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**The effect of an actor's social identity on the type of information the decision maker seeks and his subsequent decision to sanction.**

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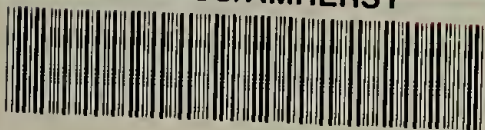
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The Effect of an Actor's Social Identity on  
The Type of Information the Decision Maker Seeks and  
His Subsequent Decision to Sanction

A Thesis Presented

by

David A. Wagstaff

Submitted to the Graduate School of the  
University of Massachusetts in partial fulfillment  
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Psychology

The Effect of an Actor's Social Identity on  
The Type of Information the Decision Maker Seeks and  
His Subsequent Decision to Sanction

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## ABSTRACT

A series of log-linear models were fitted in data to order to examine a hypothesized relationship between the Social Identity a decision maker assigned to an actor and the Type of Information he sought to resolve any doubts he might have about the actor's being a member of the assigned class. Specifically, the study sought to determine if an assigned negative Identity predisposed the decision maker to seek information which would allow him to conclude that the actor was indeed a "bad" person. Likewise, the study sought to determine if an assigned positive Identity predisposed the decision maker to seek information which would allow him to conclude that the actor was in essence a "good" person. In contrast to previous studies, the deviant act examined here was that of allegedly writing pornography.

The obtained data were not consistent with the hypothesized decision model. The majority of the respondents sought the same class of Information without regard to the Social Identity they assigned to the actor. The major finding of this study was that respondents "ignored" the individuating information they were provided with and instead relied on their own stereotype of a writer to determine the likelihood that the particular author in question was a pornographer.

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## C H A P T E R     I

### INTRODUCTION

Given the circumstances surrounding its formative years (Moore, 1973) and the conflicting functions currently demanded of it (Kadish and Kadish, 1971; Brooks and Doob, 1976), it is not surprising to find that the petit jury continues to provoke controversy. There are at least two reasons for suggesting that the present state of affairs will persist. First, the petit jury deals with the most notorious crimes and, more importantly, deals with them within a combative adversary setting. As a consequence, its verdicts often achieve a social importance surpassed only by significant U.S. Supreme Court decisions. Second, as it does not "lobby" on its own behalf, the petit jury serves to deflect serious criticism of the legal process. Defects in the latter are commonly attributed to failures in the organizational, social, and psychological processes of the petit jury. Thus, the law and the implied social values go unquestioned.

The present research does not examine juror decision-making per se. Moreover, it does not attempt to demonstrate how such decision-making may be influenced by factors other than those which are recognized by law (e.g., social status and sex). Instead, it seeks to offer an explanation as to how and why the defendant's social identity influences the type of information the juror seeks

to resolve his doubt about the former's guilt or innocence.

### Problem Statement

The relationship between the defendant's attributes and the type of information the juror seeks to resolve his doubt has received little attention. This scarcity of research may be attributed to the different methodologies employed by the various specialists. Typically, legal scholars and students of sociological jurisprudence have not conducted empirical research on juror behavior. Instead, they have relied on their considerable first-hand knowledge of the phenomenon to inform their views. While sociologists and criminologists have conducted extensive empirical research, they have frequently utilized official records which are uninformative as to the data jurors actually sought. In contrast to the other researchers, psychologists have conducted rigorous empirical research. However, this research is fragmented and limited to laboratory studies with college students as respondents. Hence, not only are the settings and tasks artificial, but the participants are not even representative of the petit jury population.

The present research seeks to integrate the cogent perspective which can be found in the relevant sociological and psychological literature. It should be noted that the present research does not examine the role of specific extra-legal variables. Indeed, it assumes that such variables (when organized into a meaningful whole) do have a substantial impact on the juror's predeliberative decision. Thus, given this crucial assumption, the present research seeks to determine

how and why the defendant's social identity influences the type of information the juror seeks to resolve his doubt about the former's guilt or innocence.

### Literature Review

Background. Much of the current sociological and psychological research on the petit jury is heavily indebted to the founders of the "sociological jurisprudence" and "legal realist" movements.<sup>1</sup> As Simon (1968) indicates, the founders of the "sociological jurisprudence" movement were important in two respects. First, they ardently championed the necessity of conducting empirical research in the study of law (see Pound, 1907). Second, they exhibited a willingness to critically examine court operations. With the recognition that "an inarticulate and unconscious judgment" often lay behind the logic of judicial decision (Holmes, 1897), it was inevitable that critical judgment would again engulf the petit jury. When the "legal realist" movement completed its investigation of the jury system, it had firmly established within social science research the suspicion that the jury's decision was at best tenuously related to prescribed legal criteria.<sup>2</sup>

The empirical research which followed in the wake of these two movements can be grouped into three phases: 1920-1949, 1952-1967, and 1962-present.<sup>3</sup> As Simon (1968) notes, the empirical research conducted during the first phase was different from later research in two ways. First, the work's theoretical and practical implications



were frequently stated in rather grandiose terms. For example, simple conformity studies were said to yield significant contributions to psychological learning theory (Moore and Callahan, 1943). Second, the research was conducted in the law school, and the legal partner defined the problem. Of this early empirical work, a study by Weld and Danzig (1940) is particularly relevant to the present research.

The object of Weld and Danzig's (1940) study was to investigate the manner in which trial testimony was "received, weighed, and accepted by a jury." Their study was especially noteworthy in that it provided many of the experiences which are found in an actual trial. The "judge" was a professor of law. Opposing "counsel" were law students. Evidence was presented in a mock courtroom by "witnesses" who had been coached by respective counsel. In short, before the "jurors" retired to the deliberation room, they had been exposed to "live" opening statements, direct- and cross-examination, closing statements, and instructions from the "judge." Few jury studies conducted by psychologists subsequent to Weld and Danzig (1940) have achieved such authenticity.

Weld and Danzig's (1940) most significant finding was that at least 25% of the jurors reached a decision early in the trial. Testimony which was received after the decision merely changed the juror's certainty. Weld and Danzig (1940) stated that they found no juror who "attempted to maintain an attitude of doubt on the theory that he should make no decision until he had heard all the evidence."

Similar conclusions with respect to the effect of deliberation have been reported by Broeder (1959), Kalven and Zeisel (1966), Kline and Jess (1966), and Simon (1967).

The empirical work conducted during the second phase reflected the shift in both position and perspective of the leading contributors of sociological jurisprudence (Simon, 1968). These men were law school faculty members, not appellate court judges. As such, they emphasized "method" over "grand theory."<sup>4</sup> The most frequently cited work of this period is the University of Chicago Law School's Jury Project.<sup>5</sup> This research differed from earlier jury research (Weld and Roff, 1938; Weld and Danzig, 1940) in that it analyzed small group interactions (Stodtbeck and Mann, 1956; Stodtbeck et al., 1957; Stodtbeck and Hook, 1961) or trial outcomes (Zeisel et al., 1959; Kalven and Zeisel, 1966). Very little of the data addressed jury decision-making as such (Simon, 1967; Broeder, 1965).

Simon (1967) is "relatively" unimportant in terms of the present research for two reasons.<sup>6</sup> First, the work deals with insanity trials, not criminal trials. In the latter a juror may be asked to decide if the defendant did in fact commit the alleged act. However, in an insanity trial the juror does not have to make this decision because the defendant's overt behavior is not at issue. Rather, the juror must decide whether or not the defendant is "ill" for having committed the offense.<sup>7</sup> Second, as Simon sought to determine if the jury comprehends and follows the judge's instructions, the focus of the study is on jury deliberations. As noted earlier,

such processes may be an unimportant factor in the final verdict.

Contemporary research. Contemporary empirical research manifests the bias imparted by the "legal realist" movement. Both sociological and psychological research demonstrate the effect of extra-legal attributes on juror decision-making and judicial sentencing.<sup>8</sup> As Hagan (1975) indicates, the sociological research which deals with "deviance" and the jury's role in defining "deviants" is largely informed by Conflict Theory (Turk, 1966; Quinney, 1970, 1973; Chambliss and Seidman, 1971) and the Interactionist Perspective (Lemert, 1951, 1972; Erickson, 1962; Kitsuse, 1962; Becker, 1963).<sup>9, 10</sup> The psychological research which deals with the experimental jury is largely informed by Attribution Theory (Heider, 1958; Jones and Davis, 1965; Kelley, 1967, 1971, 1972, 1973). Because knowledge of these theories is necessary for an understanding of the present research, they are briefly reviewed.

Conflict theory. As Hagan (1975) notes, Conflict Theory views the administration of justice as a process of differential criminalization. This process is assumed to be guided by group interests. Further, it is assumed to differentiate on the basis of extra-legal attributes. Indeed, Quinney (1970: 142) suggests that judicial " . . . decisions are made according to a host of extra-legal factors, including the age of the offender, his race, and social class."



Chambliss and Seidman (1971) present a similar argument. They develop a theory of the legal process which focuses on the use of discretion within a system which is essentially bureaucratic in nature. They assume that legal decision-making seeks to maximize organizational benefits, while minimizing organizational strains. Further, they assume that political power, which is closely aligned with social class, is the chief determinant of organizational rewards and sanctions. While their theory emphasizes the functions of the police, prosecution, and court, it does allow one to consider the jury as another social control agency. Thus, Chambliss and Seidman (1971: 475) may be interpreted as having suggested that the jury is more likely to sanction a defendant of low social status than one of high social status. In addition, they may be interpreted as having suggested that the jury is more likely to impose a severe sanction on a defendant of low social status than one of high social status.

Conflict theorists have contributed greatly to the rise of critical criminology (Sykes, 1974). The latter views the operation of criminal law within a stratified society as a mechanism for controlling the poor and the minorities. The members in power utilize the legal mechanism to impose their particular definition of morality and their standards of good behavior on all members of the society. Moreover, they utilize the legal apparatus to protect their property and secure their physical safety from the challenges of those

who are without. When necessary, the members in power extend the definition of criminal behavior to encompass those who might threaten the balance of power.

Critical criminology suggests that the members of the middle-class and lower middle-class are drawn into this pattern of domination. The aspirants are supportive of those in power either because they are led to believe that they have a stake in maintaining the status quo or because they are co-opted. That is, they are made a part of the agencies assigned primary responsibility for social control--agencies whose rewards are merely inducements for keeping the poor and minorities in their place.

Finally, critical criminology suggests that the poor and minority group members will certainly be treated more harshly than others even though they may (or may not) violate the legal rules with greater frequency. They are treated more harshly in order to prevent more extensive nonconformity. Thus, the poor and minorities are expendable in the interest of general deterrence.

The interactionist perspective. Unquestionably, the predominant theoretical framework for examining deviance (and particularly for investigating the critical audiences which define deviant persons) is the interactionist perspective. This approach typically views the administration of justice as a socially constructed process. As Hagan (1975) notes, this process is assumed to be mediated by the exchange of symbols, and guided by the control agent's perception

and definition of the situation. Rubington and Weinberg (1968) suggest that the court focuses on the degree to which offenders fit its idea of "typical offenders," and not on the specific actions of the persons at the scene of the crime. Thus, they argue that the only explanation for the observed variation in trial outcome and sentencing is that persons who are not prosecuted or who manage to receive a lighter sentence do not fit their assigned categories as well as the other more heavily-sentenced persons. In short, Rubington and Weinberg (1968) suggest that the courts, like other social control agencies, have standard conceptions of how people they deal with ought to think, feel, and act.

Tittle (1975) correctly notes a certain ambiguity in the interactionist perspective. He maintains that it is not clear whether its proponents intend that extra-legal variables have some effect on the attribution of deviance, or whether they intend that the effect of such variables is greater than the effect of any actual rule breaking. Although Tittle (1975) acknowledges that the more stringent interpretation is more desirable in that it provides a theoretical basis for various forms of discrimination in juror/judicial decision-making, he notes that the empirical evidence favors the weak form. Thus, it may be argued that the role of extra-legal attributes is indirect.

The views of conflict theorists and interactionists frequently overlap. Turk (1966: 340), a noted conflict theorist, shows his



appreciation for the interactionist argument when he states:

A criminal label may be affixed to persons because of real or fancied attributes and justified by reference to real or fancied behavior. A person is evaluated, either favorably or unfavorably, not because he does something, or even because he is something, but because others react to the perception of him as offensive or inoffensive. Some aspect of his behavior becomes a criterion for either rewarding or sanctioning him.

Moreover, Schrag (1971) has incorporated into his analysis of the Interactionist Perspective such diverse authors as Tannenbaum (1938), Lemert (1951), Becker (1963), Turk (1966), and Quinney (1970).

While the evidence is far from conclusive, both Conflict Theory and the Interactionist Perspective suggest that social control agencies differentiate between "clients" on the basis of race, sex, social status, age, and other discernible characteristics. Conflict theorists assume that the differences in trial outcome/case disposition arise from rival group interests. Interactionists, on the other hand, assume that the cited differences arise from the differential labeling of persons by critical audiences. Neither position is fully formulated and frequently one is integrated with the other.

Attribution theory. Attribution theory has its origin in Heider's (1944) interest in the formation of causal units. Heider sought to determine the extent to which an observer would attribute the cause of an act to an actor or object. He suggested that an observer would attribute the cause of an act to an actor if and only if the latter were perceived as being responsible for the act.

