbers. Links between these subject numbers and the participant’s personal information will not be incorporated into any of these previously mentioned records and will only be kept in a separate file under password protection that is accessible only by the primary investigator for use in the case that a participant wishes to withdraw from the study and have their data deleted at a later point in time. No hard copies of this information will be generated. No data identifying participants by name or contact information will be released to anyone other than the primary investigator. Signed consent forms will be stored separately from the study data in a locked space accessible only by the primary investigator. Any data collected that describes the participants’ age, race/ethnicity, and gender may be used for scientific reporting, but will only be published or presented in an aggregate form that does not identify any individual participants and keeps their participation confidential. For pilot participants, their information will be kept confidential such that their personal information will never be kept in direct association with their experimental responses. If the experimental procedure takes place directly on Qualtrics, pilot participants will be provided a random number and a link to a second, entirely separate questionnaire following their completion of the study where they may submit this random number as well as their contact information if they wish to be included in the raffle. The information collected at this time will remain under the same password protection as any other Qualtrics data where it is only accessible by the experimenter, and will further remain separate from any experimental responses, the participant’s subject number, etc. Furthermore, if the piloting takes place on Amazon Mechanical Turk, the website will compensate participants on the basis of their MTurk account without ever needing to collect the participants’ personal information.
<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will it be necessary to use deception with your participants at any time during this research? Please note: withholding details about the specifics of one's hypothesis does not constitute deception. However, misleading participants about the nature of the research question or about the nature of the task they will be completing does constitute deception.</td>
<td>No</td>
</tr>
<tr>
<td>If your project study includes deception, please describe here the process you will use, why the deception is necessary, and a full description of your debriefing procedures.</td>
<td>N/A</td>
</tr>
<tr>
<td>For projects not using deception, please include your debriefing statement. (This is information you provide to the participant at the end of your study to explain your research question more fully than you may have been able to do at the beginning of the study.) All studies must include a debriefing statement. Be sure to give participants the opportunity to ask any additional questions they may have about the study.</td>
<td>N/A</td>
</tr>
<tr>
<td>If you will be conducting interviews in a language other than English, will you conduct all of the interviews yourself, or will you have the assistance of a translator?</td>
<td>Not applicable</td>
</tr>
<tr>
<td>If you will be conducting interviews in a language other than English, please describe your competence or fluency in the other language(s) you will use.</td>
<td>N/A</td>
</tr>
<tr>
<td>If you will be using the assistance of a translator, that individual must also certify that he or she is familiar with human subject protocol and has completed the online training course. Please respond whether you have found an IRB-certified translator.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>If you have not yet found a translator, do you agree that when you do find a translator, you will make sure that person will also agree to use standard protocol for the treatment of human subjects, and that the individual’s training certificate will be submitted to the IRB records before you begin collecting data?</td>
<td>Not applicable</td>
</tr>
<tr>
<td>If your recruitment materials or consent forms will be presented in languages other than English, please translate these documents and email copies at attachments to <a href="mailto:IRB@bard.edu">IRB@bard.edu</a>. I have submitted all of my translated materials</td>
<td>Not applicable</td>
</tr>
<tr>
<td>If you are using video recording, please email as an attachment a copy of the video consent form you will use to <a href="mailto:IRB@bard.edu">IRB@bard.edu</a> (e.g., &quot;WatersVideoConsent.doc&quot;). I have submitted a copy of my video consent form.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>If you are a graduate or undergraduate student, has your adviser seen and approved your application?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

IRB Appendix A: Sample recruitment text (included elsewhere in the Appendices)
IRB Appendix B: Consent form
IRB Appendix C: Example stimuli (included elsewhere in the Appendices)
IRB Appendix D: Questionnaires (included elsewhere in the Appendices)
IRB Appendix E: Debriefing form
IRB Appendix F: NIH Human Participant Protection Education Certificates
IRB Appendix G: European Conformity (CE) Documentation for Tobii X2 60 Eye Tracker
B. INFORMED CONSENT AGREEMENT (Full Version)

You are being asked to participate in a study designed as part of a Bard College Senior Project in the Department of Psychology. This study seeks to investigate the nature of attention and memory in legal settings.

