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## The Effects Of Construal Level Mindset On Juror Decision Making In Hate Crimes

Brittney Lynn Fiala

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THE EFFECTS OF CONSTRUAL LEVEL MINDSET ON JUROR DECISION  
MAKING IN HATE CRIMES

by

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Bachelor of Science, University of North Dakota—Grand Forks, 2012

A Thesis

Submitted to the Graduate Faculty

of the

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for the degree of

Master of Science

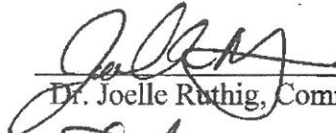
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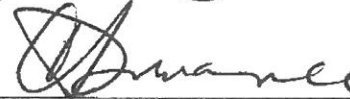
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## ABSTRACT

The current study investigates whether the level of construal mindset and type of construal task affect juror decision making in hate crimes. The type of construal task (temporal vs. hypothetical), level of construal mindset (abstract vs. concrete), and type of crime (hate crime: racial vs. gay vs. control) were manipulated and measures of attitudes toward hate crime legislation and racial and sexual minorities were assessed. Participants provided sentence recommendations and blame attribution for the perpetrator and victim. Participants first completed a construal task, and then read a crime vignette and rendered sentencing decisions and blame attributions before completing questionnaires assessing attitudes toward hate crime legislation and racial and sexual minorities. It was hypothesized that an abstract (vs. concrete) level task will lead to greater perpetrator blame, less victim blame, and longer sentence recommendations, especially for those participants who disagree with hate crime legislation; there would be no significant difference for those who agree with hate crime legislation regardless of construal level mindset. It was also hypothesized that there would be no difference for the type of construal (hypothetical vs. temporal) on the effect of blame attributions for either the victim or perpetrator or sentencing recommendations. In the concrete construal condition, it was believed that those agreeing with hate crime legislation would be significantly lower in their victim blame ratings, and significantly higher in their perpetrator blame ratings and sentencing length recommendation, as compared to those disagreeing with hate crime legislation; but, in the

abstract construal conditions there would be no significant differences between those agreeing and disagreeing with hate crime legislation.

## CHAPTER 1

### INTRODUCTION

Matthew Shepard was brutally attacked shortly after midnight on October 7, 1998. Two men, Aaron McKinney and Russell Henderson, abducted Matthew from a bar in Laramie, Wyoming by acting as though they too were homosexual, and offered to give him a ride home. Once Matthew was in the vehicle, McKinney proceeded to beat him with the butt of a revolver; the two men drove to an area outside of Laramie, tied him to a post, and dealt what would become the final and fatal blows. McKinney and Henderson left Matthew Shepard to die, tied up to the post. Eighteen hours after the incident, a passing bicyclist found Matthew and he was rushed to Poudre Valley Hospital in Fort Collins, Colorado. Matthew would be in a coma for five days before he finally succumb to his injuries on October 12, 1998. He was 21 years old ("New details emerge," 2004).

At the time of Shepard's death, in neither the United States federal law nor Wyoming state laws, were crimes committed on the basis of sexual orientation prosecutable as a hate crime. For over a decade, Judy Shepard and politicians would work to pass the *Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act* ("New details emerge," 2004). Eventually, the bill would pass the Senate in October of 2009; and President Obama signed the measure in to law on October 28, 2009 (Green, 2009).

This study will first review the current hate crime literature including a brief overview of the *Matthew Shepard Act*, as well as, the findings from one of the most recent studies involving

agreement with enhanced sentencing penalties for hate crime perpetrators. Next, literature highlighting prejudicial beliefs against racial and sexual minorities will be discussed, delineating how prejudices may affect juror decision-making. Last, construal level theory will be discussed as a possible means of reducing situational prejudice in mock jurors' decisions when evaluating sexual-orientation and race based hate crimes.

### **Hate Crimes**

Hate crimes are defined as crimes "motivated by biases based on race, religion, sexual orientation, ethnicity/national origin, and disability" (Federal Bureau of Investigation, 2011). Any traditional offense such as; murder, arson, or vandalism which includes the added element of bias is considered a hate crime ("Hate crime-overview"). In 2010, 1,949 law enforcement agencies reported 6,628 hate crime incidents involving 7, 699 offenses. Of these hate crime incidents, 47.3 percent were racially motivated, 20.0 percent were motivated by religious bias, and 19.3 percent resulted from sexual-orientation bias ("Hate crimes remain," 2011). These crimes are not only aimed at one single individual, but rather are seen as an offense at all people who share membership in the targeted group (Noelle, 2002). For example, Noelle states each anti-BGL hate crime conveys "a warning to all gay and lesbian people to stay in 'their place,' the invisibility and self-hatred of the closet" (Noelle, 2002, pg. 28).

Perhaps the most concerning aspect pertaining to hate crimes was reported by Saucier, Brown, Mitchell and Cawman (2006). The authors report hate crimes are more likely to involve: "excessive violence", cause injury, leads to hospitalization; and involve multiple offenders, serial attacks, and victimization of the same targets than criminal assaults in general. Meaning that not only do these crimes have far reaching effects, but the direct victim violence experienced is more

likely to be worse than the victim violence experienced through unbiased crimes. Due to these significant and extensive effects on victims and non-victims alike, legislation has been passed to increase punishment of hate crime perpetrators.

The *Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act*, also known as the *Matthew Shepard Act*, is a measure that expands the 1969 United States federal hate-crime law to include crimes motivated by a victim's actual or perceived gender, sexual orientation, gender identity, or disability (HCPA, 2009; Cramer, Kehn, Pennington, Wechsler, Clark, & Nagle, 2013). Even though Matthew Shepard was murdered in October of 1998, it took over a decade for the measure to be signed in to law.

It was not until the 111th Congress when the bill was introduced for the fifth time in the House on April 2, 2009 at which point the proposed bill received the support to be passed; and on October 8, 2009 the House passed the *Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act* with a vote of 281-146. The bill was signed in to law on the afternoon of October 28, 2009 by President Barack Obama (Tiron).

The *Matthew Shepard Act* has four chief measures. First, the law removes the prerequisite that the victim be engaging in a federally protected activity, such as voting or going to school. Second, it gives federal authorities greater ability to engage in hate crime investigations that local authorities choose not to pursue. Third, the law provided \$5 million per year in funding for the fiscal years 2010 through 2012 to help state and local agencies pay for investigating and prosecuting hate crimes. Lastly, the law requires the Federal Bureau of Investigation to track statistics on hate crimes based on gender and gender identity [statistics for

the other groups were already tracked] ("Matthew Shepard"). The *Matthew Shepard Act* was the first federal law to extend legal protections to transgender people.

The *Matthew Shepard Act* was monumental in addressing hate crimes in the United States, taking many steps forward by protecting groups that were formerly left without protection. It increased penalty enhancement for the perpetrators of hate crimes, and awarded more power to agencies in pursuing actions against these perpetrators. Those that support the newly passed legislation were ecstatic with the progress; but how does the general population, in particular potential jury members, perceive the passage of this legislation?

The First Amendment of the Constitution entitles a person to freedom of speech, freedom of thought or opinion; but you cannot take away others' freedom in doing so. Many individuals do not realize that the enhanced punishment of hate crime perpetrators is not for the motivation behind the crime, but for the extra harm caused by the crime (Iganski, 2001). Hate crimes are seen as more hurtful, due to the fact that the act causes pain beyond the time of the crime, and beyond the direct victim (Iganski, 2001). Past studies have evaluated how individuals' agreement with the penalty enhancement of hate crime legislation influences potential jurors sentencing decisions and blame attributions in sexual orientation based hate crimes.

Cramer et al., (2013) evaluated how hate crime penalty enhancement instructions (i.e., increased penalty for hate crime perpetrators) and individual agreement with hate crime legislation impact mock juror judgments. The procedure involved a two-step vignette process. Step one included details of a crime (2<sup>nd</sup> degree murder), as well as demographic and situational information about the perpetrator and victim. Mock jurors were then provided sentencing instructions and federal sentencing guidelines for 2<sup>nd</sup> degree murder. Participants then provided

sentencing recommendations, as well as victim and perpetrator blame ratings. In step two, each participant received supplemental hate crime instructions indicating the committed crime being a hate crime and hence punishable in a more severe manner. The instructions included additional sentencing guidelines for increased sentencing enhancement of hate crimes. The participant then completed identical ratings of sentencing and blame. Results were broken down between those individuals who agreed with hate crime penalty enhancement and those who disagreed.

The authors found individuals agreeing with hate crime penalty enhancement gave longer sentencing recommendations, blamed the victim less, and blamed the perpetrator more from pre-to post-instruction than those who did not agree with penalty enhancement of hate crime perpetrators. Individuals who disagreed with hate crime legislation did not change their sentencing recommendations; victim and perpetrator blame ratings from pre-to post-instruction.

The findings from Cramer et al. (2013), illustrated that, in accordance with the HCPA, offenders were repeatedly punished with increased prison terms when individuals agreed with hate crime legislation. Jury-eligible community members complied with federal legislation by increasing perpetrator sentence length and blame, as well as decreasing victim blame.