Specifically, the actor must be perceived as having intentionally committed the act. Heider also expressed an interest in trait attribution. In fact, Fishbein and Ajzen (1975) note that Attribution Theory is primarily concerned with the inferences observers make about the stable dispositions of others.

Jones and Davis (1965) explore in greater detail Heider's (1958) notion of personal causality (i.e., instances in which the actor is perceived as having acted purposively). They suggest that an observer attributes the cause of an act to the actor if he believes that the actor could have foreseen the effects of the act and if he believes that the actor had the ability to commit the act. They also suggest that the certainty with which the observer makes a particular attribution depends on the desirability of the effects, and on the degree to which the effects are common to other acts available to the actor. The lower the desirability of the effects and the fewer the unique effects, the more confident the observer is in making the attribution. Jones and Davis suggest that the observer attributes the trait corresponding to the unique effects produced by the behavior.

Kelley (1967, 1971, 1972, 1973) further developed the work begun by Heider (1958). For the case of multiple observations, Kelley suggested that the observer examined the covariation between the act's effects and its possible causes in order to determine the "true" cause of the act. The observer then attributed the effects to the cause with which it covaried. Specifically, by this Co-

variation Principle Kelley proposed that an observer would attribute the cause of an act to some characteristic of one or more factors: actor, stimulus, and situation.

For the single observation case (which is the case investigated by the present research), Kelley suggested that the observer applied the Discounting Principle. That is, the observer discounted the importance of a specific causal explanation when there existed other plausible causal explanations. Stated in terms of the social inference task, Kelley proposed that the observer would attribute an act to an external or situational factor if it provided a "sufficient" explanation for the act. The observer would attribute the act to the actor if it appeared that the act occurred in spite of and not because of external factors (Ross, 1977).

Because of its implications for the legal process, numerous studies have been conducted with respect to the attribution of responsibility. Walster (1966) suggested that the observer's need to hold an actor responsible for an accident increased with the severity of the accident's effects. In short, she postulated the existence of a motivational bias in attribution processes. Subsequent research has failed to support Walster's hypothesis (see Fishbein and Ajzen, 1973; Vidmar and Crinklaw, 1974). The most significant effect of this study, however, has been that of inspiring additional jury research.

Reasoning from Walster's (1966) study, Landy and Aronson (1969) provided one of the earliest demonstrations of possible bias against



the socially unattractive defendant. They suggested that a crime would be viewed as more serious if the victim of the crime were a good, attractive person rather than an unattractive person. Further, they suggested that the defendant would receive a harsher sentence for the crime if the victim were attractive as opposed to unattractive. Because they achieved a difference in sentencing which was at best marginally significant, they conducted a second experiment. This time they varied the social attractiveness of the defendant as well as that of the victim. Although the difference in sentencing for the two victim characterizations was again only marginally significant, the difference in sentencing for the two defendant characterizations was significant ( $p < .05$ ). The socially attractive defendant was treated less severely than the unattractive defendant even though the circumstances surrounding the case were identical and the legal guilt of the defendant was quite apparent.

The study by Landy and Aronson (1969), like that of Walster (1966), stimulated additional investigations (see Gerbasi et al., 1977). In part, the additional investigations were prompted by the numerous confounds in the original Landy and Aronson (1969) study. Their two defendants varied with respect to a number of attributes: age, occupation, marital status, and degree of suffering. Consequently, researchers seeking to determine the effect of a given variable such as age had to conduct further investigations.

The attraction paradigm. Studies by Anderson (1970, 1971) and Dion (1972) have provided the second most important impetus for jury research within psychology. While Anderson is primarily noted for his research with a weighted-averaging model in impression formation and Dion is primarily noted for her research on the effect of physical attractiveness, both utilize comparable methodologies. That is, both present the respondent with a trait description of a stimulus person and subsequently ask the respondent to indicate how much he likes or is attracted to the latter.

In an application of Anderson's (1970) impression formation model, Kaplan and Kemmerick (1974) provide "mock" jurors with descriptions of eight traffic felony cases which vary in level of incrimination (high and low) and defendant characterization (positive, negative, neutral, and none). Their data suggest that judgment is an additive function of both evidential and non-evidential information. Moreover, it suggests that the negatively evaluated defendant biases judgment against himself whether the evidence is incriminating or exonerating. Their data also suggests that the reverse tendency is manifested for positively evaluated defendants.

Shepherd and Bagley (1970) suggest that observers may differentially weight information about the crime and about the defendant in accordance with the attributions they are asked to make. That is, observers in making an attribution of blame require information about possible external forces acting on the defendant. Thus, observers find information about the incident to be more salient than bio-

graphical data. In contrast, observers asked to attribute aggressiveness must evaluate the defendant in terms of other perceived dispositional properties. Such observers would find biographical information to be more salient than information about the incident. Finally, observers asked to apply a sanction may find either type of information salient. That is, observers may select the punishment to "fit the crime" or "fit the criminal."

Dion's (1972) work on physical attractiveness provides further evidence of the biasing effect of an extra-legal attribute. She reports that given the same offense respondents rate physically attractive children less severely than unattractive children. She notes that this difference occurs even when the offense entails grave consequences for the victim. Dion (1972) suggests that the respondents use physical attractiveness as a cue in attributing other social characteristics to the children. Thus, her respondents indicate that they believe that attractive children possess better personalities, are better behaved, are more honest, and are less likely to transgress in the future than unattractive children. She also notes that the respondents perceive that the transgression of the unattractive children, unlike that of the attractive children, is more likely to reflect some enduring dispositional trait.

Additional studies support Dion's (1972) "What is beautiful is good" hypothesis (e.g., Dion, Berscheid, and Walster, 1972; Dion and Berscheid, 1974; Landy and Sigall, 1974; Dermer and Thiel, 1975). However, Dermer and Thiel (1975) note that "beauty may fail." That



is, observers are more likely to attribute vanity, egotism, marital instability, and snobbishness to an attractive person than to an unattractive person.

Summary. In a criminal case such as murder the prosecution must prove beyond a reasonable doubt that the defendant had the motive, the opportunity, and the means. For his part, the juror is asked to suspend his prejudices and join with his fellow jurors in rendering a fair and just verdict. In addition, the juror is asked to form his opinion only after he has given due consideration to all the evidence and arguments presented by prosecution and defense.

Both the sociological and psychological literature previously cited suggest that the juror often fails to honor these two requests. Further, both literatures suggest that the juror's decision may be strongly influenced by the defendant's social, physical, and behavioral characteristics. Neither the sociological nor the psychological research is without theoretical and methodological limitations.

The most serious handicap for sociological research is its reliance on police or court records. As Bettie (1960) and Tittle (1969, 1975) note, such records are rather well known for their unreliability, their missing data or incomplete sequences, and their lack of comparability between different data sources. Hagan (1974) suggests that official records are necessarily inadequate in assessing the effects of extra-legal attributes. He provides the following

example with respect to sentencing behavior. If one assumes that the offender's extra-legal attributes exercise their influence at each stage of the legal process in interaction (emphasis his) with "normative" variables, then one can also postulate that variations in judicial attitudes in association with corresponding patterns of sentencing could lead to a suppression effect. That is, the harsh sentences of judges who are less than sympathetic to the particular group in question could nullify the less severe sentences of judges who are more tolerant. Hagan (1974) notes that official records cannot provide an adequate test of such a hypothesis.

The most serious handicap for psychological research on the jury is its strict adherence to lab-based experimentation with college students as "mock" jurors. Simon and Mahan (1971) and Diamond and Zeisel (1974) provide evidence that a person whose decision is not binding on some defendant responds differently than a real juror. Thus, as Zeisel and Diamond (1974) note, the price paid for experimental cleanliness may be the inability to extrapolate the results of laboratory juror tasks to real trials.

Another handicap for psychological research is that it has not been able to achieve a single, unifying theoretical perspective with which to view jury behavior. In the absence of such a perspective, psychological research has responded directly to specific issues such as pretrial publicity (Hoiberg and Stires, 1974; Sue et al., 1974); U.S. Supreme Court decisions on jury size or decision alternatives available to the jury (Davis et al., 1975; Valenti et al., 1975,

Vidmar, 1972; Larntz, 1975); and even issues such as the effects of pleading the Fifth Amendment (Hendricks and Shaffer, 1975) or the number of accomplices (Hendricks and Shaffer, 1975). Clearly, some integration is needed.

The present research desires to make explicit its adaptation of the notions and biases currently manifested by sociological and psychological research on the jury. In addition, it desires to make clear the perspective with which it views the juror's role within the criminal justice system. As a social-psychological analysis, the present research seeks to understand the juror in terms of what he actually does: define persons as deviants. Thus, the primary concern of the present research is not in determining factors which may affect the juror's decision to convict or acquit, given certain conditions. Instead, the interest in examining juror behavior lies in understanding why a particular type of juror defines a particular type of defendant as deviant.

In line with the above-mentioned objectives, the present research assumes that:

(1) No act is inherently criminal. Moreover, criminal behavior is problematic for the perceiver.

(2) As a consequence of the often ambiguous nature of the act, there is variation in the likelihood that any two individuals who commit comparable illegal acts will eventually be defined as criminals.



(3) The variation in definition is a function of who is committing the act, the nature of the act and the context in which it occurs, and most importantly, of who is defining the act.

(4) The fundamental problem facing the juror is that of creating meaning from the conflicting claims presented by the prosecution and defense about the defendant and the alleged act.

(5) In order to resolve these conflicting claims about reality, the juror must decide who the defendant is. For example, if a murder has been committed, the defendant must be a social instance of a murderer.

Statements (1) through (3) reflect some of the major assumptions of Conflict Theory and the Interactionist Perspective (see Schrag, 1971). Statements (4) and (5) represent an extension of the Interactionist Perspective by Hadden (1973) to an analysis of juror decision-making. Although the present research recognizes that these statements could be treated as hypotheses and subjected to empirical verification (see Wellford, 1975), it is quite content to treat them as "givens." What follows next is an elaboration of Hadden's (1973) decision model.

The decision model. In one of the most systematic studies of the jury, Kalven and Zeisel (1966) examine 3576 criminal cases. Although they conclude that the jury does operate according to the weight and direction of the evidence, they also acknowledge that the jury does not restrict itself to issues of fact alone. Indeed, they suggest

that (1966: 494)

while the jury is often moved to leniency by adding a distinction the law does not make, it is at times moved to be more severe than the judge because it wishes to override a distinction the law does make.

The present research rejects the implication by Kalven and Zeisel (1966) that the defendant's social identity is a factor in the juror's decision only when triggered by some unspecified stimulus. Instead, it suggests that the juror can only attribute responsibility and deviance to the defendant after he has satisfactorily identified him as a social being. Called upon to settle the conflicting claims of prosecution and defense, the juror may ask himself: What has transpired? What is being disputed by prosecution and defense? What do I know about the alleged act and actor(s)? Of these three questions, the last is the most important.

As previously stated, the meaning of an alleged act is often subject to numerous interpretations. Consequently, to resolve the disputed claims of prosecution and defense, the juror must attend to the social identity of the defendant and witnesses. Shulman et al., (1973) provide anecdotal evidence that jurors evaluate testimony on the basis of who gives it.

In the Harrisburg trial, the lawyers for both sides were sure that the jurors were reacting to a witness or a cross-examination as the lawyers did. The jurors, however, often had very different reactions. The defense lawyers, for instance, believed that they had destroyed Boyd Douglas' testimony with their incisive cross-examinations. The reality was more complex. Most of the women jurors were suspicious of Douglas on sight and dismissed his testimony almost completely. For instance, Stanovich said that 'his whole attitude, his general look' bothered her: 'What's this person

with his \$200 suit and silk tie?' Burnett thought that Douglas was like a 'smirky little kid.' But Sheets and Foreman said that they were not put off by the way Douglas looked. Foreman didn't trust Douglas, but was rather attracted to him anyway.

The present research contends that the jurors reacted to Douglas, accepting or rejecting his testimony, on the basis of their perception of him as a social being. The process began with their noting his physical appearance, dress, bearing, and speech. Finally, it terminated with their determination, based on his total performance, of who he was. As Rock (1973: 63) notes:

Any person who is socially present before others is a field of expression for them to read. In his gestural style, posture, facial movements, positioning, overt movements, clothing and so on, he presents a range of signs which provide information about him, his past and his future. People generate and respond to signs whether or not they are manifestly in interaction with one another . . . All these clues are taken to be in some way indicative of those states which are not susceptible to direct observation. They are evidence of honesty and dishonesty; truthfulness and untruthfulness, and so on.

The present research also contends that the juror can only resolve the question of the defendant's guilt or innocence after he has settled the question of who the defendant is. The question of what the defendant allegedly did is of secondary importance. As Rock (1973) notes, the rule provides an undependable guide to the recognition of deviance. Furthermore, the interpretation of the behavior is the most difficult task of all. Thus, Hadden (1973) suggests, the prosecution does not have to demonstrate that the defendant actually committed the act. Rather, it need only construct (through the presentation and cross-examination of witnesses) an image



of the defendant as the type of person who would have acted as alleged had the situation occurred as constructed by the prosecution.