Please take time to thoroughly read through this form as it will describe any potential risks and benefits of this study. After you have been properly informed, you have the right to choose whether you wish to participate by either signing or not signing this form. You also should be aware that you have the ability to end your participation in this study at any point in time.

**Background:** In this study, we seek to learn how different people process information that may be used in criminal court cases. We hope to use this data to comment on why jurors might come to different conclusions regarding the facts of a case. This will be investigated through a decision making and memory task, and your attention will be monitored with an eye tracker.

**What You Will Do in this Study:** In this study, you will be asked to read and view information and evidence that would likely be included in a criminal court case. As you process this information, your gaze (ie, where your eyes are looking) will be monitored by an eye tracker in order to ensure that you are indeed focusing on the information that is provided. Following this task, you will be asked to recall the facts of the case and will be asked to answer a series of questions regarding the innocence or guilt of the defendant. This task will take a total of 15 minutes and will require an additional 10 minutes to fill out questionnaires. The experimenter will be present in the room for the duration of this experiment, and as such will be available to answer any questions you may have.

Should you decide to end your participation early, whether out of discomfort or otherwise, you are encouraged to let your experimenter know. The information we have gathered in that time will be omitted from the study, and you will still have a chance to receive any compensation that this study may provide.

**Risks and Benefits:** There are no health risks associated with this study. The task that you will perform is not extensively challenging, and the information that will be presented to you, while it is associated with a criminal court case, is not violent or disturbing in nature. The study is relatively short, and the pacing is designed so as to prevent any possible boredom or stress that may arise. We do not plan to overwhelm you with information, but rather to give you ample time to process the information that is presented to you. Additionally, the technology that is utilized in this study (a Tobii X2-60 Eye Tracker) is not dangerous, and functions much like a computer camera. Finally, all of the information collected by the eye tracker and provided to us by you in later questionnaires will remain confidential.

While this study may not provide you with any direct benefits, you will be entered for the chance to win an Amazon gift card. Further, this study will provide crucial information necessary in understanding human attention and decision making. Finally, you will directly assist in the completion of a Senior Project, and in doing so you will support an undergraduate student as they attempt to better understand experimental design and the collection of behavioral data.

**Compensation:** For your participation, you will be entered for a chance to win an Amazon gift card, and will be able to have any of the snacks offered as further compensation for your time.

**Your Rights as a Participant:** Participation in this experiment is entirely voluntary, meaning that you may withdraw from this experiment at any time without penalty. If you choose to withdraw, you will still have the chance to receive any compensation. In the case that you do choose to withdraw, feel free to inform your experimenter that you no longer wish to participate.

The experimenter will tell you more about the experiment, including a full review of its hypothesis, at the completion of this session. In the case that you have further questions regarding this study, you may ask them at any point during the session or email the principal investigator, Clarence Brontë (bb6616@bard.edu).

**Confidentiality:** Your data and any responses you may provide will be coded so that your responses are not linked to your identifiable personal information. Your responses will not be shared with any other participants, and your
final data will be recorded and presented such that it cannot be traced back to you. Only the primary investigator and
their advisor will have access to the direct responses you provide, and those responses will be filed under an
anonymous subject number.

Results of this study may be used in the principal investigator’s senior project at Bard College, which will be
permanently and publicly available in the Bard College library and online through the Bard College
DigitalCommons. This information may also be used in the potential publication or presentation of findings that may
come from this project. In these cases, your results will be presented in aggregate with the results of other
participants and will not be linked to any identifiable information. If you have any other questions about your rights
as a participant, please ask your experimenter or contact the Bard College Institutional Review Board at
irb@bard.edu.

STATEMENT OF CONSENT:
“The purpose of this study, procedures to be followed, and the risks and benefits have been explained to me. I
have been given an opportunity to ask questions, and my questions have been answered to my satisfaction. I
have been told whom to contact if I have additional questions. I have read this consent form and agree to be
in this study, with the understanding that I may withdraw at any time.”

By signing below, I agree with the above statement of consent and further certify that I am at least 18 years of age.