The divergent results occurred for individuals who did not agree with the hate crime legislation; in which, these individuals did not significantly increase penalties and perpetrator blame, or decrease victim blame. The results raise the question as to why certain individuals did not agree with the penalty enhancement portion of the HCPA. It is possible that individuals' prejudicial attitudes about the members of the victimized group influenced their agreement with the penalty enhancement portion.



## **Prejudice**

Prejudice has been defined by Sun (1993) as "unfavorable intergroup perceptions, judgments, or attitudes (pg. 1152);" these perceptions, judgments, and attitudes effect how an individual views religion, race, gender, sexuality, and disability. While researchers may agree on the definition of prejudice, the seriousness and far-reaching effects of prejudice, are subject to multiple theoretical orientations, ranging from attributing cultural causes (Guimond et al., 2013; Uhlman & Nosek, 2012); personality traits and the Five-Factor model (Cramer, Miller, Amacker, & Burks, 2013; Moradi, van den Berg, & Epting, 2006) to two factor theories which merge cognitive distortions and social perceptions of moral values (Sun, 1993).

Within each of these theories, there is an underlying theme involving attribution theory and how individuals view "the self" versus "the other", or ingroup and outgroup biases (for a review see Kelley and Michela, 1980). Attribution theory states individuals' behaviors can be attributed to either an internal or external cause (Biernat & Sesko, 2013; Dambrum, 2004; Sommers & Ellsworth, 2000, 2001; Sun, 1993; Uhlman & Nosek, 2012). When someone is seen as being part of the ingroup or more similar to the individual, external causes will likely be attributed to their negative behavior while internal causes will be attributed to their positive behavior. For example, should an ingroup member, receive a speeding ticket, the evaluator will most likely believe that this individual was in a hurry, had somewhere to be, but the cause of their behavior was a result of situational, external factors. The perceiver will show more empathy due to the fact that the target did not have control over the factors contributing to their actions. Alternatively, the exact opposite will occur for outgroup members. External attributions will be assigned to positive behaviors while internal attributions will be assigned to negative behaviors.

Hence, if an outgroup member received a speeding ticket, the evaluator would view the speeder as a rule breaker, someone who was inconsiderate of others and authority. In essence, the evaluator would attribute internal factors to the speeder and disregard external causes. The perceiver will show less compassion toward the target as the individual is thought to have control over the factors that contributed to the negative actions.

Whether prejudice is related to race, sexual orientation, or another perceived social group attribute, attribution theory assists in explaining how culture, personality traits, or multiple factor theories contribute to prejudicial beliefs and behaviors, or how an individual will justify their prejudicial beliefs. For example, it is reasonable that prejudice can exist in certain cultural settings and not in others. If an individual belongs to a particular social hierarchy they will be expected to express prejudice towards an outgroup; in this situation not only do they recognize ingroups and outgroups, but are "justified" in their prejudicial beliefs and behaviors (Guimond et al., 2012). Uhlmann and Nosek (2012) describe another way in which attribution theory assists individuals in justifying their prejudicial beliefs due to cultural influences. The authors explain that an individual who is repeatedly exposed to negative racial stereotypes will develop associations for that race, even if they do not actively accept the stereotype. In order for the individual to protect their self-worth, attempts are made to restore their integrity by using whatever means possible. The individual will blame their culture for their thoughts and feelings, in essence attributing their behavior to external situational factors and thus not blaming internal characteristics.

Additionally, researchers have investigated the role of trait characteristics as they apply to prejudice. In that regard, openness and right-wing authoritarianism (RWA) are two of the

central personality characteristics which have been shown to impact prejudicial beliefs. Cramer et al. (2013) stated that openness reflects a curiosity about internal and external events; while RWA reflects, "a learned sociopolitical ideology that arises from both predisposing personality factors and contextual experiences."

Individuals higher in RWA are more likely to embrace offensive attitudes toward those who go against conservative ideals. The result is that RWA positively relates to prejudice, and is one of the strongest individual difference predictors of anti-gay attitudes. Similarly, Morandi et al. (2006) assessed personal construct theory, which is concerned with thoughts, feelings, and behaviors and the way these are influenced by an individuals' experiences. The researchers found the top five constructs which elicit anti-lesbian/gay attitudes are: religiousness, conservativeness, stubbornness, happiness, and tenseness; these constructs are in line with RWA. Individuals who are high in these traits justify their prejudicial beliefs by stating that the outgroups are not conforming to ingroup norms, and thus have internal characteristics which they have control over which would allow them to assimilate to the ingroup norms.

Lastly, Sun (1993) proposed a theory which attributed the cause of prejudice to two factors; cognitive distortions or perceived injustices. Cognitive distortions lead to cognitive prejudice, which skew social reality despite objective evidence, and result in inaccuracies in categorizing, evaluating and explaining social group and situations. Moral prejudice is linked with injustice or social attitudes differing from the norm; which includes principles such as social identity and ingroup favoritism. The factors work together cohesively, rather than an individual's prejudice being cause by one factor, but not the other. The author states that the relationship focuses on whether beliefs about society are compared against the typicality of society (what is)

or with the morality of society (what ought to be). Further, Sun (1993) explains that prejudice can be reduced when individuals have greater knowledge, and can categorize the target as having multiple group memberships instead judging the target by one aspect of their identity. Increased relationships or interactions between differing groups are also believed to be of importance in reducing prejudice in this model. Again, attribution theory can be seen playing the role of contributing certain prejudices due to categorization as an outgroup member and the social stigmas or stereotypes held for that outgroup.

Understanding the underlying mechanisms is one aspect of potential prejudice reduction efforts, but researchers have also investigated the role of prejudice in interracial relations. Carr, Dweck, and Pauker (2012) conducted five studies evaluating beliefs about the malleability of prejudice and the influence it has on various interracial situations. Beliefs about the malleability of prejudice can affect avoidance of interracial interactions, anxiety during or about interactions, as well as, feelings about changing an individual's level of prejudice. Studies 1 and 2 illustrated individuals with a fixed compared to malleable view of prejudice were less interested in engaging in interracial interactions, interactions across racial lines, and in studies with a concentration of race, diversity, or learning about prejudice. Study 2 also showed that a fixed view of prejudice can cause people to partake in an outwardly prejudice manner, such as; avoiding contact with other races, distancing from a Black interaction partner (among Caucasians), and wanting to spend less time with a Black interaction partner. Study 3 was concerned with revealing the desire to change the level of prejudice exhibited by an individual; results showed those with a fixed view of prejudice were less interested in attempting to reduce their prejudice. Studies 4 and 5 dealt with individuals' concerns about revealing prejudices to

themselves and others; as well as the level of anxiety experienced when interacting with a Black interviewer. Those individuals who held a fixed rather than a malleable view of prejudice were more concerned with revealing their prejudices to themselves and others. When it came to interacting with a Black interviewer, individuals who held a fixed view were more anxious than those holding a malleable view; holding a fixed belief about prejudice lead individuals to exhibit both behavioral and physiological anxiety. These individuals were less likely to make eye contact, less likely to smile, they laughed nervously, body posture was rigid and tense, fluidity of speech diminished, and had an increased heart rate all while interacting with the Black individual, but did not exhibit these behaviors during their interaction with the White individual.

There are important implications of Carr et al.'s (2012) studies. If individuals hold a fixed view of prejudice, they may outwardly exhibit prejudiced behaviors even if they do not hold prejudicial beliefs toward the target. They are fearful of revealing any prejudices they may have and this can cause the person to appear unfriendly or hostile, due to their increased anxiety and lack of interest in partaking in interracial relationships. Imagine a White employer, who adheres to a fixed view of prejudice, must interview or assign job duties to a minority; the employer will more likely than not spend less time interacting with a minority individual and would be more comfortable giving another White employee the opportunity to complete the task. Individuals with fixed views are less interested in studies about prejudice and diversity, and are also uninterested in changing their level of prejudice. This provides the groundwork for a vicious cycle; one's prejudice beliefs cannot be changed if they are unwillingly to learn how to change them, so they will be less likely to realize the opportunities that are available to change their beliefs and behaviors.

## **Prejudice in the Courtroom**

The main consideration for prejudice resulting in juror bias stems from attribution theory. It has been demonstrated that people tend to attribute their own positive behavior and the positive behavior of their ingroup, to internal characteristics while attributing situational, external factors to their negative behaviors. The exact opposite is true for outgroups and their members (Sommers & Ellsworth, 2000, 2001).

Many studies concentrate solely on White juror bias, but Sommers and Ellsworth (2000) evaluated both White and Black juror biases and the effects on guilt ratings, sentencing decisions and ratings of dispositional characteristics in race-salient and non-race-salient studies (race-salient meaning that an individual's race is relevant or important to the issue being discussed; whereas, non-race salient would refer to the issue of race not being brought to the forefront of an issue or task (for a review, see Sommers & Ellsworth, 2000). The authors reported the following findings for the race-salient condition: White jurors showed no race differences in ratings of guilt, while Black jurors gave White defendants higher guilt ratings compared to Black defendants. Further, Black jurors gave White defendants longer sentences than Black defendants, while no race differences were found for the White mock jurors. Black jurors also perceived White defendants as having weaker cases than the Black defendants and that the alleged crime was more indicative of the dispositional characteristics of White defendants than Black defendants. Again, there were no race differences reported for White jurors in case strength or personal dispositional. It is possible that Black jurors react in this manner due to lack of trust in authorities, or the thought that a Black defendant may have faced racial profiling when being charged with the alleged crime (Weatherspoon, 2004).