Following Lofland (1969) and Hadden (1973), the present research suggests that:

(1) The juror selects an ascriptive attribute from the defendant's total array which he then treats as the defendant's most important and distinctive feature. In essence, the juror employs this attribute to tentatively locate the defendant within the emergent social context.

(2) The juror next seeks confirming information as each ascriptive attribute implies corresponding auxiliary attributes. The scheme linking ascriptive and auxiliary attributes is both ego-centric and stereotypic to the particular juror.

(3) The juror, having confirmed to his satisfaction the correspondence between ascriptive and auxiliary attributes, proceeds to identify the defendant as the type of person who commits murder or rape or theft or the type of person who happened to have killed someone, or happened to have sexual intercourse with someone, or happened to have picked up something.

(4) The ease with which the juror identifies the defendant as one or the other type of person depends in part on the ascriptive attribute the juror has selected. The ascriptive attribute facilitates identification to the extent to which it contributes to the juror's conception of one or the other type of person. It inhibits identification to the extent to which it conflicts with the juror's con-

ception of one or the other type of person.

(5) To confirm his identification of the defendant as one or the other social type, the juror searches for supporting data.

a. For the juror to decide that the defendant is the type of person who commits murder (i.e., kills with malice and premeditation) there can exist no acceptable, sufficient situational explanation for the act.

b. For the juror to decide that the defendant is the type of person who just happens to have killed someone (i.e., kills because of provocation) there must exist an acceptable, sufficient situational explanation for the act.

(6) If the juror finds adequate confirmation for his social typing, he will utilize that social typing to make attributions of responsibility and deviance.

(7) To effect a judgment of guilty, the juror must perceive that the defendant is responsible for the act (and its consequences) and, further, that he has deviated from accepted, normative social values (see Figure 1).

The seven step sequence is by no means original. Indeed, steps (1) and (2) reflect the current ideas on stereotyping. For example, Tajfel (1969: 423) defines the latter as "the general inclination to place a person in categories according to some easily and quickly identifiable characteristic such as age, sex, ethnic membership, nationality, or occupation, and then to attribute to him

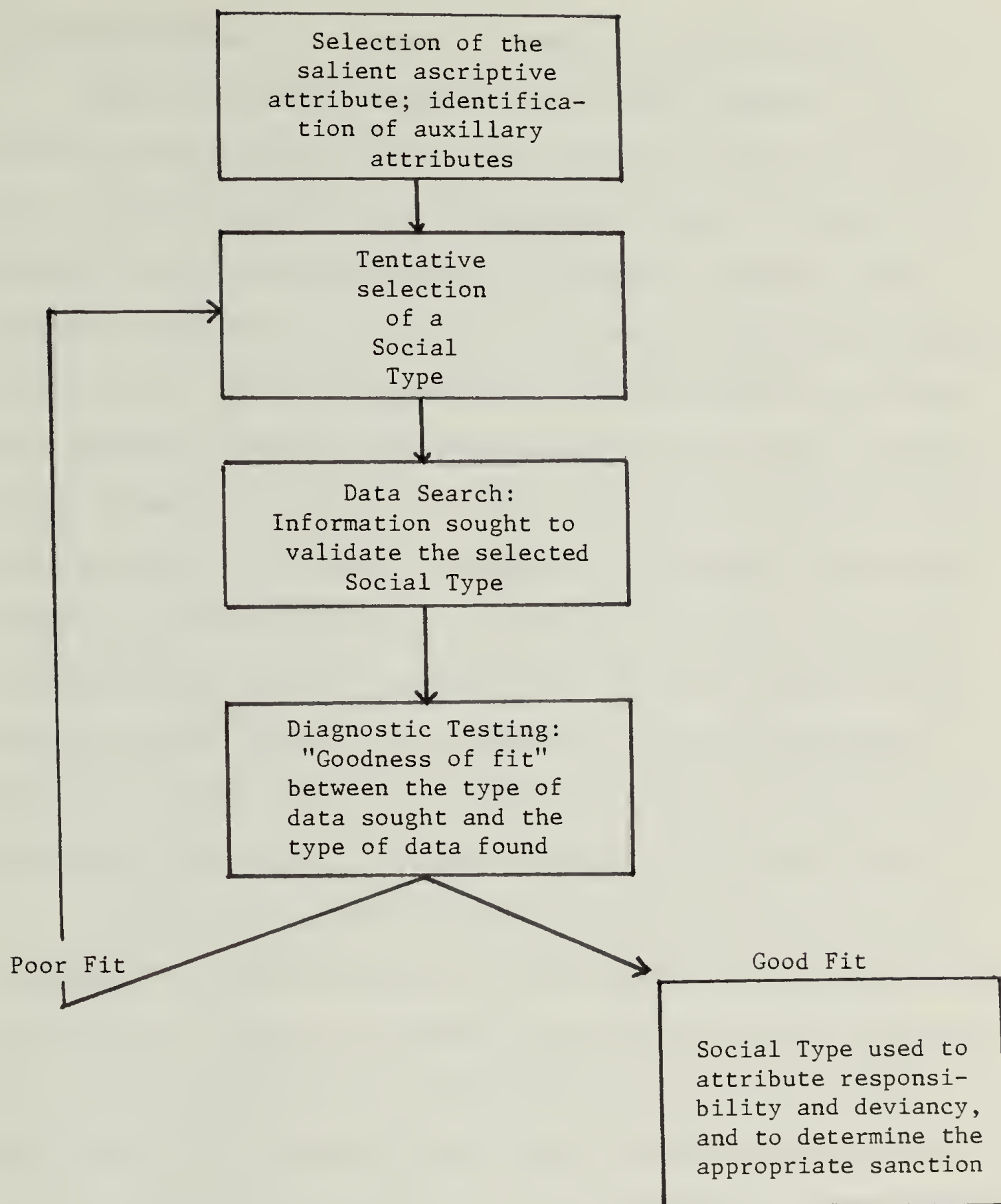


Fig. 1. A Descriptive View of the Decision Model



qualities believed to be typical of members of that category."

Step (3) directly reflects Hadden's (1973) argument. As treated in the present research, the process of identification results in a hypothesis which the juror attempts to validate. While Hadden (1973) did not provide data to support his argument, some support of this kind can be found in the work of Kahneman and Tversky (1972, 1973). Their data suggest that, given evidence in the form of a personality sketch, individuals assign outcomes such as levels of achievement or occupation in terms of the degree to which the outcomes represent the essential features of the evidence. They further suggest that where stereotypes are associated with the alternative outcomes, judgments are controlled by the extent to which the presented evidence appears to be representative of the stereotypes. Their use of "heuristic" as a cognitive device may be taken to be functionally equivalent to Hadden's (1973) use of "social types."

Moreover, the process of identification is essentially one of diagnosis. That is, the juror is a naive clinician. Like the latter, he utilizes a process of hypothesis generation and testing to manage what would otherwise be an overwhelming body of data. Given the hypothesis (i.e., the social type), the juror can evaluate each new item of information presented to him in terms of its relevance to his hypothesis. Further, like the clinician, the juror is selective in terms of the information he processes. Having gained experience with previous judgments of deviance, the juror has a sense of which in-

formation is most diagnostic. In short, he can ignore the extraneous information and direct his energies toward analyzing and integrating the data that has been most useful in the past.

It should be noted that the phrasing of Step (3) presents some difficulty in that it implies that the act is no longer ambiguous. In fact, it implies that the juror has already defined the act to be deviant (or not deviant). Such an interpretation would be contrary to the argument advanced by the present research. That is, the present research contends that the juror must define the defendant as one of several social types before he can define the act as deviant or otherwise. More importantly, such an interpretation would be unwarranted. Testing the hypothesis that the defendant is the type of person who commits murder is equivalent to testing the hypothesis that the defendant is the type of person who kills with "premeditation and malice aforethought." It is clear that the second phrasing does not obviate the potentially ambiguous nature of the act. Thus, the choice between the two equivalent forms is largely a matter of preference.

Step (4) is not without some support (e.g., Duncan, 1976; Steffensmeier and Terry, 1973; Dertke et al., 1974; Hall and Simkus, 1975). Duncan (1976), in essence, hypothesized that a perceiver who believes that blacks (as opposed to whites) are the type of persons who are predisposed to violence and crime are more likely to label an ambiguous act as violent when the act is perpetrated by a black. He employed a modified 4 x 4 factorial design with race of protagonist

and victim as the major factors. When the protagonist was black and the victim was white, 75% of the subjects labelled the act as violent: only 6% perceived that the behavior represented examples of "playing around" or "dramatizing." In contrast, when the protagonist was white and the victim was black, 17% of the subjects labelled the act as violent: further, 42% perceived that the behavior represented examples of "playing around" or "dramatizing." Analyses of subject attributions suggested that person attributions were more likely when the protagonist was black. However, these same analyses did not reveal a greater tendency for situational attributions in the white protagonist conditions.

Duncan's (1976) study may be interpreted as follows. Subjects came to the experimental session with a tacit notion of the type of persons who are violent and commit crimes. To be sure, this category includes white as well as black persons. However, the latter provide a "neater" fit. Their image in terms of this social type is more elaborate than that of white persons. Thus, when asked to judge an ambiguous act, subjects use race of the protagonist to infer the likelihood that the specific individual they saw was the type of person given to violence and crime. Clearly, the protagonist's being black would facilitate such an identification for subjects who treat black persons as the best model of persons given to violence and crime. Conversely, the protagonist's being white would inhibit such an identification for these same subjects.



Step (5) is derived from Attribution Theory. In conjunction with earlier statements, it implies that the juror either searches for data to vindicate a positively defined defendant or that he searches for data to condemn a negatively defined defendant. Izzett and Fishman (1976) provide some support for this contention in their study of defendant sentencing as a function of attractiveness and external justification. Given their results, they suggest that perceivers search for excuses when the defendant is attractive and, upon finding sufficient cause, treat him leniently.

On the surface 5a and 5b imply that the juror in either "state" seeks the same category of information. However, such is not the case. If the juror believes that the defendant is the type of person who kills only when provoked, he must find evidence of provocation. That is, the juror must find confirmation in contextual data. On the other hand, if the juror believes that the defendant is the type of person who kills with malice and premeditation, he must find evidence for the character deficiency. That is, the juror must find confirmation in the available biographical data.

It is recognized that jurors (and, indeed, any decision-makers) may prefer biographical data in spite of the particular hypothesis being tested. First, as previously stated, behaviors by themselves are difficult to interpret. Consequently, the contextual data bearing on such behaviors may be more difficult to analyze and integrate into a meaningful whole. Second, by their very nature character traits are more stable than behaviors. Therefore, they afford the juror a more

accurate means of forecasting future behaviors. If the juror has reason to believe that the defendant is a brutal person, his inference that the alleged crime was brutally committed is not surprising. On the other hand, if the juror is presented with a brutal crime, his inference that the defendant is a brutal person is less likely. As Kahneman and Tversky (1977) note, individuals are more apt to reason from cause to effect than from effect to cause. Finally, biographical data may be preferred because the juror feels that knowledge of the defendant's personality will explain in part why the defendant is before the court. Such data may be important in understanding the defendant's psychological vulnerabilities and, therefore, the meaning of the precipitating event. Moreover, such data may bear on the likelihood that the defendant would commit any other deviant act at a future time. In short, future events may have a greater bearing on the juror's decision than present circumstances.

Step (6) serves to restrict the present research to consideration of only those instances in which the juror finds sufficient cause to confirm his first hypothesis. As a consequence, processes associated with the revision of the juror's first hypothesis are not addressed. This decision, while necessarily eliminating many of the conditions under which jurors actually operate, does allow for a more direct test of the postulated decision model.

The final step (7) reflects the contribution of Shaw and Reitan (1969) and others. Shaw and Reitan (1969) provide evidence

which suggests that, while an individual must be held responsible for a behavior in order to be sanctioned for it, an individual who is held accountable for a behavior may not be sanctioned for it. They suggest that whether, and to what degree, an individual is sanctioned depends on factors other than the attribution of responsibility. (In their study the other factor was "outcome.") Izzett and Fishman (1976) provide evidence which suggests that defendants perceived as equally responsible and equally guilty for embezzlement may still be differentially sanctioned. The factor affecting the differential assignment of sanctions in their study was "external justification." Similarly, the field studies on shoplifting by Steffensmeier and Terry (1973) and Dertke et al., (1974) demonstrate differential sanctioning for behavior which shoppers should have had no difficulty in identifying as an example of theft.

In keeping with the work on deviance, the present research proposes that sanctioning may be explained in part by the degree to which the act violates the perceiver's norms. In short, it is not sufficient that the perceiver find confirmation for his hypothesis regarding the actor. The perceiver will sanction the individual only if the behavior sufficiently deviates from his (the perceiver's) notion of what is appropriate. Returning to the Duncan (1976) study, it was noted that the threshold for labeling an act as violent descended along the following continuum: black-white (protagonist-victim), black-black, white-black, and white-white. The present research would con-



tend that this continuum is the result of differential sanctioning. Further, it would contend that the differential sanctioning in turn reflects the perceiver's view of what constitutes appropriate behavior between and among blacks and whites. Thus, a black person "pushing" a white person would be an example of an unacceptable behavior that would require sanctioning. In contrast, a white person "pushing" a black person would be an example of a more acceptable (if not totally appropriate) behavior that would not require sanctioning. It should be noted that different interpretations could still be placed on the "pushing." Asked to justify the application of sanctions in the first case and not in the second, a perceiver might say that the first case clearly represented the actions of an aggressive and violent person. On the other hand, the perceiver might say that the second case just as clearly represented the actions of a friendly person who was just "playing around." ("Granted," the perceiver might say, "the actor was a bit too pushy." "However," he continues, "there is no reason to overreact.") This "normative" argument has been advanced to account for differences in sentencing in inter-racial crimes (see Kalven and Zeisel, 1966; Hagan, 1974).

