The social construction of reality: an interactionist study of the role of accounts in influencing the decision-making of the simulated jurors.

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LA THÈSE A ÉTÉ MICROFILMÉE TELLE QUE NOUS L'AVONS RECEUE
THE SOCIAL CONSTRUCTION OF REALITY: AN INTERACTIONIST
STUDY OF THE ROLE OF ACCOUNTS IN INFLUENCING THE
DECISION-MAKING OF THE SIMULATED JURORS

by

Peter Leung Hoi-Chung

A Thesis
submitted to the Faculty of Graduate Studies
through the Department of
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Partial Fulfillment of the requirements
for the Degree of Master of Arts at
The University of Windsor

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ABSTRACT

Simulated jury decision-making is examined in the context of labelling theory developed by Prus (1973). Labelling, as a naming phenomenon, entails a series of decision-making processes and negotiating activities: typing, designating, assessing and resisting. One basic theme in Prus' version of labelling theory is the negotiable character of social identities, which suggests that social identities are essentially precarious and subject to continual negotiation by persons involved in social interaction. Assuming an interactionist perspective, this thesis utilizes a dialectical process-oriented approach in its attempt to look at some of the processes by which defendant identities emerge in the decision-making processes of the simulated jurors.

Following existing literature, three sets of issues concerning jury's decision-making process are examined. First, we want to look at the processes by which people attribute meanings to those with whom they come into contact. Secondly, we examine the role of criminal stereotyping in affecting jury's decisions. Thirdly, we want to examine the role of accounts and referent others in negotiating identities for the defendants. "Account," here, refers to the explanation defendants
offer for behavior which has become questioned. "Referent others" are those other persons who suggest definitions of the defendant to the simulated jurors.

The sample of this study consists of 198 university students and the data was derived from questionnaire responses.

In general, while the data confirms the role of the variables entering into the attribution process, it also indicates that criminal stereotyping (in terms of sex and social class) and "account" do not play a significant role in the process of imputation of guilt and sentence disposition of the simulated jurors. Referent others have a limited effect on the simulated jurors. These findings are discussed in the context of current research and theoretical approaches and problems of this research are examined. Although our findings do not confirm the hypotheses, this thesis has elaborated discussion of a theory-grounded research framework for the investigation of the judicial decision-making process and suggest an alternative reorientation of current jury research.
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CHAPTER I

INTRODUCTION

In this thesis, an attempt is made to investigate the processes by which simulated jurors make decisions on criminal cases. Assuming an interactionist perspective, this thesis examines three sets of issues concerning jury's decision-making process. First, we want to examine the processes by which people attribute meanings to those with whom they come into contact. Secondly, we are concerned with the processes of criminal stereotyping and the role of criminal stereotypes in affecting jury's decisions. Thirdly, we want to look at the role of accounts and referent others in negotiating identities for the targets (defendants). "Account", here, refers to the explanation targets offer for behavior which has become questioned. "Referent Others" are those other persons who suggest definitions of the target to the simulated jurors.

Theoretically, this thesis represents an empirical attempt to test some notions of labelling theory as developed by Prus (1973). In making target-related
décisions, the jurors are seen to operate as "labelling agents", i.e., as persons who define and construct the nature of reality as it pertains to the target.

Although labelling theory may be best seen as symbolic interactionist theory applied to the study of deviance, our emphasis, herein, is on what may be termed the "naming process" which focuses on how persons come to be privately and/or publicly defined as certain kinds of persons. According to Prus (1975a), public labelling involves a series of decision-making process and negotiating activities: typing, designating, assessing and resisting.

Persons are first seen to arrive at a private definition (typing) of the target, then decide whether to keep the typing private or disclose it to others (designating). In evaluating the designation (assessing), the target and/or others determine the label's applicability. Subsequently, they may attempt to oppose (resist) the label if they consider it inappropriate under the circumstances. Using this as a model, this thesis attempts to look at some of the processes by which target identities emerge in the decision-making processes of the simulated jurors.

One basic theme in Prus' version of labelling theory is the negotiable character of social identities. This
is evidenced in works by Douglas (1970, 1971), Garfinkel (1967) and others, who suggest that social identities are inherently precarious and subject to continual renegotiation by persons involved in social interaction. The negotiation of identities has received some attention in judicial literature. As Sudnow (1965) and Scheff (1968) have shown, negotiation is an important part of the context within which "plea bargaining" takes place. Thus, for instance, if a man is charged with robbery, he may plead guilty to theft in order to avoid the prospects of conviction on the heavier charge. Similarly, in the police studies, for example, Piliavin and Briar (1964), Bittner (1967), Hohenstein (1969), Black (1970), Black and Reiss (1970), Warren and Phillips (1976), found that the attitudes of the victim as well as the demeanor of the offender, his attitude and behavior toward the police, significantly affected the police's decision to arrest.