The results were quite different for Black and White jurors in the non-race salient condition. White jurors gave Black defendants significantly higher guilt ratings than White defendants, and Black jurors gave White defendants significantly higher guilt ratings than Black defendants. The authors found that this pattern was consistent for sentencing recommendations and trait ratings. Both races were more punitive towards the opposite race, recommending longer sentences and perceiving the defendant's alleged crime as being more indicative of their inherent characteristics, or that the opposite race was more aggressive and violent. Sommers and Ellsworth (2001) repeated the race-salient and non-race-salient study with only White jurors and replicated their findings.

The authors concluded that White jurors in their sample are likely to respond in the appropriate nonprejudiced manner if race norms are made salient. If racial issues are not highlighted and brought to the forefront but left ambiguous, White juror bias is more likely to occur and influence their perception and judgments of other race defendants (Sommers & Ellsworth, 2000, 2001). It is important to recognize what contributes to juror bias and how prejudicial attitudes can affect all aspects of the justice system. An individual's race is not the only potential source for prejudice; sexual orientation is another characterization, specifically of the victim, that can lead to biased judgments.

There are many reasons to question whether sexual minority victims and defendants are treated in the same manner as heterosexual individuals. Prejudice based on sexual orientation may stem from individuals' homonegativity or homophobia which relate to the irrational fear of homosexuality or homosexuals (Herek, 1989; Herek, 2007; Johnson & Beyers, 2003). The underlying mechanism of this irrational fear may stem from an insecurity of one's own sexuality,

a lack of education, religious beliefs, conservatism or rigidity relating to sexuality, or even an awareness of social status. The end result is anxiety, hatred, and intolerance and may mean homosexuals will be treated differently from heterosexuals when they are involved in a sexual assault trial (Hill, 2000).

Hill's (2000) study illustrated that altering a defendant or victim's sexuality changed mock jurors' ratings of guilt and the importance attributed to the victim or defendant's sexuality in determining guilt judgments. The study consisted of four conditions: conditions one and two consisted of a heterosexual male allegedly committing a sexual assault against either a heterosexual (one) or homosexual (two) female, whereas conditions three and four featured a homosexual male who allegedly committed a sexual assault against either a heterosexual (three) or homosexual (four) male. The findings showed that homosexual males who were accused of sexually assaulting heterosexual males were deemed guiltier than heterosexual males who assaulted heterosexual females as well as homosexual males who assault other homosexual males. The author also found that a heterosexual male's sexuality is seen as less important than a homosexual male's; and that a victim's sexuality varies in importance with the defendant's sexuality. If the defendant was homosexual, victim sexuality was viewed as more important than when the defendant was heterosexual. When the victim was homosexual, the defendant was found guilty less often than when the victim was heterosexual. In short, a homosexual in the courtroom is at a disadvantage regardless if they were a defendant or a victim (Hill, 2000).

Questions may arise as to why this incongruence of treatment occurs based on an individual's sexual orientation in the courtroom. One explanation could be that if a juror cannot pinpoint the behavior of a defendant or believe they would have acted similarly to the defendant,



they then will search for blame in the victim's behavior (Plumm et al., 2010). Plumm et al. (2010) explored whether factors such as location or "provocation" played a role in how jurors' attribute blame in sexually oriented hate crimes. The study featured a homosexual victim who was allegedly assaulted by a heterosexual defendant at either a local (non-gay) bar or a gay bar; the defendant had either been provoked by the victim, sent a drink, touched, or was unprovoked, sent a drink and victim walked away. Essentially, the authors found significant differences in blame attributions for the victim and defendant depending on the situation. Defendants were rated as solely to blame in the gay bar situation, while victims were rated as more blameworthy in the local bar situation. Similarly, the defendant was rated as solely to blame in the "provocation" not present condition, and the victim was rated as being more blameworthy in the "provocation" present scenario. The pattern seen from this study is that when the victim acts in a matter that could be categorized as unexpected or unacceptable for the situation, the victim will assume more blame. While the defendant may still be guilty of the crime, the juror will see the defendant as less guilty and more lenient in the punishment.

Prejudices influence the treatment of individuals of different races and sexualities in the courtroom not only as defendants, but as victims as well. Different factors contribute to jurors' prejudicial treatment of racial and sexual minorities, including personality characteristics, lack of education, the location of the crime, whether the individual was "provoked" or not, or even the type of crime committed. Because these prejudices can have significant ramifications, it is worthwhile to focus on how to overcome these issues in the courtroom. One method that could potentially be used to overcome jurors' prejudices relates to construal level theory.

## **Construal Level Theory**

According to construal level theory (CLT), objects, events, or individuals can be perceived as either close or distant psychologically. In CLT, the distances are represented by two types of construals; high-level and low-level. High-level construals focus on psychologically distant events, with thought processes being more abstract, global, superordinate, and structured; while low-level construals are concrete, local, subordinate, and incidental (Rim & Trope, 2009; Trautman & van de Kuilen, 2012; Trope & Liberman, 2010). Further, the psychological distances can be categorized as social (me vs. other), spatial (near vs. far), temporal (now vs. later), and hypothetical (likely vs. unlikely; Fielder, Jung, Wänke, & Alexopoulos, 2012; Rim & Trope, 2009; Trautman & van de Kuilen, 2012). Theoretically, individuals then *travel* across these psychological distances by using similar mental construal processes (Trope & Liberman, 2010). In essence, a high level construal is constructed from high distance processes (other, far, later, and unlikely), where as a low level construal is constructed from low distance processes (me, near, now, and likely; Trautman & van de Kuilen, 2012).

When objects are psychologically distant (e.g., higher level construals), one needs to conserve the essential properties of the object. At higher levels of abstraction, there is a loss of specific and supplementary information; as well as, the use of stored knowledge to assign a new meaning to the object, event, or individual. Retained are the central features, while supplementary details are lost, and individuals' subjective and personal beliefs essentially complete the constructed judgment. Higher level construals put the object of interest in to a broader context, and relate it to other similar concepts. The abstract representation can lead to a multitude of interpretations depending on which details are omitted or endorsed; which results in

a simplistic conclusion, less definite, and more typical than concrete representations (Fielder et al., 2012; Rim & Trope, 2009; Trautman & van de Kuilen, 2012; Trope & Liberman, 2010).

High level, abstract construals focus on the "why" of an event or action. For example, when an individual thinks about going on a vacation in one year, the way that individual imagines their vacation will be in a different context than if they were thinking about a vacation planned for the upcoming weekend. When imagining a vacation occurring in a year, the individual will focus on where to go, why go to that particular location, why to go on vacation, etc. The individual's thought process will become more abstract and the idea of what that vacation is and what it will involve is placed in to a broader context. This is not to say that the thought process is less defined, but rather it relates to a context that is relevant to the individual's own goals. The further in distance the object or event, the higher the construal and the more an individual will omit certain details or ascribe their personal values to the object or event (Trope & Liberman, 2010).

Concrete construals on the other hand preserve minute details for immediate use. Low level, concrete construals focus on the "how" of an event or action. Using the previous example, when an individual imagines a vacation occurring in the upcoming weekend it will be thought about in a different context than a vacation that would occur in one year. When imagining a vacation occurring in the upcoming weekend, the individual will be concerned with making reservations, having a set schedule of activities, and packing the appropriate items for the destination. The individual's thought process will become more focused on the particular situation with a concentration on supplementary details (Trope & Liberman, 2010).

Trope and Liberman (2000) found that people are generally overconfident when predicting their own behavior, as well as, the behavior of others. Individuals tend to rely on a more abstract, planned representation of how they would ideally act in a situation; where they fall short is a lack of integration of unplanned issues that may arise. Following CLT, high-level temporal construals are related to the distant future and consist of general, superordinate, and essential features, or "why" descriptions; whereas, low-level temporal construals are related to the near future and include more specific, subordinate, and secondary features, or "how" descriptions (Liberman, Trope, McCrea, & Sherman, 2007; McCarthy & Skowronski, 2011; Trope & Liberman, 2000).

When an individual is recognized as being more similar to a person or closer in relationship, then a more concrete construal is invoked. The individual will be individuated based on their personal characteristics rather than stereotyped and categorized as a member of a larger group. CLT proposes higher levels of abstractness contain more information about the general meaning and inherent attractiveness or aversiveness of an event, object, or individual rather than the concrete factors (Trope & Liberman, 2010). It is believed that concrete construals are used in judgments for similar individuals, and abstract construals for dissimilar individuals may be based on knowledge resulting in the self-other differences. Meaning that individuals know more about themselves and how they act and respond in different situations, than they know about how others act. Prejudices are more readily used in situations, objects, and individuals that are foreign because there is a lack of knowledge for those events, objects, situations, or individuals. Cognitively it is less taxing to use generalizations so the person does

not have to assert as much effort to make decisions or construct explanations about the object or individual of interest (Trope & Liberman, 2010).