### Objectives

#### Research objectives.

1. To gain experience in planning and conducting a formal experiment.
2. To gain experience with the statistical techniques which were developed to deal with nominal data.

3. To integrate the relevant sociological and psychological literature on Labeling and Attribution Theory as it pertains to individual decision making.

Study objectives.

1. To determine if there exists a relationship between the Social Identity the decision maker assigns to an actor and the Type of Information he seeks to confirm his initial identification.
2. To determine if the Type of Information sought by the decision maker in fact mediates the effect of Social Identity on the Decision Outcome.

## C H A P T E R    I I

### METHODOLOGY

The present research is most profitably viewed in terms of its two study objectives. The first objective is to determine whether a relationship exists between the Social Identity (S) a decision-maker assigns to an actor and the Type of Information (T) he seeks to confirm his initial identification. As previously suggested, the decision-maker's identification of the actor guides his search for confirming information. The second objective is to determine whether the Type of Information (T) gathered by the decision-maker mediates the effect of Social Identity (S) on his private decision (D).

Given the selection of college students as respondents, the present research sought a task which would reflect its assumptions regarding the nature of deviant behavior and the role of the perceiver in defining a behavior as deviant. Thus, the decision was made to have college students judge whether or not an author and work were instances of pornographer and pornography respectively. Again, pornography was chosen because it represents a type of deviant behavior which is truly problematic for the perceiver. Few individuals can satisfactorily express the criteria by which they judge a work to be pornographic. However, most individuals "know it when they see it."



Asch (1948) has shown that it may be possible to differentially affect the judgments made with regard to the nature of a work by attributing different authors to it. Therefore, it is conceivable that manipulation of the author's Social Identity (S) would differentially affect decisions (D) made by persons asked to judge a work on the basis of an ambiguous, but sexually explicit passage. The question that previous research has failed to ask is whether persons who made different judgments about an actor seek different kinds of information to confirm those initial judgments (or whether such persons seek the same kind of information, but use it differently).

The argument advanced here is that the decision-maker has the choice of believing that the ambiguous, but sexually explicit passage is pornographic and, more importantly, typical of the entire work or that its portrayal of sexual activity is necessary given the particular storyline and character development. The effect of the explicit passage, when the decision-maker has tentatively identified the author as the type of person who writes pornography, is to confirm the initial inference regarding the author. In addition, the decision-maker may come to believe that the explicit passage is characteristic of the author's writing style. Given this constellation of beliefs, the identity of the author as a pornographer is clearly established. When given the choice between biographical or contextual data, the decision-maker will select the former. It is this type of information which is most likely to provide testimony bearing on the author's

personal weaknesses. Such evidence can prove beyond all reasonable doubt that the alleged deviancy is intimately tied to matters of choice, intention, and character (Rock, 1973).

On the other hand, the effect of the explicit passage, when the decision-maker has tentatively identified the author as the type of person who does not write pornography, is to disconfirm the initial inference regarding the author. In order to reestablish the validity of the initial inference, the decision-maker must find (a) the work is not pornographic, even if the explicit passage suggests that it is; (b) the work is pornographic, but not characteristic of the author's writing style; or (c) the author wrote pornography only because of extreme situational pressures. In short, the decision-maker must find that the alleged deviancy is not intimately tied to matters of choice, intention, and character. If the pornography results from the free choice and earnest effort of an immoral person, it cannot be dismissed.

For (a) the decision-maker must find evidence which shows that the explicit passage is not typical of the entire work or, if typical of the entire work, necessary given the particular storyline and character development. That is, the portrayal of any kind of sexual activity is acceptable if done well, for a point, in context, and in character. Consequently, if given the choice between information which suggests What was written and information which suggests Why the work may have been written, the decision-maker will select the former.

For (b) the decision-maker must find evidence which shows that, while the particular work is pornographic, the author's other works are not. For example, the double rape in Bergman's "The Virgin Spring" might be too much for this decision-maker. However, even he would not conclude on the basis of other works that Ingmar Bergman is a pornographer. Therefore, when given the choice between information which suggests the acceptability of other works and information which suggests Why such works may have been written, the decision-maker will select the former.

For (c) the decision-maker must find evidence which shows that the author wrote the work under extreme duress. That is, the author provided the "obligatory" sex scene because the reader demands it, his publisher demands it, or both parties demand it. Consequently, when given the choice between information which suggests What was written and information which suggests Why the work may have been written, the decision-maker will select the latter.

An advantage of the present task as an alternative to the traditional jury study is that it may be less subject to past criticisms directed at the use of college students as mock jurors. There is no grossly distorted "trial," no abbreviated and artificial presentation of case materials by print, magnetic tape, or video. More importantly, there may well be a reasonable "fit" between the experimental task and the task as found in the "real" world. On the basis of the most provocative and out-of-context advertisements, individuals frequently must decide whether they will or will not invest in a book or film. In some instances, it is likely that they resolve their doubts on the basis of

the information conveyed by the presence of certain persons (e.g., author, screenwriter, leading actor and actress, director, etc.).

Finally, there are additional convenience benefits. Pornographic materials are readily available in print. For such materials, it is a relatively simple matter to vary the social characteristics of a hypothetical author and, thereby, control the likelihood that one of two social identities will be assigned to him/her by the respondent. Similarly, it is relatively easy to control the type of information that can be sought by the respondent by providing him/her with the choice between Biographical or Contextual Data.

Respondents. The present research employed 60 male and 100 female respondents. Each respondent was drawn from the introductory and sophomore psychology courses at a large state university. Finally, each respondent received credit for experimental participation.

Design. The present research cross-classified on four variables: Social Identity, Nature of the Evidence, Type of Information Sought, and Decision Outcome. The two levels of Social Identity are: the type of individual who is not likely to write pornography, and the type of individual who is likely to write pornography. The two levels of Evidence are: confirms the initial inference regarding the author, and disconfirms the initial inference regarding the author. The two levels of Type of Information are: Biographical and Contextual. Finally, the two levels of Decision Outcome are: the author is a pornographer, and the author is not a pornographer.



In the language of Bhapkar and Koch (1968) the present research analyzes the data as if they were the result of a 4-response, 0-factor experiment. A response is observed on the respondent and is considered to be a random variable. A factor defines the appropriate sampling strata and is considered to be fixed. For the hypothesized causal model to be consistent with the data, the appropriate log-linear model must indicate an association between the author's assigned Social Identity and the Type of Information Sought by the respondent. Further, it must indicate an association between the assigned Social Identity, the Type of Information Sought, and the Final Decision Outcome (see Goodman, 1972, 1973a, 1973b; Feinberg, 1977).

Procedure. The cited design requires the preparation of 2 author descriptions, 2 ambiguous, but sexually explicit passages, and 2 classes of information. To facilitate the subsequent presentation, the remainder of this section has been divided into four subsections. The first subsection describes the preparation of the 2 author descriptions. The second subsection describes the preparation of the 2 ambiguous, but sexually explicit passages. The third subsection describes the preparation of the two classes of information. Finally, the fourth subsection describes the sequence of decisions required of each respondent.

Author descriptions. Of the 2 author descriptions, one is to connote that the author is the type of person who writes pornography. That is, the subjective probability assigned to the likelihood that the author is such a person is greater than or equal to 0.55. The re-

maintaining author description is to connote that the author is not the type of person who writes pornography. Here, the subjective probability assigned to the likelihood that the author is the type of person who writes pornography is less than or equal to 0.45.

The 2 author descriptions employed in the present research were developed as follows. Forty-five males and forty-five females were given a brief author description and asked to estimate the possibility that the author was the type of individual who would write pornography. Further, each respondent was asked to list then weight the cues he or she utilized in reaching their decision. The cues presented to each respondent included sex, marital status, occupational experiences, and present domicile. Finally, an additional twenty-two respondents were asked to "rewrite" the description presented to them such that their original opinion of the author was completely reversed. The information generated by all respondents was then utilized to produce the author descriptions shown below.

Alice Scott has lived a quiet, yet decidedly interesting life. After graduating from Temple, she quickly found herself employed as a real estate agent. Although she was not formally trained for the job, Alice readily admits that it was a relatively easy and fun undertaking. Since those early years, she has gone on to win recognition for her work. Not unexpectedly, she has frequently demonstrated a mischievous disregard for superficial people. Her friends, however, note that this trait is more than balanced by the fact that she knows her weaknesses as well as her strengths. Alice presently lives with her husband, Frank, and his children by a previous marriage on a farm in western Pennsylvania. Her current interests include photography, backpacking, and horticulture.

Tom Scott has lived a turbulent and decidedly unconventional life. Following the last of his many unsuccessful attempts to run away from home, he found himself in a state-sponsored foster

home. Indeed, he resided with two foster families before he was eighteen and on his own. Since those early years, Tom has held a variety of jobs. Not unexpectedly, Tom has frequently demonstrated a rather ill-concealed disregard for the feelings of others. His friends, however, note that his idiosyncrasies are balanced. For example, Tom has never been known to break a promise. Twice divorced, he presently lives alone in a New York City apartment. His current interests include photography and calligraphy.

Ambiguous passage. The present subsection clarifies the use of the adjective "ambiguous" and establishes limits on the extent to which sexual activities will be portrayed. By the use of the term "ambiguous" it is not meant that a person reading the passage out of context cannot decide what kind of (or even if) a sexual encounter is being described. Instead, the present research uses the term to describe a passage which could be found in either a pornographic or non-pornographic book.

Because it is still the case that the range and detailing of sexual behavior differs significantly between pornographic (especially hard-core works) and non-pornographic works (to include "art" works), two limitations must be placed on the passages. First, in order to deny the use of length as a possible cue, the passage must be of such length that the respondent cannot infer that the material was excerpted from a near-continuous portrayal of sexual activity. Second, in order to deny the use of certain sexual behaviors as a possible cue, all activity must be restricted to the representation of dyadic male-female encounters.

The ninety individuals used to pilot the author descriptions were asked to rate 12 passages in terms of their likelihood of coming



from a pornographic work. Further, the respondents were asked to rate each passage in terms of its explicit, erotic, and offensive content. In this fashion the following two passages were generated:

"My hands reached for the beautiful flesh. They closed over his penis, held it, squeezed it gently, then moved on, across the ribs, over the smoothness of stomach, around to grasp for an instant the small buttocks."

"So, standing facing him just out of reach, she began to undress slowly and sensuously, doing a kind of striptease, without music, without bumps and grinds, but a striptease nonetheless."

The median probability that the passage comes from a pornographic work is 0.70 for the first passage and 0.50 for the second passage. Both passages were taken from Danziger's (1973) The Devil in Miss Jones.

Biographical and contextual data. Biographical data includes information which the actor has most control over. It is data which the actor, like most actors, chooses to manipulate and present for public consumption. On the other hand, contextual data includes information which the actor has less control over. It is data which the actor, like most actors, does not typically choose to present for public consumption.

These definitions imply that an author's work is to be considered as biographical data. Indeed, the work becomes the primary vehicle for any negotiation of a change in status. For example, the essence of the public F. Scott Fitzgerald is the collection of his works. In fact, one defines the other. In contrast, the contract for the work and the financial situation which may dictate the need



to write are part of the context, the general milieu. As such, they are not for public consumption.

To eliminate any potential bias that a respondent might express for individuating information which would be contained in a biographical statement, the decision was made to include such information in both biographical and contextual data. Further, to eliminate any potential bias a respondent might have against reading any more of excerpted work, the decision was made to provide a summary statement that supposedly outlined the storyline. The Biographical Data thus contained the following: a biographical statement,

Like some children and unlike other children, I was only too glad to leave home as soon as I could. Next to drink, abusing each other or me was the form of amusement my parents could still enjoy. Although in all fairness, I cannot attribute all of my misfortunes to them. If I have one item in my favor to date, I hope that it is my writing. Somewhat immodestly, I like to think of it as some of the best of its kind.

the storyline of excerpted work,

Soon after his arrival in NYC, Paul becomes simultaneously involved with Anna, a girl of rural background, and Margaret, a girl of upper-middle class background. Although Anna lives with her mother and stepfather in a household saturated with vice and squalor, she remains virtuous. On the other hand, Margaret's personal life stands in sharp contrast to her wholesome home environment. Thus, the story utilizes the standard theme of girl attracts boy; girl loses boy; girl finally wins boy.

and the storyline of another, previous work,

Having failed at farming, Bob and Mary come to NYC hoping to make it at last. The work utilizes Bob's relationship with Mary and her new acquaintances to make the point that an urban society produces individuals who are better suited

to dealing with machinery than with other individuals. In dealing with this issue the story also utilizes the theme of boy has girl; boy loses girl; boy wins girl.