___________________________________  ____________________
Participant Signature  Date

___________________________________
Participant Name (Printed)

___________________________________
Experimenter Signature

B. INFORMED CONSENT AGREEMENT (MTurk Version)

You are being asked to participate in a study that has been created as part of a Bard College Senior Project in the
Department of Psychology. This study seeks to investigate the nature of attention and memory in legal settings.

Please take time to thoroughly read through this form, as it will describe any potential risks and benefits of this
study. After you have been properly informed, you have the right to choose whether you wish to participate by
answering the questions below. You also should be aware that you have the ability to end your participation in this
study at any point in time.

Background: In this pilot study, we seek to learn how different people process information that may be used in
criminal court cases. We hope to use this data to comment on why jurors might come to different conclusions
regarding the facts of a case. This will be investigated through a decision making and memory task.

What You Will Do in this Study: In this study, you will be asked to read and view information and evidence that
would likely be included in a criminal court case. Following this task, you will be asked to recall the facts of the
case and will be asked to answer a series of questions regarding the innocence or guilt of the defendant. This task
will take a total of 15 minutes and will require an additional 10 minutes to fill out questionnaires.

Risks and Benefits: There are no health risks associated with this study. The task that you will perform is not
extensively challenging, and the information that will be presented to you, while it is associated with a criminal
court case, is not violent or disturbing in nature. The study is relatively short. We do not plan to overwhelm you with
information, and you may proceed through the following questions at a pace that you find comfortable. Finally, all
of the information provided to us by you will remain confidential.
As a direct benefit, you will be provided with monetary compensation via MTurk for your completion of this study. Your participation in this study will provide crucial information necessary to develop a study that seeks to understand human attention and decision making, and your responses will assist in the completion of a Senior Project. In doing so, you may benefit from knowing that you are supporting undergraduate students as they attempt to better understand experimental design and the collection of behavioral data.

Compensation: For your participation, you will be provided with direct monetary compensation through MTurk.

Your Rights as a Participant: Participation in this experiment is entirely voluntary, meaning that you may withdraw from this experiment at any time without penalty.

You will be provided with more information about the experiment, including a full review of its hypothesis, at the completion of this session. In the case that you have further questions regarding this study, you may email the principal investigator, Clarence Brontë (bb6616@bard.edu).

Confidentiality: Your data and any responses you may provide will be coded so that your responses are not linked to your identifiable personal information. Your responses will not be shared with any other participants, and your final data will be recorded and presented such that it cannot be traced back to you. Only the primary investigator and their advisor will have access to the direct responses you provide, and those responses will be filed under an anonymous subject number.

Results of this pilot study may be used in the principal investigator’s senior project at Bard College, which will be permanently and publicly available in the Bard College library and online through the Bard College DigitalCommons. This information may also be used in the potential publication or presentation of findings that may come from this project. In these cases, your data will be presented in aggregate with the results of other participants and will not be linked to any identifiable information. If you have any other questions about your rights as a participant, please ask your experimenter or contact the Bard College Institutional Review Board at irb@bard.edu.

STATEMENT OF CONSENT:
“The purpose of this study, procedures to be followed, and the risks and benefits have been explained to me. I have been given an opportunity to ask questions, and my questions have been answered to my satisfaction. I have been told whom to contact if I have additional questions. I have read this consent form and agree to be in this study, with the understanding that I may withdraw at any time.”

Consent Questions:
● “Are you at least 18 years of age?”
● “Do you feel like you have fully read and understood the contents of this informed consent agreement?”
● “Do you agree with the above statement of consent?”

E. DEBRIEFING STATEMENT
PLEASE KEEP THIS SHEET FOR YOUR RECORDS

Study Title: Looking at Socially Stigmatized Defendants
Principal Investigator: Clarence Brontë (bb6616@bard.edu)

Thank you for participating in this experiment. This study is designed to learn more about how biased gaze behaviors brought about by socially stigmatized information influence attentional patterns and subsequently impact legal decisions. This experiment seeks to investigate these trends by recording with an eye tracker where participants look on a screen and relating these recorded patterns to the later decisions participants make about the culpability of a defendant and to the self-reported explicit biases participants have about these socially stigmatized groups.