When an individual is categorized as being dissimilar or further in relationship from another person, attribution theory is more readily put in to effect. Within this theory, an observer effect states that an individual views their own behavior from a concrete, situational context in which actions are evaluated in the moment. On the other hand, others' behavior is viewed as stable, and actions reflect the general disposition of the actor. The self-other judgments might be accounted for by the differences in the salience of behaviors and situations. From an individual's own perspective, situations are seen as less salient; whereas from an observer perspective, behavior is seen as more salient (Li, Johnson, Cohen, Williams, Knowles, & Chen, 2012; Trope & Liberman, 2010). In other words, more generalizations will be made when explanations are being formed for another individual's actions and personality. The individual of interest will be characterized by the prejudices held about the group that the individual belongs to or categorized as belonging.

A recent study evaluated prejudice and construal level theory to examine the effect of different mind-sets (abstract vs. concrete) and political conservativeness on feelings toward nonnormative groups (e.g., gay men, lesbians, Muslims, and atheists; Luguri, Napier, & Dovidio, 2012). The authors conducted three studies in which both liberals and conservatives were questioned regarding their feelings about the nonnormative groups before and after they were put in either concrete or abstract mind-sets. The results were similar in all three studies.

Conservatives' prejudice against nonnormative groups was reduced when they thought abstractly

as opposed to when they thought concretely. There was no significant difference between liberals and conservatives when both groups were placed in an abstract mind-set (Luguri et al., 2012).

The results by Luguri and colleagues (2012) were opposite from what McCrea, Wieber, & Myers (2012) had found, in which abstract mindsets increased stereotypes usage. While previous CLT research illustrated that abstract mindsets decrease individuals' prejudices, the same was not seen for individuals' usage of stereotypes; unless the construal task used was temporal in nature. Temporal construals led to less stereotype usage in an abstract mind-set (Luguri et al., 2012; McCrea et al., 2012). Investigating how construals effect stereotype usage is an alternative to evaluating the effects of construals on prejudicial judgments, as the two topics can be related. McCrea et al. (2012) evaluated the activation of stereotypes involving gender, age, and occupation, in both the self and others, using abstract versus concrete construal mindsets. It was reported that stereotype activation occurs in abstract construals and not in concrete, but only if the stereotype is primed (McCrea et al., 2012). The authors conducted six studies; with studies 3, 4, and 5 split in to two parts for a total of nine separate studies.

The results were consistent across studies; construal level mind-sets affect the use of stereotypes of other and the self. Abstract construals led to greater use of stereotypes, as long as the stereotype had been primed (McCrea et al., 2012). Further, abstract construal mind-sets invoke categorization to the larger group; whereas, concrete level mind-set invoke categorization related to the self (Liberman and Trope, 2010; McCrea et al., 2012). This was true unless a temporal construal task that was utilized. It was these divergent findings, which contributed to the current research's interest in also using a temporal construal task. McCrea et al. (2012) explain that temporal distance, which illustrates an abstract construal, actually increase

judgments of immorality for wrongdoings and improves restraint. This leads to an increased assurance to avoid biased responding. When individuals are more mindful, their behavior is deemed as prejudiced, and this could decrease stereotyping (McCrea et al., 2012). The current study manipulated type of construal task (temporal vs. hypothetical), level of construal mindset (abstract vs. concrete), and type of crime (hate crime: racial vs. gay vs. control) while measuring attitudes toward hate crime legislation and racial and sexual minorities.

### **Current Study and Hypotheses**

The current study contained a manipulation check which related to participants following the requirements of federal legislation for increased sentence lengths for hate crime perpetrators, as compared to perpetrators of a non-hate motivated crime. In this regard, hate crime conditions, both race and sexual orientation, should result in higher ratings of perpetrator blame, lower ratings of victim blame, and longer sentencing recommendations compared to the control crime conditions.

Based on past findings, the following hypotheses were postulated. First, it was hypothesized that the type of construal task completed would not have a significant effect on blame attributions or sentence length. Specifically, the present study postulated that there would not be a significant difference between participants who completed a temporal construal task versus those who completed a hypothetical construal task (Hypothesis 1). Although McCrea et al. (2012) demonstrated that the type of construal had a significant effect on whether an abstract mindset would activate more or less stereotype usage; the same has not been shown for prejudicial beliefs. McCrea and colleagues explained that abstract mindsets invoked greater stereotype usage, unless the type of construal used was a temporal construal. This distinction was

not shown to be the case in the Luguri et al. (2012) studies, which again illustrated that abstract mindsets decreased prejudicial beliefs. Based on these divergent findings, it was believed that type of construal would be less influential than the mindset a participant is placed in.

The second hypothesis postulated that participants who agreed with hate crime legislation would give significantly longer sentencing recommendations, less victim blame, and more perpetrator blame, as compared to those who do not agree with hate crime legislation (Hypothesis 2).

Third, it was hypothesized that participants who were assigned to the abstract construal conditions, both hypothetical and temporal, would have higher ratings of perpetrator blame, lower ratings of victim blame, and longer sentencing recommendations as compared to participants in the concrete construal conditions (Hypothesis 3). The justification for this prediction was based on the findings by Luguri et al. (2012), which illustrate that conservatives who were put in to an abstract mindset reduced their prejudicial beliefs and adhered to a more general concept of equality and impartiality.

Lastly, it was hypothesized that the longest sentencing recommendations, greatest perpetrator blame, and least victim blame will be observed for those individuals who are in the abstract mindset, hate crime condition, and who agree with hate crime legislation (Hypothesis 4).

Beyond the main hypotheses, individual difference measures assessing participants' internal and external motivation to respond with prejudice, racism, and homophobic attitudes were collected and controlled for in the main analyses.



## CHAPTER II

### METHOD

#### Participants

Data was collected from a sample of 299 participants who fully completed the study. Twenty participants did not properly complete the construal task portion of the study, and therefore were not included in the analyses; the final sample consisted of 279 participants. This sample was comprised of 60.2% women, 39.8% men, and 76% Caucasian participants, with the mean age being approximately 36.84 years ( $SD = 13.82$ ). Of the total sample, 258 identified as Heterosexual (92.5%), 9 as Homosexual (3.2%), 10 as Bisexual (3.6%), and 2 participants self-identified as other (.7%; see Table 1). The sample was slightly liberal ( $M = 6.00$ ,  $SD = 2.65$ ) on a 10-point scale with higher score indicating more liberal views.

#### Design

The current study was a 2 (construal task: temporal vs. hypothetical) X 2 (construal level mindset: abstract vs. concrete) X 3 (type of crime: sexual orientation based hate crime vs. race based hate crime vs. control) between-participants design. The dependent variables were mock juror's sentencing decision and blame attribution, for both the perpetrator and the victim.

#### Materials/Measures

**Temporal-Concrete.** The temporal construal tasks for this study were adapted from the McCrea et al. (2012) studies. The temporal construal task for this study involved the participant planning a vacation at a particular point in time. In the temporal-concrete condition, participants

gave a response related to planning a vacation in the near future (e.g. the following weekend). The participants recorded their response in a text box provided.

**Temporal-Abstract.** In the temporal-abstract condition, participants gave a response related to planning a vacation in the distance future (e.g. the following year). The participants were asked to record their response in a text box provided.

**Hypothetical-Concrete.** The hypothetical construal tasks were adapted from Freitas et al. (2004). Participants were either asked why they would partake in a certain activity, or how they would go about performing that same activity. In the hypothetical-concrete condition, participants were asked how a person can increase their physical well-being. The participants recorded their response in three text boxes provided. Participants were prompted to increase the level of concreteness in their responses with each text box.

**Hypothetical-Abstract.** In the hypothetical-abstract condition, participants gave a response to the question of why a person would increase their physical well-being. The participants recorded their response in three text boxes provided (see Appendix for exact wording). Participants were prompted to increase the level of abstractness in their responses with each text box.

**Crime vignette manipulations.** Participants received one of three vignette versions adapted from Cramer et al. (2013). The vignettes consisted of two hate crime scenarios (race based hate crime and sexual orientation based hate crime) and a control crime scenario with no indication of the assault being motivated by hate. Participants read one of the three versions of the crime vignette, which included demographic information about the perpetrator and victim; as well as, information about the crime (see Appendix).

Following the crime vignette, sentencing instructions were provided along with federal guidelines for 2nd degree murder and enhanced penalties for hate crime perpetrators. Participants provided their sentencing recommendation in years and months. The participants also rated their level of agreement or disagreement with hate crime legislation (dichotomous yes/no).

**Perceptions of blame scale.** Participants were given the Perceptions of Perpetrator and Victim Blame Scales (PPBS/PVBS; Rayburn, Mendoza, & Davison, 2003), consisting of 14 paired adjective ratings (e.g., violent-non-violent), which were totaled to illustrate how much blame a participant attributed to both the victim and the perpetrator presented in the vignette they read previously. The internal consistency of these measures are high with Cronbach alphas ranging from .85 to .90 (PPBS,  $\alpha = .85$ ; PVBS,  $\alpha = .90$ ). Alphas for the current sample were good for the perpetrator ( $\alpha = .85$ ) and victim blame ( $\alpha = .91$ ) scales.