The Contextual Data contained the same biographical statement as shown above. It also contained a statement which summarized the terms of the author's present contact with the book's publisher.

The author entered into a binding contract with the book's publisher. The terms of the contact include the completion of 4 books within a 3 year period. Payment to the author is on the basis of a flat fee.

The contextual data also contained a statement which summarized the author's present financial situation (a two year period).

The author has been overdrawn to a small extent on the personal account for 4 of the past 24 months and is currently not in debt.

Procedural details. The basic procedure was as follows.

Each respondent received an author description. On the basis of the author description, s/he was then asked to rate the passage in terms of its being explicit, erotic, and offensive. Moreover, s/he was asked to estimate the likelihood that the passage comes from a pornographic work, that the passage is characteristic of the author's past works, and, finally, that the passage is characteristic of the author's future works. Then each respondent was asked to estimate the likelihood of eight statements concerning the author's intention in writing the "disputed" work. At this point in the study each respondent has received the author description and excerpted passage. Consequently, s/he was asked to choose between two classes of information: Biographical and Contextual. Finally, each respondent

was asked to again give estimates for the initial author questions and render a final decision vis à vis the author and the work.

The questionnaire is provided by Appendix I.

Hypotheses. The present research contends that the respondent's identification of the author affects the type of information he seeks to resolve his doubt about the author's being a pornographer. Further, it contends that the type of information sought mediates the effect of the author-identification on the respondent's decision outcome. The choice between the two available types of information (Biographical and Contextual) is a function of two prior probabilities. The first is the estimate of the likelihood that the author is the type of individual who writes pornography. The second is the estimate of the likelihood that the excerpted passage comes from a pornographic work.

(1) If the respondent who defines the author as the type of individual who writes pornography finds confirmation in the excerpted passage, he will seek data which will allow him to conclude that the suspected deviancy reflects the author's choice, intention, and character. That is, he will seek Biographical Data.

(2) If the respondent who defines the author as the type of individual who does not write pornography finds disconfirmation in the excerpted passage, he will seek data which will allow him to conclude that the suspected deviancy does not reflect the author's choice, intention, and character. That is, he will seek Contextual Data.

(3) If the respondent in (1) can validate his hypothesis, he will decide that the author is indeed a pornographer. If the respondent in (2) can validate his hypothesis, he will decide that the author is not a pornographer.



## CHAPTER III

### RESULTS

To examine the hypothesized causal chain, respondents were cross-classified on four variables:

- (1) the Social Identity they assigned to the author:
  - a. the type of individual who is not likely to write pornography,
  - b. the type of individual who is likely to write pornography,
  - c. Undecided,
- (2) their perception of the excerpted passage:
  - a. likely to come from a pornographic work,
  - b. not likely to come from a pornographic work,
  - c. Undecided,
- (3) the Type of Information they sought:
  - a. Biographical,
  - b. Contextual,
- (4) the Decisions they reached with respect to the author and book:
  - a. the author is a pornographer and the book is pornographic,
  - b. the author is a pornographer, but the book is not pornographic,

- c. the author is not a pornographer and the book is not pornographic,
- d. the author is not a pornographer, but the book is pornographic.

As shown by Table 1, the data do not support the hypothesized relationship between the author's assigned Social Identity and the Type of Information sought by the respondent. In fact, the Social Identity respondents assigned to the author was statistically independent of both the Type of Information they sought and their perception of the excerpted passage ( $X^2 = 15.70$ ,  $df = 12$ ,  $p > 0.20$ ).

As this particular table is similar to succeeding tables, it is perhaps instructive to consider it in some detail. If the data had been cell means instead of cell frequencies, a linear model could have been fitted to the data. Subsequently, one could have assessed the fit of the model by evaluating the statistical significance of  $R^2$ , the coefficient of multiple determination. Moreover, one could have assessed the relative importance of any of the posited effects by evaluating the statistical significance of the weight assigned to that effect.

The strategy is comparable for log-linear models (i.e., models which are linear in their parameters once logarithms have been taken for both the dependent variable and the specified functional form). Here, however,  $X^2$  is utilized to assess the fit of the model. A small and statistically insignificant value for  $X^2$  indicates that the

Table 1. Distribution of Respondents (n=160) by Type of Information Sought, Social Identity, and Perception of the Excerpted Passage

<u>Type of Information</u>	<u>Social Identity</u>	<u>Excerpted Passage</u>	<u>Frequencies</u>	
			<u>Observed</u>	<u>Expected</u>
Contextual	Not Pornographer	Not Likely	5.000	7.186
Contextual	Not Pornographer	Undecided	1.000	1.557
Contextual	Not Pornographer	Likely	13.000	10.420
Contextual	Undecided	Not Likely	3.000	4.672
Contextual	Undecided	Undecided	1.000	1.002
Contextual	Undecided	Likely	12.000	6.709
Contextual	Pornographer	Not Likely	3.000	3.938
Contextual	Pornographer	Undecided	1.000	0.853
Contextual	Pornographer	Likely	3.000	5.709
Biographical	Not Pornographer	Not Likely	24.000	20.189
Biographical	Not Pornographer	Undecided	5.000	4.374
Biographical	Not Pornographer	Likely	25.000	29.274
Biographical	Undecided	Not Likely	8.000	12.998
Biographical	Undecided	Undecided	4.000	2.816
Biographical	Undecided	Likely	19.000	18.848
Biographical	Pornographer	Not Likely	17.000	11.062
Biographical	Pornographer	Undecided	1.000	2.397
Biographical	Pornographer	Likely	15.000	16.041

$$\chi^2 = 15.703, df = 12, p > 0.20$$

model may be adequate for explaining the variation in cell frequencies. This point could bear emphasis: while one seeks a large  $R^2$  in terms of a linear model, one seeks a small  $X^2$  in terms of the log-linear model. Finally, one can also determine the values of the log-linear coefficients posited by the model. These coefficients are directly analogous to the "beta" weights in multiple regression.

For Tables 1, 2, and 3, the expected frequencies under the posited model are provided. The expected frequencies are offered in that they may be more meaningful than either the obtained  $X^2$  value, a simple summary statistic, or the obtained probability level for the  $X^2$ . With the expected frequencies one can not only calculate various residuals (for example, the simple difference between the observed and expected frequencies), one can also see how well the model fits the data for various combinations of the cross-classified variables.

Table 2. Distribution of Respondents (n=160) by Social Identity and Decision Outcomes

<u>Author</u>	<u>Book</u>	<u>Social Identity</u>	<u>Frequencies</u>	
			<u>Observed</u>	<u>Expected</u>
Yes	Yes	Not Pornographer	17.000	16.425
Yes	Yes	Pornographer	10.000	9.000
Yes	Yes	Undecided	9.000	10.575
Yes	No	Not Pornographer	4.000	4.106
Yes	No	Pornographer	3.000	2.250



Table 2. Continued.

<u>Author</u>	<u>Book</u>	<u>Social Identity</u>	Frequencies	
			<u>Observed</u>	<u>Expected</u>
Yes	No	Undecided	2.000	2.644
No	Yes	Not Pornographer	13.000	12.319
No	Yes	Pornographer	7.000	6.750
No	Yes	Undecided	7.000	7.931
No	No	Not Pornographer	39.000	40.150
No	No	Pornographer	20.000	22.000
No	No	Undecided	29.000	25.850

$$\chi^2 = 1.53, df = 6, p = 0.96$$

Returning to Table 2, one notices that the assigned Social Identity was statistically independent of both Decision Outcomes ( $\chi^2 = 1.53, df = 6, p = 0.96$ ). Here the observed data are adequately explained by a log-linear model which specifies only a main effect for Social Identity and an association (or interaction) between the two Decision Outcomes. The association between the two Decision Outcomes suggests that respondents who conclude that the author is a pornographer are some 13.0 times more likely to also conclude that the book is pornographic than are those respondents who conclude that the author is not a pornographer. Since an association between the two Decision Outcomes is straightforward, it will receive no further attention.

Finally, the data do not support the hypothesized relationship between the Type of Information sought and the Decision Outcome

regarding the author. As shown by Table 3, the observed data are adequately explained by a log-linear model which specifies the three possible main effects, an association between the Two Decision Outcomes, and an association between the Type of Information sought and the Decision Outcome regarding the book ( $\chi^2 = 0.95$ ,  $df = 2$ ,  $p = 0.623$ ).

Table 3. Distribution of Respondents (n=160) by Type of Information Sought and Decision Makers

<u>Author</u>	<u>Book</u>	<u>Type of Information</u>	<u>Frequencies</u>	
			<u>Observed</u>	<u>Expected</u>
Yes	Yes	Biographical	20.000	21.714
Yes	Yes	Contextual	16.000	14.286
Yes	No	Biographical	7.000	7.423
Yes	No	Contextual	2.000	1.577
No	Yes	Biographical	18.000	16.286
No	Yes	Contextual	9.000	10.714
No	No	Biographical	73.000	72.577
No	No	Contextual	15.000	15.423

$$\chi^2 = 0.95, df = 2, p = 0.62$$

The latter association suggests that respondents who seek Biographical data are roughly one-third as likely as those seeking Contextual data to conclude that the book is pornographic than they are to conclude otherwise.

The reader may have noticed that the analyses were not performed in terms of the stimulus materials (i.e., Alice and Tom or Hard and

Soft). There were two reasons for this. First, the hypotheses were stated from the respondent's perspective. That is, they predicted the respondent's actions should he have concluded that the evidence either confirmed or disconfirmed his initial positive (or negative) impression of the author. Secondly, had it been possible to develop one author description (and one passage) so "rich" that respondents would have been able to generate strong and divided opinions, one stimulus would have been provided. It should be noted that the sole intention in preparing stimulus materials was that of insuring that each of the eight cells would have an observed non-zero frequency.

The most obvious disadvantage of this procedure is that it equates, for example, the respondent who defines the Soft passage as pornographic with the respondent who provides the same definition to the Hard passage. However, it should be noted that most respondents, while varying in terms of their assigned subjective probabilities, "correctly" perceived the stimulus materials. Moreover, comparable biases would have been introduced by eliminating the questionable cases or even ignoring the fact that some respondents "incorrectly" perceived the materials. The present procedure is more acceptable in that it maintains the integrity of the stated hypotheses.

Formation of the idealized populations. To obtain some insight into the data, respondents were placed into nine idealized populations which were then "tracked" at four critical points in the study.

Table 4 demonstrates how these nine populations of interest were formed by cross-classifying all respondents with respect to the Social Identity they assigned to the author and their perception of the excerpted passage. These nine populations were formed because they are meaningful in terms of the interests of the present research. Specifically, the present research seeks to examine how respondents react to positively and negatively evaluated actors when the evidence for the alleged deviancy either confirms or disconfirms their initial impression.

For example, the symbol  $S^+C$  represents a population whose members initially perceived that there was little possibility that the author would write pornography. In addition, it perceived that there was little possibility that the excerpted passage came from a pornographic work. Thus, the initial positive impression of the author held by this particular group of respondents was confirmed by the excerpted passage. In contrast, the members of the  $S^-D$  population had its initial negative impression of the author disconfirmed by the excerpted passage.

Table 5 reports the medians, means, and variances for five variables used to characterize the author and three variables used to characterize the excerpted passage. The pattern of medians for the author and passage variables is as expected and suggests that respondents generally perceived the stimulus materials as intended. Thus, the failure to find support for the hypothesized causal chain



Table 4. Distribution of Respondents (n=160) by Social Identity and Perception of the Excerpted Passage

Perception of the Excerpted Passage						
	0.0	0.4	0.5	0.6	1.0	
0.0	$S^+C$ 29		$S^+U$ 6		$S^+D$ 38	73
0.4						
0.5	$U^+$ 11		$UU$ 5		$U^-$ 31	47
0.6						
1.0	$S^-D$ 20		$S^-U$ 2		$S^-C$ 18	40
	60		13		87	160

Key:

- $S^+C$  Initial positive impression of the author confirmed by the excerpted passage,  
 $S^+D$  Initial positive impression of the author disconfirmed by the excerpted passage,  
 $S^-D$  Initial negative impression of the author disconfirmed by the excerpted passage,  
 $S^-C$  Initial negative impression of the author confirmed by the excerpted passage,  
 $U^+$  Undecided about the author; however, believes that the passage does not come from a pornographic work,  
 $U^-$  Undecided about the author; however, believes that the passage comes from a pornographic work.