Thus, albeit this thesis is formulated to study the decision-making processes of simulated jurors, it has important implications for understanding how meanings (identities) emerge and are negotiated in everyday life.
CHAPTER II

THEORETICAL FOUNDATION

In discussing social research, Warshay (1975:3-10) observes that, "[M]ost actual research does not explicitly use large theory as its basis. Small theories are much more frequently used. More than this, most research is empiricist (inductive) altogether, using neither large theory nor small." He further observes that many researchers have a distaste for theorizing. "The role of theory is seen to follow research inductively as its product or summary rather than preceding research as its subject or organizer." In contrast to many current research which Warshay criticized, this thesis makes use of two larger theories as its "organizers" in locating its research statements: symbolic interactionism and ethnomethodology.¹

In this chapter we will present a historical overview of sociological interactionism as represented by some of its important figures. Amongst others, the works of Georg Simmel, George Herbert Mead, Herbert Blumer, Howard S. Becker, Edwin Sutherland, Harold
Garfinkel, Aaron Cicourel, and Jack Douglas will be examined. As will be seen, their ideas have been directly and instrumental in shaping the orientation of this thesis.

Basic Characteristics of Interactionism

In studying human group life and social behavior, interactionism examines the processes of group interaction and their consequences for individuals and the larger society of which they are a part. It is, thus, concerned with how interacting parties shape social structure and how social structure (as networks of interaction) molds individuals and groups. In its conceptualization, then, individuals and society are inseparable, interdependent units.²

What is distinctive about interactionism as differentiated from other social theories is that it views the symbolic processes that underlie the construction and maintenance of the patterns of social organization as a viable subject for social inquiry. This has often been taken for granted by persons utilizing other perspectives (e.g., functionalism or conflict theories). Since its research is directed toward unearthing the symbolic processes of interacting individuals, it advocates a direct examination of the empirical reality of group life as a strategy for social research.
Interactionism also stands in opposition to a static and deterministic view of social life. For the interactionists, social life is an ongoing and unfolding process rather than a static, predetermined structure. To this end, it adopts a process-oriented perspective, one that emphasizes the emergent properties of social meanings in different processes and stages of human life.

Another distinctive feature of interactionism is its emphasis on generic concepts, i.e., concepts that are applicable across different institutions, content areas and variety of situations. This suggests that interactionism is fundamentally different from the so-called "micro" sociology (c.f. Wagner, 1974:70) which is content to have analysis at the level of individual actors and their interactions, and conceptualizations at a low level of abstraction.

In what follows, a more detailed discussion of interactionism is presented by examining the ideas of some of the major figures in interactionism.

Simmel

Simmel attempted to set the task of sociology as the study of different forms of social interaction ("forms of sociation").
If, therefore, there is to be a science whose subject matter is society and nothing else, it must exclusively investigate these interactions, these kinds and forms of sociation. (Simmel, 1971:25).

In the same passage, Simmel urged sociologists to identify and classify different forms of sociation, to analyze their subtypes, to study the conditions under which they emerge, develop, flourish, dissolve, and, to investigate their structural properties.

Simmel took a "process-model" which emphasized changes, development and emergence of different forms of sociation. For Simmel, forms of sociation ("forms") are abstracted and emerged from the complex phenomena ("content") of social life. Once interaction forms (patterns) emerge and become fixed, they stand in a relationship of perpetual tension with the ongoing life processes, which bring about recurrent efforts to modify their forms or create new ones. Therefore, society is in a constant movement of association (emergence of interaction forms) and dissociation (old forms pass away in order for new forms to come into being).

In taking a process-model of social life, Simmel noted that the defining characteristics of social interaction was the "reciprocal influence." A society is not merely a collection of human beings:
It becomes society only when the vitality of these contents attains the forms of reciprocal influence, only when one individual has an effect immediate or mediate, upon another, . . . (Simmel, 1971:24-25).

Apropos of the analytical use of the process model of interaction processes and "reciprocal influence", Simmel's purpose was to sidestep the old conflict between nominalism and realism (Simmel, 1971:127). For Simmel, society is not merely a name for the aggregation of a multiplicity of individual actions nor is it an entity with a character and properties of its own. Society is composed of interacting individuals, but these individuals can never be understood apart from the social processes and the society of which they are participating selves. Just as interaction processes ("forms") have to be abstracted from the substance ("content") of social life, the social realities of the interacting units are no abstract being apart from the fact that they emerge from the social processes in which social interaction takes place (Simmel, 1971:129-131).

Although Simmel did not systematically explicate a process-model of interaction in his attempt to reconcile the deadlocked controversies of nominalism and realism (Buckley, 1967:19; Stark, 1963:213-216), he did provide us with the rudiments of an interactionist model of society.
Mead

In addition to Simmel, there were a number of important forerunners of contemporary interactionist theory (e.g., William James, Charles Cooley, James Baldwin, John Dewey), it was, however, George Herbert Mead\[8\] who most prominently developed a coherent theoretical perspective linking the emergence of the human mind, the social self, and the structure of society to the processes of social interaction (Rose; 1962:152).