**Modern Homonegativity Scale.** Participants completed the Modern Homonegativity Scale (MHS; Raja & Stokes, 1998). The MHS is separated into two sub-scales, the MHS-L (lesbian) and MHS-G (gay males); for the current study only the MHS-G was used based on the type of hate crime committed in the vignette. The MHS-G consists of 22 items measuring an individual's feelings toward gay men. Measurements are gathered on a 5 point Likert scale from 1 "Strongly Disagree" to 5 "Strongly Agree". This scale has good internal consistency with a high Cronbach's alpha ( $\alpha = .95$ ). Alpha for the current sample was high as well ( $\alpha = .95$ ).

**Modern Racism Scale.** The participants were also given the Modern Racism Scale (MRS; McConahay, 1986); to measure individual's attitudes and levels of racism towards African Americans. This scale contains 7 items, which are rated on a 5 point Likert scale from 1

"Strongly Disagree" to 5 "Strongly Agree". This scale has an adequate Cronbach's alpha ( $\alpha = .82$ ). Alpha for the current sample was adequate ( $\alpha = .76$ ).

**Internal and External Motivation to Respond without Prejudice Scale.** The Internal Motivation and External Motivation to Respond without Prejudice Scales (IMS/EMS; Plant & Devine, 1998), measured individuals' motivation to respond in a nonprejudiced manner due to both internal and external factors. This scale contains 10 items, five items under each category. Participants rate their responses on a 9-point Likert scale, ranging from 1 "Strongly Disagree" to 9 "Strongly Agree". This scale reported adequate Cronbach's alphas across three samples ( $\alpha = .76-.85$ ). Alpha for the current sample was adequate ( $\alpha = .72$ ).

**Theories of Prejudice Scale.** The Theories of Prejudice Scale (TPS; Carr et al., 2012) contains 6 items measuring a participant's belief in the malleability of fixedness of prejudice. Participants rate their responses to the items on a 6-point Likert Scale, ranging from 1 "Very Strongly Disagree" to 6 "Very Strongly Agree". This scale has a high Cronbach's alpha ( $\alpha = .94$ ). Alpha for the current sample was good ( $\alpha = .92$ ).

**Demographic questionnaire.** The demographic questionnaire captured participants' age, gender, race, political affiliation, religion, sexual orientation.

## **Procedure**

Participants were recruited online through Amazon's Mechanical Turk (MTurk), and completed the study through the Qualtrics survey site. After providing informed consent, participants were randomly assigned to complete one of the four construal tasks. Once participants finished the construal task, they read a vignette describing either a hate crime or a control crime. Immediately after reading the vignette, participants completed the juror

questionnaire; providing length of sentence and blame attributions. Participants then completed the individual difference measures, followed by a demographic questionnaire.

Participants were thanked, debriefed, and paid (\$0.40) for their participation upon completion of the study, which lasted approximately 13 minutes.

## CHAPTER III

### RESULTS

#### **Analytic Plan**

Separate ANCOVAs were conducted for each dependent variable (sentence length, perpetrator blame, and victim blame) examining the independent and interaction effects of all independent variables (construal level, construal task, and hate crime vignette), while controlling for hate crime agreement and prejudicial beliefs (as assessed by MRS, MHS, IMS/EMS, and TPS) as covariates.

#### **Manipulation Check**

The manipulation check was included to ensure that participants followed the instructions for increased sentencing determinations for perpetrators of hate crimes. The check examined the effects of type of hate crime vignette read, using an ANCOVA. The independent variable was the vignette manipulation (sexual orientation hate crime, racial hate crime, or control), covariates included all independent measures being assessed (IMS/EMS, TPS, MRS, and MHS), and the dependent variables included sentence length, and measures of blame attributions for the victim and perpetrator, with separate ANCOVA's being conducted for each dependent variable.

ANCOVA results yielded a significant main effect for type of hate crime and sentence length,  $F(2,254) = 3.30, p=.04$ . Participants assigned longer sentence recommendations (in years) to perpetrators of both sexual orientation ( $M=28.99, SD=14.01$ ) and race ( $M=30.62, SD=12.39$ ) hate crimes than to those perpetrators in the control condition ( $M=20.39, SD=14.10$ ;

see Table 2). A post hoc Tukey test showed that the race and sexual orientation based hate crimes differed significantly from the control crime at  $p < .001$ . There was no significant difference in sentencing recommendations between the two hate crime conditions.

## **Victim Blame**

### **Hypothesis 1**

Recall, the first hypothesis stated that no effect of construal tasks on the dependent variables would be detected. In order to test this hypothesis, three separate ANCOVA's with construal task and hate crime type as independent variables and individual difference measures of prejudice and hate crime agreement as covariates were conducted with sentence recommendations, victim blame, and perpetrator blame as the dependent variables.

No significant main effects were found for either type of construal task (hypothetical or temporal) on any of the dependent measures. Analyses revealed a significant interaction effect for hate crime vignette and construal task on victim blame,  $F(2,254) = 5.36, p = .005$ . Participants who completed the hypothetical construal task assigned less victim blame to victims of sexual orientation ( $M=35.70, SD=16.57$ ) and race ( $M=37.57, SD=17.87$ ) hate crimes, than those victims in the control condition ( $M=50.39, SD=15.35$ ). A post hoc Tukey test showed that the sexual orientation based hate crime differed significantly from the race and control crime at  $p < .001$ . There was no significant difference in victim blame between the control crime and race hate crime conditions.

## **Hypothesis 2**

The second hypothesis stated that participants who agreed with the enhanced punishment aspect of hate crime laws (i.e., hate crime agreement) will increase sentencing recommendations and perpetrator blame and decrease victim blame.

No significant main effect of hate crime agreement on any of the dependent measures was detected. However, ANCOVA results yielded a significant interaction effect for hate crime agreement and type of task completed on victim blame,  $F(1, 94) = 6.87, p = .05$ . Participants who completed the temporal construal task, and who agreed with hate crime legislation ( $M=37.77, SD=16.83$ ) assigned significantly less victim blame than those who did not agree with hate crime legislation ( $M=48.36, SD=19.36$ ).

## **Hypothesis 3**

The third hypothesis examined one of the main research questions of the study. Specifically, the effects of construal level mindset on the sentencing decision and blame attributions (victim and perpetrator). Analyses showed no significant main effects for either level of mindset on any of the dependent measures (all  $p$ 's > .05). Therefore, the differential construal mindsets (abstract vs. concrete) did not have an influence on sentencing recommendations or blame attributions in the current sample.

## **Hypothesis 4**

The final hypothesis aimed to explore under what conditions the blame attributions and sentencing recommendations would be most affected by participants' level of agreement with hate crime legislation. For this analysis, the ANCOVA included the IVs of vignette and mindset,



with the covariate of hate crime agreement. Again, separate ANCOVAs were run for each of the DVs.

Analyses showed no significant main or interaction effects on any of the dependent measures (all  $p$ 's > .05). Therefore, the differential construal mindsets (abstract vs. concrete) when taking account for the hate crime scenario encountered, did not have an influence on sentencing recommendations or blame attributions in the current sample (See Tables 3a-c).

### **Covariates**

Individual differences in MRS,  $F(1, 254) = 4.99, p = .026, B = .501$  and MHS-G,  $F(1, 254) = 5.10, p = .025, B = .307$ , showed a significant main effect on victim blame. Individuals scoring higher on these two scales, assigned more victim blame overall (See Table 4).

Further analyses were conducted, splitting the data by type of construal. ANCOVA results also showed a significant main effect for the EMS/IMS scale on victim blame,  $F(1, 94) = 5.97, p = .016, B = -.353$ . Participants who completed the temporal construal task, who score higher on the EMS/IMS scale assigned less victim blame overall.

### **Perpetrator Blame**

ANCOVA results showed a significant main effect for individual differences in MRS on perpetrator blame,  $F(1, 254) = 6.943, p = .009, B = -.501$ . Additionally, results showed a significant main effect for the MHS-G on perpetrator blame,  $F(1, 254) = 7.025, p = .009, B = -.306$ . Individuals scoring higher on these two scales, assigned less perpetrator blame overall.

### **Sentence Length**

Further analyses were conducted, splitting the data by type of construal. ANCOVA results showed a significant main effect for the MHS-G scale on sentence length,  $F(1, 94) =$

5.67,  $p = .019$ ,  $B = -.539$ . Participants who completed the temporal construal task, who scored higher on the MHS-G scale assigned shorter sentence lengths overall.

## CHAPTER IV

### DISCUSSION

Previous studies have investigated the effects of advanced hate crime legislation on sentence length, perpetrator blame, and victim blame (Cramer et al., 2013), and other studies explored the effects of construal level mindset on perceptions of the self and others (Luguri et al., 2012; McCrea et al., 2012; Trope & Liberman, 2010); nonetheless the two ideas had not been jointly examined in the published literature of decision making processes of potential jury members.

The current study evaluated how potential jurors make decisions in hate crime cases after being primed with a particular construal mindset, depending on the type of construal task they completed before making sentencing recommendations and blame attributions. To further attempt to comprehend how mock jurors came to their decisions, participants completed constructs measuring participants' level of homonegativity, racism, motivation to respond without prejudice, and beliefs on the malleability of prejudice.