Table 5. Cell Medians of the Author and Passage Ratings

	S+C	S+D	S <sup>-</sup> C	S <sup>-</sup> D	U+	U <sup>-</sup>
Aware	.500	.700	.650	.500	.700	.700
Use Sex	.200	.250	.600	.650	.500	.500
Uneasy	.600	.450	.350	.250	.400	.400
Skills	.500	.500	.500	.500	.600	.500
Write	.300	.200	.650	.700	.500	.500
Present	.300	.800	.800	.300	.300	.800
Past	.500	.550	.650	.500	.500	.600
Future	.500	.650	.700	.600	.500	.600

Cell Means and Variances of the Author and Passage Ratings

Aware	.534 .067	.637 .059	.538 .070	.515 .070	.654 .043	.590 .056
Use Sex	.283 .031	.347 .064	.583 .038	.630 .026	.418 .060	.571 .042
Uneasy	.555 .076	.474 .083	.367 .042	.340 .050	.454 .041	.406 .052
Skills	.486 .058	.450 .042	.544 .066	.560 .053	.582 .028	.558 .047
Write	.231 .015	.200 .015	.678 .009	.690 .009	.500	.500
Present	.231 .015	.774 .018	.750 .016	.300 .011	.282 .014	.781 .018
Past	.514 .051	.616 .040	.638 .032	.510 .057	.554 .033	.616 .027
Future	.541 .040	.629 .034	.650 .040	.580 .041	.564 .024	.616 .027

N	29	38	18	20	11	31	147
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is more likely to be due to a deficiency in the procedure or model and less likely to be due to the inability of the stimulus materials to elicit the intended perceptions of author and work.

Rating of the author's intentions in writing the present work. Table 6 reports the medians, means, and variances of eight variables used to characterize the author's intention in writing the present work. These data represent the second critical point in the study. The pattern exhibited by the medians (specifically, the lack of variability in the medians across the populations) lends support to the idea that respondents ignored the particular characteristics of their author and passage and, instead, utilize a "theory of the author" in making their attributions or predictions.

This "theory" holds in part that authors--to include pornographers--write to Express themselves. As stated by several respondents:

People write books because they have chosen that as their profession and the type of books they write is inherent in their past experiences, their imagination, and their talent.

Having faith in a writer, I would hope that he would write for art's sake, to provide a message.

I think what a person writes about often reveals a lot about that person.

Moreover, the "theory" holds that authors are obligated to write in whatever manner will most faithfully convey the Character's story. While this is the author's major consideration and constraint, the

Table 6. Cell Medians for the Intention Ratings by Idealized Population

	S+C	S+D	S <sup>-</sup> C	S <sup>-</sup> D	U+	U <sup>-</sup>
Contract	.300	.500	.500	.400	.500	.400
Express	.700	.650	.650	.750	.700	.700
Money	.400	.700	.600	.500	.700	.700
Debts	.300	.500	.500	.500	.500	.500
Develop Character	.800	.800	.700	.700	.800	.800
Titillate Reader	.700	.700	.750	.750	.600	.800
Provide Material	.600	.800	.650	.650	.600	.700
Mock Sexual Trends	.200	.200	.300	.150	.100	.200

Cell Means and Variances for the Intention Ratings

Contract	.383 .089	.508 .098	.489 .042	.405 .079	.573 .084	.371 .053
Express	.669 .054	.621 .055	.594 .077	.670 .056	.646 .051	.655 .039
Money	.469 .094	.661 .050	.600 .031	.545 .071	.718 .016	.655 .055
Debts	.341 .070	.461 .043	.506 .046	.445 .036	.573 .018	.487 .034
Develop Character	.728 .066	.647 .088	.628 .057	.720 .026	.736 .041	.658 .094
Titillate Reader	.648 .056	.692 .047	.750 .020	.650 .054	.627 .022	.690 .053
Provide Material	.603 .058	.682 .054	.606 .044	.660 .048	.582 .118	.642 .054
Mock Sexual Trends	.248 .046	.295 .053	.317 .047	.180 .023	.220 .052	.271 .040
N	29	38	18	20	11	31



"theory" does recognize others. In fact, the "theory" even allows that authors need Money in order to live and, therefore, will Provide Sexual Material if such material is necessary to guarantee that income. However, the "theory" does not give carte blanche to the author. The material may Titillate, but it cannot be unnecessarily vulgar.

It should be noted that it was definitely not the case that the baser motives were attributed solely to the negatively evaluated author while the more favorable motives were attributed solely to the positively evaluated author. While it is possible that more extreme characterizations could have produced the anticipated alignment between motive type and author type, it is not likely that such an outcome would occur. As long as the information provided to the respondents is kept as brief as it is in the present case, it is likely that respondents will weight more heavily the personal knowledge they bring with them.

Type of information sought. These data mark the third critical point in the study. Again, as previously stated, the Type of Information sought by the respondents was statistically independent of both the assigned Social Identity and the Decision Outcome regarding the author.

The respondents, however, did provide free-response data bearing on the reason(s) why they selected Contextual or Biographical information. Of the 42 respondents selecting Contextual information,

only one stated that she had done so because she was "too embarrassed to read the Biographical data." The consensus of the remaining Contextual-respondents is conveyed by the following remarks:

Because it seems like the only good reason for writing pornography.

More interested in the author's financial circumstances. If they are broke, they may write trash just for the money.

Because I am most curious about whether she is bound for some other reason to writing in a cerxain way.

I am more interested in why a person does something, rather than what he does.

In short, most respondents selecting Contextual information did so because of its diagnostic value. Further, most respondents selecting Contextual information did so because they believed that the author's financial situation could constitute a sufficient (if not necessary) reason for writing pornography.

Of the 118 respondents selecting Biographical information, 14 stated that they had done so because they believed that they would find Biographical information "more interesting" than Contextual information. The consensus of the remaining respondents selecting Biographical information is conveyed by the following remarks:

Wanted to see what the author had to say. Rather know what the author wanted to express than why he wrote it.

More interested in the rest of the book and the author's other works than in why the author wrote the book . . . The contract between an author and his publisher would not influence the type of book an author would write or the content. I believe people write books because they have chosen that as their profession and the type of books they write is inherent in their past experiences, their imagina-

tion, and their talent. Therefore, as I already know or think I know why the author wrote the book, I would like to know more about the book and his previous works.

Becuase it is more personal . . . You can understand more about a person from his writings than from his financial conditions.

Because I do not consider the author's financial status as big a factor as his other work. After all, many authors literally starve without turning to pornographic material.

Financial and contractual motives can be changed if the author believes he is not producing literature and wishes to.

If I know what the author was trying to express, I'll also understand why.

Biographical information provides more direct evidence about the book itself and not business reasons for its publication.

I have no desire to know why the author wrote the book. I don't want to know whether he got his stimulus from financial obligations and/or problems. I just want to determine what he's saying and check out the manner in which he tries to convey his message.

I'd rather know what the author wanted to express than why he wrote it.

I don't care why people write books. Since it is already written I would like to fully understand what he is expressing.

It should be noted that the respondents selecting Contextual or Biographical information did not differ in their perception of the author. The mean Probability that the Author Writes Pornography was 0.410 for the respondents selecting Contextual information and 0.413 for the respondents selecting Biographical information. However, the mean Probability that the Excerpted Passage Comes from



a Pornographic Work was 0.648 for the respondents selecting Contextual information in contrast to a mean of 0.527 for the respondents selecting Biographical information. Given this difference, it is possible that the respondents who selected Contextual information believed that they knew what the writing represented and, thus, wanted other information which would explain the "why" behind the writing. On the other hand, the respondents who selected the Biographical information did not know what the writing represented and, thus, would want information which would help them identify the work's genre.

The "why" versus the "what" distinction cited by several of the respondents selecting Biographical information deserves further comment. First, some of the respondents selecting Biographical information would appear to be quite harsh in their treatment of the author. In essence, they state that they could not care less why an act was committed. They only want to know what was done. Previously, it was mentioned that the respondents selecting Biographical information appeared to be quite logical in wanting to obtain more information about the author's works given a mean "passage" probability of 0.527. However, there would appear to be little reason for such respondents to be so vindictive. Second, while all respondents were told that Contextual information dealt with the "why" of the matter and Biographical information dealt with the "what" of the matter, it is obvious that many respondents selecting Biographical information were looking for an answer to both "what"



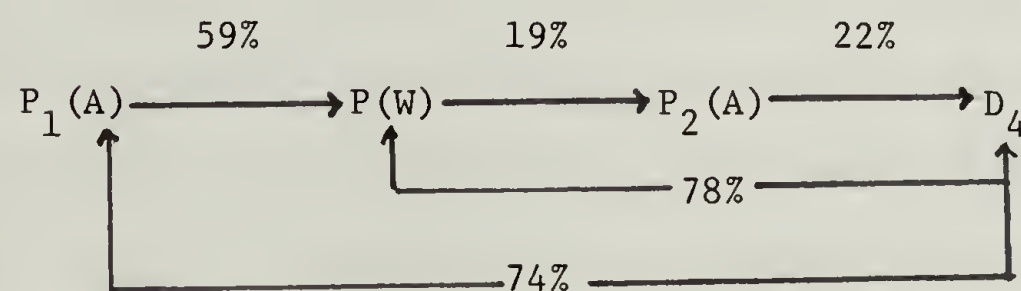
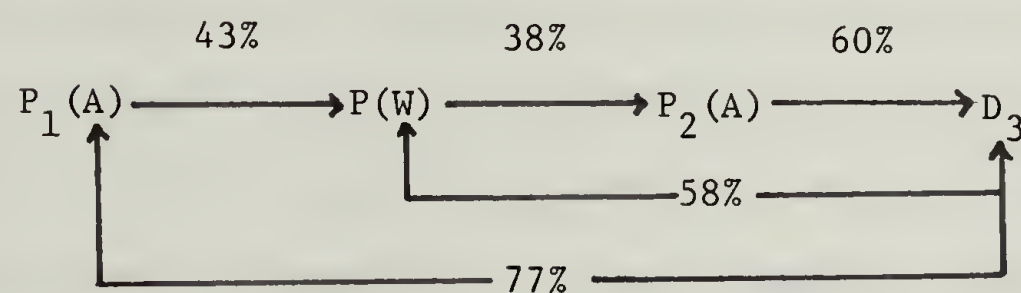
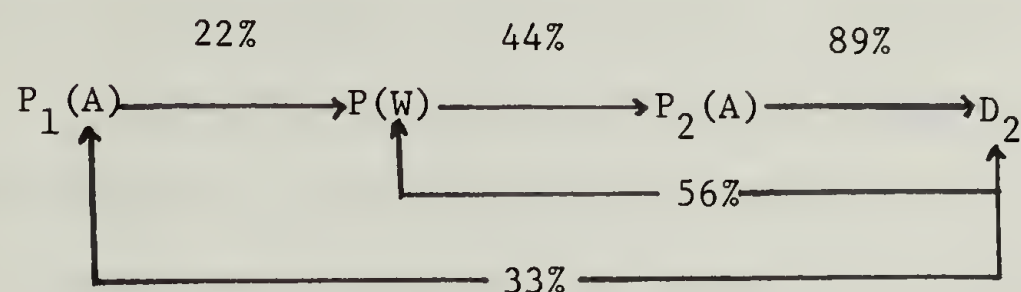
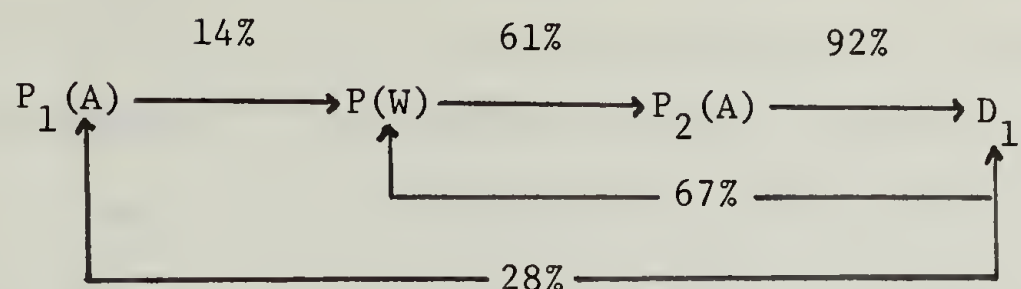
and "why" in their one information packet. In short, not only did the respondents selecting Biographical information fail to believe that the author's financial situation could constitute a necessary or sufficient reason for writing pornography, but they clearly rejected the rationale provided by the study for distinguishing between the two classes of information.

The decision outcome. These data represent the fourth and final critical point in the study. Of the 160 respondents, roughly 55% concluded that the author was not a pornographer and the work was not pornographic. Some 17% concluded that the author was not a pornographer, but the work was pornographic. Approximately 22% concluded that the author was a pornographer and the work was pornographic. Only 5.6% concluded that the author was a pornographer, but the work was not pornographic.

Figure 2 displays "process diagrams" for the four decision outcomes. The percentage displayed between any two points indicates the extent to which members of a specified population were consistent in their responses. For example, a member is consistent if he estimates the probability of the excerpted passage having come from a pornographic work,  $P(W)$ , to be greater than 0.6 and then selects a decision outcome which agrees with his estimate.

$P_1(A)$  and  $P_2(A)$  represent the initial and final estimates of the probability that the author writes pornography.  $D_1$  represents the respondents who concluded that the author is a pornographer and

Figure 2. Process Diagrams for the Four Decision Outcomes



Key:

- $D_1$  the author is a pornographer and the book is pornographic,
- $D_2$  the author is a pornographer, but the book is not pornographic,
- $D_3$  the author is not a pornographer and the book is not pornographic
- $D_4$  the author is not a pornographer, but the book is pornographic
- $P_1(A)$  the initial likelihood estimate for the author writes pornography,
- $P(W)$  the likelihood estimate for the excerpted passage comes from a pornographic work,
- $P_2(A)$  the final likelihood estimate for the author writes pornography

the work is pornographic.  $D_2$  represents the respondents who concluded that the author is a pornographer, but the work is not pornographic.  $D_3$  represents the respondents who concluded that the author is not a pornographer and the work is not pornographic. Finally,  $D_4$  represents the respondents who concluded that the author is not a pornographer, but the work is pornographic.