Specifically, this research aims to complete this goal by presenting participants with information about a defendant. This information is varied such that, for some participants, the defendant may have been identified as a member of one or more stigmatized groups. In legal settings, defendants that are members of stigmatized groups (such as people of color, people who have mental illnesses, and people who are regular drug users), may be deemed more or less...
culpable for the crimes that they were charged with due to the biases that people have about the groups these defendants represent. As a result, these individuals may receive harsher punishments than other less stigmatized individuals who were charged for the same crime. While some people are willing to openly admit to having these biases, other people either choose not to vocalize these biases or vehemently believe that they do not possess these biases at all. However, many individuals still reflect these biases in the way that they behave, act, or physically move. One such way that these biases might become manifested is through gaze behavior, or how people visually process information or people. In this experiment, we attempt to identify how people might embody biases toward these stigmatized individuals through how they look at them or information about them, even when they may not personally believe in the validity of these biases. By identifying these trends, we may begin to question why these biases are so pervasive in decision making, even when jurors actively seek to judge the case without bias. For example, even if a person believes that mental illness does not impact someone’s criminal culpability, the fact that they might have unknowingly used the knowledge that the defendant is mentally ill to change the way that they processed or prioritized other information about that defendant may lead them to make different decisions about that person’s behavior. By conducting this study, we hope to learn more about how these differential gaze behaviors operate such that people might utilize this information in order to combat the visual manifestation of these biases and be better able to make the unbiased legal decisions they hope to make.

This decision required us to withhold information from you in order to avoid contaminating the results. Given that we are interested in how knowledge about the dynamics of these visual manifestations of bias may allow people to adapt the way they look at legal information or even how they look at the defendants themselves, any participant equipped with this knowledge might have preemptively attempted to adjust their gaze behaviors in some way. This would prevent us from being able to identify the exact dynamics of these gaze behaviors as they would naturally occur in people who, for the most part, are unequipped with this knowledge. As a result, we withheld this information from you so that your performance would not have been altered. Now that you are fully aware of the purpose of this study, please be aware that you are fully able to withdraw from this experiment at this time and remove your data from our final analysis.

Thank you again for your participation! If you have any questions or concerns, you may ask your experimenter now or contact them at a later date at bb6616@bard.edu.

Finally, we request that, if you know anyone who may be eligible to participate in this experiment, you do not discuss this experiment with them until after they have had the opportunity to participate. Again, prior knowledge of this experiment and its primary focus may invalidate the results. You will be emailed once we have stopped meeting with participants, at which time you may speak about this experiment freely. We greatly appreciate your cooperation.

Bard Institutional Review Board
irb@bard.edu

Bard Counseling Center
845-758-7433
845-758-7777

National Suicide Prevention Hotline
1-800-273-8255
Appendix G: Preteset Results
F. NIH HUMAN PARTICIPANT PROTECTION EDUCATION CERTIFICATE

The following form details that Clarence Brontë (Legal Name: Brontë Baker-Blake, Bard College Registered Name: Clarence Baker-Blake) is certified to conduct human subjects research.

![Certificate of Completion]

G. CONFORMITY (CE) DOCUMENTATION FOR TOBII X2 60 EYE TRACKER

This device complies with Part 15 of the FCC Rules. Operation is subject to the following two conditions: (1) this device may not cause harmful interference, and (2) this device must accept any interference received, including interference that may cause undesired operation.

Modifications not expressly approved by Tobii could void the user’s authority to operate the equipment under FCC rules.

This equipment has been tested and found to comply with the limits for a Class B digital device, pursuant to part 15 of the FCC Rules. These limits are designed to provide reasonable protection against harmful interference in a residential installation. This equipment generates, uses and can radiate radio frequency energy and, if not installed and used in accordance with the instructions, may cause harmful interference to radio communications.

However, there is no guarantee that interference will not occur in a particular installation. If this equipment does cause harmful interference to radio or television reception, which can be determined by turning the equipment off and on, the user is encouraged to try to correct the interference by one or more of the following measures:

- Reorient or relocate the receiving antenna.
- Increase the separation between the equipment and receiver.
- Connect the equipment into a wall outlet on a circuit different from that to which the receiver is connected.
- Consult the dealer or experienced radio/TV technician for assistance.