#### **Hate Crimes**

With the passage of the *Matthew Shepard Act* in 2009, new federal legislation set forth guidelines for increased penalty enhancement for perpetrators of hate crimes (Cramer et al., 2013, "Matthew Shepard"). The question to be addressed was whether potential jurors would adhere to these guidelines when asked to make sentencing recommendations for this special class of crimes. Additionally, would an individual's personal level of agreement or disagreement with

hate crime legislation effect how harshly they would punish a perpetrator, or how much blame they would place on a victim or perpetrator for the crime.

The present findings are similar to those from previous research. First, results showed a significant main effect on sentencing recommendations that participants made depending on the type of crime scenario they were exposed too. Individuals who read either the sexual orientation or race based hate crime scenario assigned more stringent sentence recommendations, than those individuals who read a non-hate motivated control crime scenario. No significant differences were found between the two types of hate crimes.

One could surmise that, notwithstanding moderating factors, potential jurors do recognize that crimes motivated by hate are worthy of enhanced penalties for their perpetrators. This is a promising finding, as it is in accordance with the guidelines set forth by the *Matthew Shepard Act*. There are a few potential explanations that could account for these stricter sentencing recommendations. One potential explanation is that the mock jurors are merely complying with the federal guidelines that require longer sentences for hate based crimes, and as a result are assigning harsher sentences because that is what the legislation calls for. The individuals withhold their personal biases toward the victim, and comply with the law. An alternative explanation would be that individuals assigning harsher punishments recognize and understand why these federal guidelines were put in to action. The potential jurors may empathize with the excessive harm that comes from these particular type of crimes; not only for the direct victim, but also for others who identify with the victim of the hate crime (Iganski, 2001; Plumm et al., 2010). As a result, these potential jurors recommend sentences which follow the letter of the law and punish hate crime perpetrators in accordance with the guidelines.

Individuals' level of agreement with the hate crime legislation was also investigated in the current study; and in so may shed more light on the juror decision making process for hate crimes. The present research found a significant main effect for the amount of blame attributed to the victim, depending on the participants' agreement or disagreement with hate crime legislation. Those individuals who agreed with the enhanced legislation assigned less blame to the victim, as compared to those who did not agree with hate crime legislation; although, this was only seen in individuals who completed the temporal construal task. The effects of construal theory will be discussed later in this paper; though even under these particular conditions, construal theory may not have been the only reason for the decreased victim blame.

Again, an explanation may be that those who agreed with hate crime legislation, potentially understood that this legislation was put in place due to hate crimes being fueled by an individual's or group's personal prejudices and biases, and cause extensive harm (Iganski, 2001; Plumm et al., 2010).

### **Construal Theory**

McCrea et al. (2012) and Luguri et al. (2012) both used construal theory to investigate the increase or decrease of prejudicial beliefs in reference to minority populations, and those studies provided the basis for exploring the effects of construal theory on juror's decision making.

Contrary to the previous research and the proposed hypotheses, construal level mindset was less influential in the current study than the type of construal task completed. Construal level mindset manipulations did not result in any significant main or interaction effects. These results varied from past research, in which prejudice and stereotype usage were affected by construal

mindsets, and not just the task participants completed (Luguri et al., 2012; McCrea et al., 2012; and Trope and Liberman, 2000; 2010). There could be several reasons for the null findings in the current research.

For instance, it is possible that the particular tasks utilized were not effective in promoting the respective mindset intended. This complication will be discussed more in depth in the limitations section. Further, another potential explanation for the lack of significant difference between the two mindsets is that the situation of a hate crime might have provoked a strong enough mindset on it's on own. The participants in the current study were heterosexual and Caucasian, and were reading a scenario about a homosexual or African American victim. These situations in themselves are unfamiliar to the participants, which could evoke an abstract mindset (Trope & Liberman, 2010).

As previously discussed, sentencing decisions and blame perceptions were more favorable towards the victim in the hate crime scenarios versus the control condition. Similar to the Luguri et al. (2012) research, an abstract mindset would create more favorable attitudes towards the non-normative groups in the current study. In turn, this would result in higher sentencing recommendations and blame perceptions in regards to the perpetrator, and lower blame perceptions for the victim. The victim in both hate crime scenarios are of minority populations, or non-normative groups; thus the evocation of a construal mindset decreased the prejudices of the mock jurors, and resulted in the more favorable attributions towards the victims and less favorable attributions towards the perpetrators.

Construal task manipulations were found to have significant effects in the current study; both while interacting with the other independent variables, and also in conjunction with the

moderating variables. First, construal task was found to have an interaction effect with hate crime vignette on victim blame attributions. Participants who completed the hypothetical construal task assigned less victim blame in both types of hate crimes compared to the control condition. Previous research by Luguri et al. (2012) found that prejudices toward nonnormative groups is reduced when an abstract mindset is evoked. Luguri et al.'s findings can be used to try to explain why this study found reduced victim blame in hypothetical task and hate crime interactions.

Hypothetical construals can be viewed as likely or unlikely to occur (Trautman & van de Kuilen, 2012); therefore, one explanation for decreased victim blame could result from participants viewing a hate crime as an unlikely scenario. The participant is evoked in to an abstract mindset from the hypothetical construal task, and views the act of the hate crime, or being the victim of a hate crime as unlikely. The abstract mindset, in turn, made participants more mindful to respond without prejudice when assigning blame to the victim (Luguri et al., 2012).

Individuals who had completed the temporal construal task, and who also agreed with hate crime legislation also assigned less blame to the victim. This finding is in line with both the McCrea et al. (2012) and Luguri et al. (2012) research. Both of the aforementioned studies noted that temporal construal tasks evoke an abstract mindset, which resulted in less stereotype usage and prejudiced responses when addressing others or nonnormative groups. Again, participants are acting in a more open and empathetic manner when considering the victim and their responsibility for the occurrence of the hate crime.

Furthermore, the temporal construal task was found to have significant effects for sentence length and victim blame when moderated by individual differences in homonegativity, racism, motivation to respond without prejudice, and beliefs concerning the malleability of prejudice. Individuals who completed the temporal construal task and were high in homonegativity, assigned lower sentencing recommendations than those who were low in homonegativity. This finding was inconsistent with the Luguri et al. and McCrea et al. (2012) studies, which found temporal construals decreased prejudicial and stereotypical reactions to nonnormative and dissimilar populations.

The current study found similar effects as the McCrea et al. (2012) studies, which found that non-temporal, abstract construals actually increased stereotype usage. This could be explained because abstract construals are assigned when situations, or individuals are psychologically more distant from an individual. Prejudices and stereotypes are more readily evoked in situations which are unfamiliar, when an individual is trying to conserve cognitive resources and complete their judgment of a situation. The individual omits or supplements the details that are subjective and fit with their personal beliefs (Fielder et al., 2012; Rim & Trope, 2009; Trautman & van de Kuilen, 2012; Trope & Liberman, 2010). Individuals who hold more homonegative beliefs, when facing an unfamiliar population or situation, will make sense of the situation by filling in the details that are consistent with their belief system. Thus, assigning lower sentence recommendations, due to the victim being a member of a dissimilar population and thereby punishing the perpetrator less.

Additionally, individuals who completed the temporal construal task and who were more motivated to respond in a non-prejudiced manner due to both external and internal factors, were



found to assign less blame to the victims overall. This finding is consistent with the Luguri et al. and McCrea et al. (2012) studies, as well as, the other findings for the current study that show that temporal construals evoke abstract mindsets. These mindsets in turn result in less prejudicial responses for nonnormative groups. Thus, these individuals assign less blame to a victim of a hate-based crime.

### **Moderating Variables**

In an attempt to more completely understand the jury decision making process as it relates to hate crimes and construal theory, the individual difference measures of homonegativity, racism, motivation to respond without prejudice, and beliefs concerning the malleability of prejudice were also examined. Individuals beliefs about racism and homonegativity were the most influential when affecting the potential jurors' victim and perpetrator blame attributions.

First, individuals who held more homonegative beliefs assigned less perpetrator blame. Likewise, individuals who held more racist beliefs toward African Americans also assigned less blame to the perpetrator. Further, individuals who held more homonegative beliefs assigned more victim blame. Similarly, individuals who held more racist beliefs toward African Americans also assigned more blame to the victim.

Research regarding the causes for hate crimes can assist in explaining why these particular individual difference characteristics led to the lesser ratings of perpetrator blame and greater ratings of victim blame. Craig (2002) stated that hate crime activity is not just a singular activity, but rather a group activity; in regards to both sides of the attack. These crimes involve deindividuation on behalf of the perpetrator; and also involve attacking not only an individual,

but their perceived social group as well. The group mentality takes away the extent of responsibility felt by the perpetrator as an individual. In turn, the victim is not seen as an individual, but as the culmination of beliefs of what their perceived social group stands for.

Those individuals who express greater homonegative beliefs, or similarly more racial negativity likely identify with the perpetrator's social group. As a result, when asked to attribute blame to the victim and perpetrator, the former receives less sympathy while the latter is awarded more understanding. Additionally, Craig (2002) points out that hate crimes are directed towards individuals and groups that have been associated with negative attributes. The mock jurors support the bigotry and hatred expressed by the perpetrators of these biased crimes. These particular individual difference characteristics allow the mock jurors to justify the acts which were perpetrated.