By way of illustration, the process diagram for the  $D_1$  respondents (i.e., the respondents who decided that the author was a pornographer and the book was pornographic) suggests that each successive bit of information had an increasingly greater impact on the final decision. In deciding that the author was a pornographer, 92% of these respondents were consistent with their estimates for the final probability that the author writes pornography. In deciding that the work was pornographic, some 61% of these respondents were consistent with their estimates of the probability that the excerpted passage comes from a pornographic work. Finally, if one includes those respondents who initially estimated the probability that the author writes pornography to be 0.50 with those respondents who provided smaller estimates, then only 28% of the respondents who decided that the author was a pornographer and the book was pornographic were consistent with their initial estimate for the probability that the author writes pornography.

From Figure 2 it would appear that  $D_1$  and  $D_2$  respondents (i.e., respondents who decided that the author was a pornographer

and the the book was pornographic; and the respondents who decided that the author was a pornographer, but the book was not pornographic) utilized comparable processes in reaching their respective decisions. However,  $D_2$  respondents were influenced more by their initial estimates of the probability that the author writes pornography and less by their estimates of the probability that the excerpted passage comes from a pornographic work than were the  $D_1$  respondents. This differential impact of the probability of the excerpted passage having come from a pornographic work may explain why the  $D_2$  respondents concluded that the work was not pornographic while the  $D_1$  respondents concluded otherwise.

In contrast to the two previously cited decision groups, the respondents choosing  $D_3$  (i.e., deciding that the author was not a pornographer and that the book was not pornographic) were heavily influenced by their estimates of the initial probability that the author writes pornography. In deciding that the author was not a pornographer, 77% of the  $D_3$  respondents were consistent with their initial estimate. The percentages were 28% and 33% for the  $D_1$  and  $D_2$  respondents. Again, both of these groups decided that the author was a pornographer. It could be that the respondents in these two groups resolved any conflict they might have experienced between what they initially believed to be true and what the evidence suggested was true by heavily weighting the evidence. On the other hand, the  $D_3$  respondents may have resolved any conflict they might have experienced by maintaining a presumption of "innocent until



proven guilty." It is also possible that the criterion which would elicit a judgment of "pornographer" from the  $D_3$  respondents was much higher than that for the  $D_1$  or  $D_2$  respondents. Factors which may influence the suggested differences in coping with ambiguous information are more likely to be personality characteristics (e.g., cognitive complexity, tolerance for ambiguity) and less likely to be social characteristics (e.g., race, sex, age, religion, or social status).

Moreover, in contrast to the  $D_3$  respondents (who decided that the author was not a pornographer and that the book was not pornography), only 22% of the  $D_4$  respondents (i.e., the respondents who decided that the author was not a pornographer, but that the book was pornographic) chose a decision outcome which was consistent with their final estimates for the probability that the author writes pornography. Yet, the most important differences between these two groups occur for the estimates of the probability that the excerpted passage comes from a pornographic work. The median probability was 0.40 for the  $D_3$  respondents and 0.70 for the  $D_4$  respondents (see Table 7). Again, the former respondents decided that the work was not pornographic while the latter respondents decided that the work was pornographic. As shown by the process diagrams, the  $D_4$  respondents utilized the estimated probability of the work's being pornographic to conclude that the work was indeed pornographic. In contrast, the  $D_3$  respondents utilized the same probability--although

Table 7. Medians, Means and Variances for Selected Variables by Decision Outcome

Medians					
Author	Book	$P_1(A)$	$P(W)$	$P_2(A)$	N
Yes	Yes	.500	.700	.800*	36
Yes	No	.500	.600	.700*	9
No	No	.500	.400	.500	88
No	Yes	.450*	.700	.700	27

Means and Variances					
Author	Book	$P_1(A)$	$P(W)$	$P_2(A)$	N
Yes	Yes	.394 .057	.653 .059	.757* .018	36
Yes	No	.478 .032	.578 .074	.700* .076	9
No	No	.418 .044	.475 .066	.492 .046	87
No	Yes	.377* .049	.700 .062	.648 .033	27

\* Excludes 1 outlier

Key:  $P_1(A)$  the initial likelihood estimate for the author writes pornography,

$P(W)$  the likelihood estimate for the excerpted passage comes from a pornographic work,

$P_2(A)$  the final likelihood estimate for the author writes pornography

N sample size

to a lesser extent--to conclude that the work was not pornographic. Again, while these differences point out the fact that respondents utilized different rules in processing the same information, they do not suggest what these different rules might be.

## C H A P T E R     I V

### DISCUSSION

Again, the obtained data do not support the hypothesized causal chain. The Social Identity of the author did not significantly affect the Type of Information sought by the respondent. Moreover, the Type of Information sought by the respondent did not significantly affect the Decision Outcome. There are at least three reasons for the obtained pattern of results.

First, respondents did not have a clear image of the Type of Individual who would write pornography. The data suggest quite forcefully that respondents did have a stereotypic conception of the author as legitimate writer. They were content to be extreme in their opinion of the author when they were dealing with a writer who was most like other legitimate writers. However, they were quite cautious when they were dealing with a writer who was not like most other legitimate authors. From the data dealing with the author's intention in writing the disputed work, it is clear that respondents utilized their "theory of the author" without regard for the nuances in the evidence. Again, it is not clear whether respondents would have continued to ignore the particular author cues had they been provided with a more complete author description.

Thus, there is great irony in the obtained results. The present research assumed that respondents would impose meaning on an



otherwise ambiguous stimulus package by abstracting and then utilizing a few salient cues to project a model of their particular author. It was assumed that this model would attend to particular cues (e.g., sex, marital status, domicile) and, thus, predispose the respondent to consider one hypothesis (e.g., the author is a pornographer, the author is an erotic writer) as more likely than any other, given the obtainable evidence. Indeed, to increase the value of the author sketch, the excerpted passage was kept exceedingly brief. In one sense the respondents went one step further by imposing a stereotypic model of the author without giving due consideration to the evidence provided by the personality sketch. In short, the respondent's stereotypic and egocentric model was triggered by the demands of the tasks, not by the particular author characteristics.

Second, respondents were free to pursue any one of several strategies. For example, they could attempt to validate their initial impression of the author by confirming the plausibility of their favored hypothesis. On the other hand, they could attempt to validate their initial impression of the author by confirming the implausibility of a rival hypothesis. To effect the former strategy, "disconfirmed" respondents would seek evidence to exonerate a positively evaluated author or condemn a negatively evaluated author. To effect the latter strategy, "disconfirmed" respondents would seek information that could prove damaging to the case of the positively

evaluated author or helpful to the case of the negatively evaluated author.

From the present data, it is not clear whether respondents selecting the same class of information were attempting to confirm the plausibility of their favored hypothesis or to confirm the implausibility of a rival hypothesis. Further, it is not clear whether respondents selecting the same class of information interpreted it similarly. The present research had assumed that the reasons for selecting a particular class of information were few in number. Moreover, it had assumed that these reasons were cogently summarized by the distinction between "why" the author wrote the and "what" the work purported to be. From a portion of the free-response data, it is apparent that respondents were more sophisticated than assumed. According to their logic, if they knew "what" the work was, they would also know "why" it was written. On the other hand, if they only knew "why" it was written, they still would not know "what" it was.

The present research had argued that the act's meaning, (i.e., the "what") would remain ambiguous until the respondent had tentatively identified the actor (i.e., the "who") as a social being. Furthermore, it had assumed that the respondent could evaluate the actor's intentions (i.e., the "why") only after the actor had been identified as a social being and the act had been identified as an appropriate social response. When the respondent provided an extreme

estimate for the probability that the author writes pornography, the present research assumed that the author sketch had satisfactorily answered the "who." When the respondent provided an extreme estimate for the probability that the excerpted passage comes from a pornographic work, the present research assumed that the passage had satisfactorily answered the "what." Consequently, the respondent should have been prepared to seek data to answer the "why."

Implicit in the above, however, is the assumption that 0.50 is the criterion each respondent utilized to discriminate between "pornographer" and "non-pornographer," and between "pornographic writing" and "non-pornographic writing." It is apparent from the data that the decision criterion for many respondents was not the assumed 0.50. Moreover, whereas the present research assumed that a subjective probability as extreme as 0.9 indicated a great deal of certainty, it was frequently the case that respondents providing such an estimate would often want to see if their inferences were correct. In short, extreme inferences only served to create a need for validation. The respondent seemed to be saying, "Now that I am so extreme, let me see if I am correct."

Third, the subject matter of pornography may not have been the most appropriate context for testing the proposed decision model. Since the social category of author includes priests as well as prostitutes, it may be the case that only the most extreme complex

of negative social traits will predispose a respondent to view any given author as a clear instance of a "pornographer." Of course, to provide such a complex of negative social traits one runs the risk of invalidating the intended test.

It should be clear from these comments that the obtained data are not interpreted as posing a serious challenge to either the sociological or psychological "theories" giving rise to the proposed model. There is strong evidence in the psychological literature that people use general strategies or heuristics to reduce complex judgmental tasks into less complex mental operations (e.g., Kahneman and Tversky, 1972). Furthermore, there is clear evidence in both the sociological and psychological literature which suggests that the individual's impressions and expectations can bias his interpretation of social data (e.g., Asch, 1946).

In accord with the literature, the present study found that one could write one or more works which were pornographic and yet escape the label of pornographer. At the onset of the study it was assumed that a pornographer was one who wrote pornography and, further, that anyone who wrote pornography was a pornographer. However, labeling by some critical audience is not inevitable. Under some circumstances and for some reasons, some authors will be able to avoid the deviant label.

It was hypothesized that "good-person" authors would be able to avoid the deviant label if they wrote for external reasons. As Steiner (1970) notes, when the actor's freedom is restricted, the



observer will pardon the actor's behavior even when the consequences of such behavior are unpleasant. In the present context, the respondent had the option of labeling the work in lieu of the author.

Thus, it seemed reasonable to postulate the operation of a rule. In brief, good people commit questionable acts for understandable, if not good, reasons, while bad people commit questionable acts for reasons which are obviously bad. As an example, one might say that a good person kills someone because he has to while a bad person kills someone because he wants to. To determine whether the homicide is justified, the decision-maker must examine the actor's character. Given the ambiguous nature of most behavioral displays, it is clear why the individual of good character typically benefits from a bias for him while the individual of bad character usually finds himself in such an unenviable position.

In terms of the legal system it is now taken for granted that justice is anything but "blind." The Social Identity of the actor can affect the police officer's decision to apprehend a suspect to place him under continued surveillance. It can affect the defense counselor's decision to accept a case. It can affect the prosecutor's decision to seek an indictment, to plea bargain to a lesser charge, or eventually to take the case to court. Moreover, the defendant's Social Identity can influence the sentence received as it is recognized by law that the judge may tailor the punishment to fit the "criminal."

The present subject matter of pornography does not represent an anomalous case. One's character matters as much in "letters" as it does in law. As Phillips (1975) notes, the graphic gang-rape in de Sica's Two Women got by most of the censors because of the reputation of author Moravia and of the director. Further, why else would Jack Kroll (1977) believe that Paul Newman's scatological response to the rich bitch who kills his team, "the single most profane sentence ever uttered by a major American actor," will "blow a million minds?"

The present research sought to show, not that the effect of Social Identity was greater than that of the actual rule-breaking in all cases, but that Social Identity assumed an increasing importance as the meaning of the actual rule-breaking became more ambiguous. The present research failed to do so because far too many respondents held that "any real writer would rather die than sell his soul."

Finally, one can regard the unsupportive finds in more positive terms. For example, one can interpret the data (specifically, the rather uniform intention ratings) as providing clear evidence that respondents made use of a role stereotype in attributing deviancy to the author. The fact that respondents generally sought the same Type of Information and then made the same attribution only serves to support this contention. The experimental task may have been particularly conducive toward this end in that the stimulus materials--the "facts" in the case--were extremely brief and re-

grettably uninformative. Further, and perhaps more importantly, the respondent's decision was not binding on the author. In short, the respondent may have used the role stereotype because the consequences of an ill-considered decision did not justify the utilization of a more elaborate decision-process. Thus, the present study may be interpreted as suggesting that individuals will use role stereotypes when the stereotype is more diagnostic than the specific evidence provided by the behavioral display and when the use of the stereotype poses no harm to the actor.

As previously stated, the published mock jury research typically finds some effect of extra-legal variables on the dependent variable. However, it should be noted that the deviant act in question is quite frequently negligent automobile homicide. This act, while implying lack of foresight, is by definition not something an individual voluntarily does. Further, given that the most careful driver is subject to momentary lapses in diligence, negligent automobile homicide is unfortunately one activity every driver is at risk of committing. Consequently, it may be that no role stereotype exists for the negligent driver. Certainly, it is difficult to imagine a shared role stereotype for drivers! Thus, negligent automobile homicide stands in sharp contrast to writing of any genre. Not only is writing an intentional activity undertaken by few individuals and requiring some time to do, but it is also an activity which lends itself to role definition. The present

data provide ample testimony to the fact that individuals share a role stereotype for the writer.