Further, another explanation for the occurrence of hate crimes is that perpetrators are attempting to differentiate themselves from their victim or their victim's social group (Craig, 2002). Mock jurors who are characteristically homonegative or express racism, would then be able to accomplish this separation from the despised out-group by awarding more blame to the victim and less blame to the perpetrator. In providing support to their in-group, mock jurors are building up their own self-esteem. As a result, mock jurors can feel justified in their own decisions and behaviors.

### **Limitations**

Several limitations could have influenced the obtained null results in the current study. First, this research was conducted solely online and not in-person in a laboratory setting. Performing this study in the lab may have allowed for the participant to take the task more

seriously, or clarify any confusion they were facing with completing the task. While a laboratory setting may have provided some additional benefits (Freitas et al., 2004, McCrea et al., 2012), conducting the research online did allow for collecting a more generalizable, community sample.

Additionally, some participants expressed opposition over the type of task used, particularly the hypothetical tasks. While the tasks were adaptations of tasks used in previous research (Freitas et al., 2004), it may have been beneficial to use a different task that may have not been interpreted as quite as controversial. The hypothetical task which was utilized in the current study asked participants to express either how they could change their physical wellness, or why they would change their physical wellness depending on whether they were in the concrete or abstract conditions. Upon review of the data, it appeared that some participants viewed this as a sensitive and unnecessary object of concentration. Furthermore, some participants were opposed to completing the construal task in its entirety due to the question. Though there was some dissatisfaction with the type of construal task, this was limited to a small number of participants. Furthermore, the choice in task allowed for methodological validity, as it was used in both the Freitas et al. and McCrea et al. research.

Further, this study did not take in to account the participants' level of education. Previous research has shown that an individual's level of education can have an effect on their prejudicial attitudes. For example, a survey conducted by Lambert, Ventura, Hall, & Cluse-Tolar in 2006 showed that juniors and seniors at a Midwestern university had significantly more positive attitudes towards homosexuals than freshmen and sophomores at the same university. Future research should evaluate potential jurors' educational level when making decisions in regards to hate crimes.

Lastly, the current research attempted to keep the design simplistic in that the perpetrator and victim were of the same gender, there was no mention of race or racial differences in the sexual orientation based hate crime, and all vignettes consisted of only one type of crime. Future research could further hate crime research to address gender differences, and more complex minority scenarios. For example, in the Hill (2000) scenarios, gender between victim and perpetrator was altered. Blame perceptions vary for the perpetrator depending upon who the victim is, especially when gender is taken in to consideration. Further, in the Plumm et al. (2010) scenarios, the element of location and provocation were altered. In each of these studies, altering one factor appeared to have an effect on the amount of blame participants perceived the victim was responsible for. Future studies could combine ideas from the current study with previous research, and alter victim and perpetrator race, gender, religion, or any given number of unifications.

## **CHAPTER V**

### **CONCLUSION**

The current research tested construal theory, investigated different types of hate crimes, looked in to individual differences in internal and external motivation to avoid prejudice, racist beliefs, homophobic beliefs, and beliefs in the malleability in prejudicial beliefs, and attempted to further our understanding of the juror decision making process. While several limitations exist the current findings indicate support for construal theory and furthered our understanding of the role hate crime agreement plays in juror decision making. Further research will be required to understand the relationship between construal mindset and type of construal task completed on juror decision making in cases involving hate crimes.

## Appendix

### HA

**Instructions.** Answer the following question as thoroughly as possible.  
Imagine someone approached you about improving your physical well-being. The individual who approached you asks you, "Why would you want to improve your physical well-being?"

### HC

**Instructions.** Answer the following question as thoroughly as possible.  
Imagine someone approached you about improving your physical well-being. The individual who approached you asks you, "How do you plan to improve your physical well-being?"

### TA

**Instructions.** Answer the following question as thoroughly as possible.  
Imagine you are planning an upcoming vacation with your friends. The vacation you are planning will take place in one year. Why would you plan to take a vacation in one year?

### TC

**Instructions.** Answer the following question as thoroughly as possible.  
Imagine you are planning an upcoming vacation with your friends. The vacation you are planning will take place this weekend. How will you prepare for your vacation for this weekend?

## Vignette/Sentencing Form

This is the sentencing phase of Morgan Jones, case # 12517. Mr. Jones has already been found guilty of **2<sup>nd</sup> degree murder**. The only question before you, the jury, is to determine Mr. Jones's sentence.

Below are the details for the jury's consideration:

### The victim

- Mr. Anthony Smith
- 44 year-old male
- Professor of chemistry at the University of Miami since September of 1995

### The perpetrator

- Mr. Morgan Jones
- 40 year-old male co-worker of Mr. Smith's

On February 3, 2008 Mr. Jones arrived unexpectedly at the home of the victim, Mr. Smith, at approximately 7:30 p.m. After a short argument at the front door, Mr. Smith attempted to shut the door on Mr. Jones. Mr. Jones reportedly over-powered Mr. Smith and forced his way into the victim's home. As shown in the trial, Mr. Jones drew a gun from inside his coat and shot the victim twice in the chest.

According to witness testimony, Mr. Jones and Mr. Smith were professional colleagues, but not close friends. Several of the victim's family members and colleagues testified that Mr. Jones had never been to Mr. Smith's home. Before the night of the crime, Mr. Jones had verbally expressed dislike of the victim. Mr. Jones' background revealed no prior criminal record.

\*At his trial the perpetrator, Mr. Jones, a heterosexual male, testified that he was overcome by rage and targeted the victim because he was a (gay male, Black male). Hence, the murder was a hate crime.

\*This statement will be altered based on the condition (gay male or Black male), or omitted in the control.

### Sentencing Instructions:

Federal sentencing guidelines for hate crimes suggest an increase of 3 punishment levels. Therefore, federal sentencing guidelines for a 2<sup>nd</sup> degree murder hate crime suggest a sentence of 324-405 months (27 years, 0 months – 33 years, 9 months). Given the federal sentencing guidelines for a 2<sup>nd</sup> degree murder hate crime above, how many months/years would you recommend for the above crime? There is no minimum amount of time to assign. Please **write your answer in the space below**. It is important that you **use only the information provided in the case summary and on this sheet; please answer honestly**.





### PVBS

**Instructions:** Please rate the **victim** on the following characteristics. Please **circle** your answer.

violent	1	2	3	4	5	6	7	nonviolent
gentle	1	2	3	4	5	6	7	forceful
maniacal	1	2	3	4	5	6	7	sane
good natured	1	2	3	4	5	6	7	vicious
malicious	1	2	3	4	5	6	7	kind
blameless	1	2	3	4	5	6	7	blameworthy
fault	1	2	3	4	5	6	7	faultless
harmful	1	2	3	4	5	6	7	harmless
hurtful	1	2	3	4	5	6	7	innocuous
responsible	1	2	3	4	5	6	7	irresponsible
careful	1	2	3	4	5	6	7	reckless
conscientious	1	2	3	4	5	6	7	careless
reliable	1	2	3	4	5	6	7	unreliable
dependable	1	2	3	4	5	6	7	undependable

### PPBS

**Instructions:** Please rate the **perpetrator** on the following characteristics. Please **circle** your answer.

violent	1	2	3	4	5	6	7	nonviolent
gentle	1	2	3	4	5	6	7	forceful
maniacal	1	2	3	4	5	6	7	sane
good natured	1	2	3	4	5	6	7	vicious
malicious	1	2	3	4	5	6	7	kind
blameless	1	2	3	4	5	6	7	blameworthy
fault	1	2	3	4	5	6	7	faultless
harmful	1	2	3	4	5	6	7	harmless
hurtful	1	2	3	4	5	6	7	innocuous
responsible	1	2	3	4	5	6	7	irresponsible
careful	1	2	3	4	5	6	7	reckless
conscientious	1	2	3	4	5	6	7	careless
reliable	1	2	3	4	5	6	7	unreliable
dependable	1	2	3	4	5	6	7	undependable

### MHS-G

**Instructions:** Please rate the statements below on the following 5-point scale. Place your answers to the left of the item number.

1 = "Strongly Disagree"

2 = "Disagree"

3 = "Don't Know"

4 = "Agree"

5 = "Strongly Agree"

- \_\_\_\_\_ 1. I wouldn't mind going to a party that included gay men.
- \_\_\_\_\_ 2. I would not mind working with a gay man.
- \_\_\_\_\_ 3. I welcome new friends who are gay.
- \_\_\_\_\_ 4. I would be sure to invite the same-sex partner of my gay male friend to my party.
- \_\_\_\_\_ 5. I won't associate with a gay man for fear of catching AIDS. (R)
- \_\_\_\_\_ 6. I don't think it would negatively affect our relationship if I learned that one of my close relatives was gay.
- \_\_\_\_\_ 7. I am comfortable with the thought of two men being romantic.
- \_\_\_\_\_ 8. I would remove my child from class if I found out the teacher was gay. (R)
- \_\_\_\_\_ 9. It's all right with me if I see two men holding hands.
- \_\_\_\_\_ 10. Male homosexuality is a psychological disease. (R)
- \_\_\_\_\_ 11. Physicians and psychologists should strive to find a cure for male homosexuality. (R)
- \_\_\_\_\_ 12. Gay men should undergo therapy to change their sexual orientation. (R)
- \_\_\_\_\_ 13. Gay men could be heterosexual if they really wanted to be. (R)
- \_\_\_\_\_ 14. I don't mind companies using openly gay male celebrities to advertise their products.
- \_\_\_\_\_ 15. I would not vote for a political candidate who was openly gay. (R)
- \_\_\_\_\_ 16. Hospitals shouldn't hire gay male doctors. (R)
- \_\_\_\_\_ 17. Gay men shouldn't be allowed to join the military. (R)
- \_\_\_\_\_ 18. Movies that approve of male homosexuality bother me. (R)
- \_\_\_\_\_ 19. Gay men should not be allowed to be leaders in religious organizations. (R)
- \_\_\_\_\_ 20. Marriages between two gay men should be legal.
- \_\_\_\_\_ 21. I am tired of hearing about gay men's problems. (R)
- \_\_\_\_\_ 22. Gay men want too many rights. (R)

### MRS

Indicate the degree to which you agree with these statements by typing the correct number from the following scale in front of each item.

1 = "Strongly Disagree"

2 = "Disagree"

3 = "Neither Agree Nor Disagree"

4 = "Agree"

5 = "Strongly Agree"

- \_\_\_\_\_ 1. Discrimination against blacks is no longer a problem in the United States.
- \_\_\_\_\_ 2. It is easy to understand the anger of black people in America.
- \_\_\_\_\_ 3. Blacks have more influence upon school desegregation plans than they ought to have.
- \_\_\_\_\_ 4. Blacks are getting too demanding in their push for equal rights.
- \_\_\_\_\_ 5. Blacks should not push themselves where they are not wanted.
- \_\_\_\_\_ 6. Over the past few years, blacks have gotten more economically than they deserve.
- \_\_\_\_\_ 7. Over the past few years, the government and news media have shown more respect to blacks than they deserve.

### IMS/EMS

Indicate the degree to which you agree with these statements by typing the correct number from the following scale in front of each item.

- 1 = Strongly Disagree
- 2 = Mostly Disagree
- 3 = Somewhat Disagree
- 4 = Disagree
- 5 = Neither Disagree or Agree
- 6 = Agree
- 7 = Somewhat Agree
- 8 = Mostly Agree
- 9 = Strongly Agree

#### **External motivation items**

- \_\_\_\_\_ 1. Because of today's PC (politically correct) standards I try to appear nonprejudiced toward Black people.
- \_\_\_\_\_ 2. I try to hide any negative thoughts about Black people in order to avoid negative reactions from others.
- \_\_\_\_\_ 3. If I acted prejudiced toward Black people, I would be concerned that others would be angry with me.
- \_\_\_\_\_ 4. I attempt to appear nonprejudiced toward Black people in order to avoid disapproval from others.
- \_\_\_\_\_ 5. I try to act nonprejudiced toward Black people because of pressure from others.

#### **Internal motivation items**

- \_\_\_\_\_ 6. I attempt to act in nonprejudiced ways toward Black people because it is personally important to me.
- \_\_\_\_\_ 7. According to my personal values, using stereotypes about Black people is OK. (R)
- \_\_\_\_\_ 8. I am personally motivated by my beliefs to be nonprejudiced toward Black people.
- \_\_\_\_\_ 9. Because of my personal values, I believe that using stereotypes about Black people is wrong.
- \_\_\_\_\_ 10. Being nonprejudiced toward Black people is important to my self-concept.

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Note: Reverse coded items are marked (R)

### TPS

The following questions ask you about prejudice, for example racial prejudice. How much do you agree or disagree with the following thoughts?

1 = Very Strongly Disagree

2 = Strongly Disagree

3 = Disagree

4 = Agree

5 = Strongly Agree

6 = Very Strongly Agree

- \_\_\_\_\_ 1. People have a certain amount of prejudice and they can't really change that.
- \_\_\_\_\_ 2. People's level of prejudice is something very basic about them that they can't change very much.
- \_\_\_\_\_ 3. No matter who somebody is, they can always become a lot less prejudiced.
- \_\_\_\_\_ 4. People can change their level of prejudice a great deal.
- \_\_\_\_\_ 5. People can learn how to act like they're not prejudiced, but they can't really change their prejudice deep down.
- \_\_\_\_\_ 6. As much as I hate to admit it, you can't teach an old dog new tricks. People can't really change how prejudiced they are.



Table 1

*Demographics of Study Participants*

<b>Factor</b>	<b><i>n</i></b>	<b>%</b>	<b>N</b>
<b>Gender</b>			
Male	111	39.8	
Female	168	60.2	
<b>Age</b>			
18-29	106	37.99	
30-39	83	29.75	
40-49	32	11.47	
50-59	31	11.11	
60-69	23	8.24	
70-79	4	1.43	
<b>Race</b>			
Caucasian	212	76.0	
African American	24	8.6	
Asian American	13	4.7	
Latin American	9	3.2	
Native American	4	1.4	
Biracial	17	6.1	
<b>Sexual Orientation</b>			
Heterosexual	258	92.5	
Homosexual	9	3.2	
Bisexual	10	3.6	
Other	2	0.7	
<b>Religion</b>			
South Baptist	27	9.7	
Protestant	52	18.6	
Catholic	63	22.6	
Jewish	9	3.2	
Muslim	1	0.4	
Other	47	16.8	
None	80	28.7	
			<b>279</b>

*Data was collected from a sample of 299 participants who fully completed the study. Twenty participants did not properly follow the instructions of the construal task, and therefore were not included in the analyses; the final sample consisted of 279 participants.*

Table 2

*Variable Means*

<i>Variable</i>	<i>Victim Blame</i>	<i>Perpetrator Blame</i>	<i>Sentence Length</i>
	<i>M</i>	<i>M</i>	<i>M</i>
<b>Construal Task</b>			
Hypothetical	39.39	84.44	27.93
Temporal	42.60	81.97	27.93
<b>Construal Mindset</b>			
Abstract	41.13	82.89	27.34
Concrete	40.86	83.52	28.51
<b>Hate Crime Vignette</b>			
Race	41.24	82.83	30.62
Sexual Orientation	38.59	83.75	28.99
Control	45.29	82.86	20.39

*Victim Blame and Perpetrator Blame* were measured by the PVBS and PPBS respectively. These scales captured blame ratings ranging from 14-98. Higher scores indicated a greater amount of blame being attributed, while lower scores indicated that less blame was being attributed.

*Sentence Length* was captured by having participants issue a recommendation including both years and months. Participants' responses were not restricted to a minimum or maximum sentence.

*N*=279



Table 3a. *Variable Means for Dependent Variable Victim Blame*

<i>Variable</i>	<i>Abstract Construal</i>		<i>Concrete Construal</i>	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
<b>Race Based Hate Crime</b>				
Agree with Hate Crime Legislation	41.90	16.84	35.43	15.40
Disagree with Hate Crime Legislation	36.52	17.29	51.12	12.98
<b>Sexual Orientation Hate Crime</b>				
Agree with Hate Crime Legislation	36.53	18.77	35.24	17.45
Disagree with Hate Crime Legislation	46.28	22.55	36.33	19.17

*No significant means at significance level of  $p < .05$*

*N=279*

Table 3b. *Variable Means for Dependent Variable Sentence Length*

<i>Variable</i>	<i>Abstract Construal</i>		<i>Concrete Construal</i>	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
<b>Race Based Hate Crime</b>				
Agree with Hate Crime Legislation	30.94	12.87	33.43	14.91
Disagree with Hate Crime Legislation	31.04	4.73	27.83	2.26
<b>Sexual Orientation Hate Crime</b>				
Agree with Hate Crime Legislation	30.17	16.64	31.54	14.76
Disagree with Hate Crime Legislation	24.83	9.25	28.68	5.10

*No significant means at significance level of  $p < .05$*

*N=279*

Table 3c. *Variable Means for Dependent Variable Perpetrator Blame*

<i>Variable</i>	<i>Abstract Construal</i>		<i>Concrete Construal</i>	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
<b>Race Based Hate Crime</b>				
Agree with Hate Crime Legislation	81.56	17.43	84.45	14.54
Disagree with Hate Crime Legislation	86.56	14.68	78.75	15.42
<b>Sexual Orientation Hate Crime</b>				
Agree with Hate Crime Legislation	84.01	13.48	84.21	13.43
Disagree with Hate Crime Legislation	78.39	18.07	88.42	10.02

*No significant means at significance level of  $p < .05$*   
*N=279*

Table 4

*Bivariate Correlations of Covariates*

<i>Variable</i>	<i>Victim Blame</i>	<i>Perpetrator Blame</i>	<i>Sentence Length</i>
	<i>B</i>	<i>B</i>	<i>B</i>
<b>TPS</b>	.382	-.179	.340
<b>EMS/IMS</b>	-.175	-.052	.045
<b>MHS</b>	.501*	-.501*	-.250
<b>MRS</b>	.307*	-.306*	-.182

\*. Correlation significant at the 0.05 level (2-tailed).  
*N*=279

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