Now, it may be that individuals will use social attributes for the same reasons they use role stereotypes. Both provide a quick and convenient means of attributing deviancy. However, it may be that an investigator is more likely to obtain significant differences on an outcome variable by manipulating the social attribute than by manipulating the role stereotype. First, the latter is more difficult to manipulate as it is presumably part of the individual's cognitive structure. Second, the role stereotype being more abstract (and, thus, more independent of the case particulars) than the social attribute will be much less sensitive to moderate differences in some trait. Thus, if there is any moral to the present study it is this. The present research went hunting with a role stereotype for the pornographic writer and fell victim to the respondent's larger and more abstract role stereotype of writer.



#### FOOTNOTES

1. Simon (1968) provides an overview of the perspective on law held by the founders of the "sociological jurisprudence" movement. Llewellyn (1931) provides a similar statement for the purpose of the "legal realist" movement.
2. In his opinion in *Skidmore vs. Baltimore & Ohio R.R.Co.*, Frank (1950) sets forth one of the most critical indictments of the jury.
3. The dates were selected as follows. The year 1949 marks the publication of Frank's *Courts on Trial*, the basic contemporary American criticism of jury competence. The year 1952 marks the publication of Hoffman and Brodley's jury study, the predecessor of the famed Chicago Jury Project. The latter issued its final monograph in 1967. The year 1962 marks the birth of "Labeling Theory." This framework has provided the major thrust for sociological research on "deviance" and the criminal justice system.
4. Because of their emphasis on rigorous experimentation, replication, and the concomitant use of statistical tests, these men tended to focus on substantive problems which were narrower than the problems previously considered. The price which subsequent research has paid for adhering to this view of scientific inquiry has been a greatly fragmented, though systematic, conception of jury behavior.
5. Major publications are Zeisel et al., (1959), Kalven and Zeisel, (1966), and Simon (1967). Summary articles are provided by Broeder (1954, 1959) and Kalven (1955). A discussion of the experimental jury technique is provided by Simon (1967) and Strodtbeck (1962). Assessments are provided by Erlanger (1970).
6. Here the emphasis is placed on the adjective "relatively." It is possible to ask how the defendant's social identity affects the juror's decision to label him as "ill" or "criminal." Indeed, one could suggest that the defendant's social identity determines which of the two labels the juror will select.
7. Simon (1967) notes that the operative question for the juror often is whether the community is better served by the defendant being labelled "ill" (and, thus, committed for an indefinite period) or by his being labelled "criminal" (and, thus, eligible for parole

within a definite period of time).

8. The term "extra-legal attributes" refers to perceived characteristics of the defendant which are held to be legally irrelevant to the case (Hagan, 1975).
9. The Interactionist Perspective is an inclusive term which refers to any derivative of Symbolic Interactionism as applied to the study of deviance.
10. Hagan (1975) also cites the organizational perspective (Blumberg, 1967). This approach emphasizes the operational procedures involved in the decision-making processes at the various levels of the criminalization process, and the organizational environment in which these decisions are made. Empirical work exemplifying this view is provided by Sudnow (1965), Cole (1970), Mather (1973), and Hagan (1975).

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## APPENDIX I

### QUESTIONNAIRE

The present study is an investigation of the social phenomenon known as pornography. Basically, you will be given printed materials (an author description and excerpted passage) and asked ultimately to decide whether the work and the author are instances of pornography and pornographer respectively. Clearly, the "yes" or "no" of the matter is not as important as the means you utilize in reaching your decision. The printed materials which will be shown to you may be blunt in some respects. However, in no instance are they meant to be offensive or degrading.

By indicating your willingness to participate in this study, you do agree to provide data. Should you have any inquiries at any time, the procedures are sufficiently flexible so that many answers may be provided to you immediately. However, if you elect, you may withdraw your consent and discontinue participation at any time. The experiment entails one hour of your attentive participation.

By signing this form, I, \_\_\_\_\_, do agree to participate in the experiment described above.

## Section A. Personal History

The purpose of this section of the questionnaire is to gather data which allow us to examine certain differences which might exist between this respondent population and other populations sampled at other times.

PART I Please list the correct information:

Age \_\_\_\_\_ Sex \_\_\_\_\_ Race \_\_\_\_\_ Ethnic Group \_\_\_\_\_

Father's Occupation \_\_\_\_\_ Mother's Occupation \_\_\_\_\_

Religious Background \_\_\_\_\_

Residence (Town, State) \_\_\_\_\_

PART II Please place a check by the film/books you have seen/read:

<input type="checkbox"/> Lolita (film)	<input type="checkbox"/> Swank	<input type="checkbox"/> Diary of a Maid
<input type="checkbox"/> Lolita (book)	<input type="checkbox"/> Galaxy	<input type="checkbox"/> Oui
<input type="checkbox"/> I Am Curious Yellow	<input type="checkbox"/> Gallery	<input type="checkbox"/> Playboy
<input type="checkbox"/> The Nightcomers	<input type="checkbox"/> Flesh	<input type="checkbox"/> Penthouse
<input type="checkbox"/> The Night Porter	<input type="checkbox"/> Trash	<input type="checkbox"/> Cosmopolitan
<input type="checkbox"/> Last Tango in Paris	<input type="checkbox"/> Kiss Me Quick	<input type="checkbox"/> Eros
<input type="checkbox"/> Belle de Jour	<input type="checkbox"/> Flesh Gordon	<input type="checkbox"/> Ms.
<input type="checkbox"/> Wife by Night	<input type="checkbox"/> Misty Beethoven	
<input type="checkbox"/> The Immortal Mr. Teas	<input type="checkbox"/> China Doll	
<input type="checkbox"/> Not Tonight, Henry	<input type="checkbox"/> Emanuelle	
<input type="checkbox"/> Vixen (film)	<input type="checkbox"/> Deep Throat	
<input type="checkbox"/> Supervixens	<input type="checkbox"/> The Devil in Miss Jones	
<input type="checkbox"/> Valley of the Dolls	<input type="checkbox"/> Behind the Green Door	
<input type="checkbox"/> Up	<input type="checkbox"/> The Resurrection of Eve	
<input type="checkbox"/> Story of O (book)	<input type="checkbox"/> Looking for Mr. Goodbar	
<input type="checkbox"/> Genesis	<input type="checkbox"/> Fear of Flying	
<input type="checkbox"/> Hustler	<input type="checkbox"/> Candy (film)	
<input type="checkbox"/> Playgirl	<input type="checkbox"/> Candy (book)	
<input type="checkbox"/> Viva	<input type="checkbox"/> Autobiography of a Flea	
<input type="checkbox"/> Vixen (magazine)		



## Section B. Author Description

In this section you are asked to estimate the probabilities associated with several outcomes. If you feel that the outcome is unlikely to some extent, provide an estimate somewhere on the left-hand side of the scale. If you feel that the outcome is likely to some extent, provide an estimate somewhere on the right-hand side of the scale. If you are uncertain, provide an estimate somewhere in the middle of the scale. Remember:

0.00 0.10 0.20 0.30 0.40 0.50 0.60 0.70 0.80 0.90 1.00

Very  
Unlikely

Uncertain

Very  
Likely

Please read the author description and estimate the specified probabilities.

Tom Scott has lived a turbulent and decidedly unconventional life. Following the last of his many unsuccessful attempts to run away from home, he found himself in a state-sponsored foster home. Indeed, he resided with two foster families before he was eighteen and on his own. Since those early years, Tom has held a variety of jobs. Not unexpectedly, Tom has frequently demonstrated a rather ill-concealed disregard for the feelings of others. His friends, however, note that his few idiosyncrasies are balanced. For example, Tom has never been known to break a promise. Twice divorced, he presently lives alone in a New York City apartment. His current interests include photography and calligraphy.

- (a) How likely is this person to be aware that any work depicting sexual activity might be construed as pornographic? \_\_\_\_\_
- (b) How likely is this person to typically use "sex" to sell his works? \_\_\_\_\_
- (c) How likely is this person to be uneasy with the prospect that any one of his books might be construed as pornographic? \_\_\_\_\_
- (d) How likely is this person to have the necessary skills to be genuinely erotic in his writing? \_\_\_\_\_
- (e) How likely is this person to write pornography? \_\_\_\_\_
- (f) How likely is this person to write pornography because he enjoys writing pornography? \_\_\_\_\_

## Section C. Excerpted Passage

The passage cited below was selected from one of the author's books. In Part I of this section you are asked to rate the passage in terms of its being (a) sexually explicit, (b) erotic, and (c) offensive. Note: each rating is made independent of the other two ratings on the following 7-point scale.

1	2	3	4	5	6	7
Not Very			Neutral			Very

Please read the following passage and make your ratings in the space provided.

So, standing facing him just out of reach, she began to undress slowly and sensuously, doing a kind of striptease, without music, without bumps and grinds, but a striptease nonetheless.

- (a) To what extent is the passage sexually explicit? \_\_\_\_\_
- (b) To what extent is the passage erotic? \_\_\_\_\_
- (c) To what extent is the passage offensive? \_\_\_\_\_

In Part II of this section you are asked to estimate several probabilities.

0.00	0.10	0.20	0.30	0.40	0.50	0.60	0.70	0.80	0.90	1.00
Very					Uncertain					Very
Unlikely										Likely

- (a) How likely is this passage to come from a pornographic book? \_\_\_\_\_
- (b) How likely is this passage to be characteristic of the author's remaining books? \_\_\_\_\_
- (c) How likely is this passage to be characteristic of the author's future books? \_\_\_\_\_

In Part III of this section you are asked to circle those statements which most closely reflect your belief(s) in why the author wrote the previously cited passage.

- (a) To fulfill a contractual obligation.
- (b) To express oneself as a writer.
- (c) To obtain financial gain as an end in itself.
- (d) To obtain financial gain as a means of liquidating debts.
- (e) To develop the characters' relationship with one another.
- (f) To titillate the reader.
- (g) To provide material which keeps pace with an increasingly permissive readership.
- (h) To mock and, thus, protest against a perceived dehumanizing trend in the portrayal of sexual relationships.

In Part IV of this section you are asked to estimate the probability of each of the above statements of author's intention. Please use your own understanding of the author in making your rating.

0.00	0.10	0.20	0.30	0.40	0.50	0.60	0.70	0.80	0.90	1.00
Very					Uncertain					Very
Unlikely										Likely

- (a) To fulfill a contractual obligation. \_\_\_\_\_
- (b) To express oneself as a writer. \_\_\_\_\_
- (c) To obtain financial gain as an end in itself. \_\_\_\_\_
- (d) To obtain financial gain as a means of liquidating debts. \_\_\_\_\_
- (e) To develop the characters' relationship with one another. \_\_\_\_\_
- (f) To titillate the reader. \_\_\_\_\_
- (g) To provide material which keeps pace with an increasing-  
ly permissive readership. \_\_\_\_\_
- (h) To mock and, thus, protest against a perceived  
dehumanizing trend in the portrayal of sexual relation-  
ships. \_\_\_\_\_

At this point in the study we would like you to look at some additional information which may be of use to you in making further judgments. Basically, the information is of two kinds which for lack of more appropriate labels are known as Class S and T.

Class S provides: (1) a personal statement by the author which is biographical in nature; (2) a contractual statement which summarizes the terms of the author's present contact with the book's publisher; and (3) a financial statement which summarizes the author's present financial situation (a two year period).

Class T provides: (1) a personal statement by the author which is biographical in nature; (2) a statement summarizing the storyline of the book from which the excerpted passage was taken; and (3) a statement summarizing the storyline of a previous work.

Other respondents reading Class S have stated that they found it useful to them in understanding why the author wrote the book. They have also stated that they found Class T useful to them in understanding what it was that the author wanted to express/do through writing.

You may pick up one of the two information packets at the Experimenter's desk. However, prior to so doing, please indicate in the space below the reason(s) why you selected the particular packet.



Prior to continuing, you are again asked to consider the author and estimate the following probabilities:

0.00	0.10	0.20	0.30	0.40	0.50	0.60	0.70	0.80	0.90	1.00
Very					Uncertain					Very
Unlikely										Likely

- (a) How likely is this person to be aware that any work depicting sexual activity might be construed as pornographic? \_\_\_\_\_
- (b) How likely is this person to typically use "sex" to sell his works? \_\_\_\_\_
- (c) How likely is this person to be uneasy with the prospect that any one of his books might be construed as pornographic? \_\_\_\_\_
- (d) How likely is this person to have the necessary skills to be genuinely erotic in his writing? \_\_\_\_\_
- (e) How likely is this person to write pornography? \_\_\_\_\_
- (f) How likely is this person to write pornography because he enjoys writing pornography? \_\_\_\_\_

#### Section D.

In Part I of this section you are asked to circle the one statement which most closely reflects your current position with respect to the author and book.

- (a) The author is a pornographer; and the book is pornographic
- (b) The author is a pornographer; but, the book is not pornographic.
- (c) The author is not a pornographer; and the book is not pornographic.
- (d) The author is not a pornographer; but, the book is pornographic.