Mead assumed the prior existence of society and examined the processes by which social behavior came into existence. Like Simmel, Mead viewed individuals and society as inseparable and interdependent. "The individual is no thrall of society. He constitutes society as genuinely as society constitutes the individual."\[9\] (Mead, 1934:xxv).

For Mead, "mind" presupposes and is a product of the social processes (1934:50). Through association with the members of his group, the individual internalizes the definitions transmitted to him through linguistic symbols. In assuming the perspectives and object definitions of others, the individual acquires the ability to think. This indicates that "mind" is social in an etiological sense.
Human mind is also social in function. In "minded behavior" the individual constantly makes self-indications and, in taking the role of others, directs his activities with reference to the definitions provided by others (1934:73). In making self-indications, the individual carries on an internal conversation with himself and address himself from the standpoint of the generalized others.

As "mind" arises and functions in the processes of social interaction, it is much more a process than a structure. One important implication of this is that "minded activities" necessarily involve meanings. "Mind" makes it possible for the individual purposely to control and organize his responses rather than responding in predetermined ways. This is what Mead called the "self-reflexivity" of human behavior (1934:134).

Like "mind", "self" is an emergent phenomenon and "must be accounted for in terms of the social process and in terms of communication" (1934:49). It is a social entity distinct from the physical organism and develops in a specific context of social experience and continues to develop in relation to the social process and the individual within it.

The development of the "self" is concurrent with the development of the ability to take roles. It is only
by taking the roles of others that the individual can come to see himself as an object (1934:137), and may begin to act toward himself, looking at himself from the attitudes of his significant others.

"Mind," "self," and "society," are therefore, inseparable from one another and from the group life in which they emerge. In short, human behavior is irreducible to biological and/or psychological properties; human life is group life.

Blumer

While Simmel and Mead might be seen as the principal precursors of interactionism, Herbert Blumer has been the leading proponent for the past forty years. It was he who coined Mead's approach as "symbolic interactionism" in 1937 (Blumer, 1969:1).

According to Blumer\textsuperscript{10} (1969:79-81), one of the most critical features of Mead's analysis is the idea that the human being has a "self." In pursuing and organizing activities, the individual constantly makes indications to himself of things in his field of reference. Blumer contends that, to "indicate something" is to "intricate it from its setting, to hold it apart, to give it a meaning or, in Mead's language, to make it into an object" (Blumer, 1969:80). Thus, an "object" is categorically different from a "stimulus." An object is something
constructed by human beings.

Instead of having an intrinsic character which acts on the individual and which can be identified apart from the individual, its character or meaning is conferred on it by the individual. The object is a product of the individual's disposition to act instead of being an antecedent stimulus which evokes the act.

In viewing the meanings of object in such a way, Blumer elaborates on what he calls the three basic premises of symbolic interactionism (Blumer, 1969:2-3):

(1) Human beings act toward things on the basis of the meanings that the things have for them. Human being is constructed (built up) rather than merely responding to the social and/or psychological forces. Therefore, the study of human behavior must consider the symbolic process of individual actors.

(2) Objects have no intrinsic qualities other than those conferred by the interacting actors. The meanings are derived from, or arise out of the social interaction that one has with one's fellows. They reflect the interpretative framework and interests of the interactants.

(3) While the meanings are audience specific and relative to the social context of interaction, they are not immutable, but are handled in, modified and structured through, the process of social interaction. "... All objects - are social products in that they are formed and
transformed by the defining process that takes place in social interaction." (p.69).

Labelling Theorists

Although labelling theory may be traced back to Frank Tannenbaum (1938), Edwin Lemert (1951, 1972), Edwin Sutherland (1939) in the thirties and fifties, it seems most appropriate to treat it, Becker (1973) suggests, as the interactionist theory of deviance (also see Rubington and Weinberg, 1973; Prus, 1975a:79; Lindesmith, et al., 1975:534).

One of the earliest links to labelling theory is Tannenbaum's (1938) "Crime and the Community" (Lemert, 1972:15; Schur, 1971:9; Prus, 1975a). In that book, Tannenbaum mentioned the potential impact of social labelling, but did not develop the implications of labelling theory. He observed (1938:214):

The process of making the criminal, therefore, is a process of tagging, defining, identifying, segregating, describing, emphasizing, making conscious and self-conscious; it becomes a way of stimulating, suggesting, emphasizing and evoking the very traits that are complained of.

Another early link can be seen in Sutherland's (1939) "theory of differential association." In assuming a social nature of deviant behavior, Sutherland observed that deviant behavior was acquired in an identical fashion to non-criminal behavior. He argued that researchers should
examine the interactive processes by which persons acquired definitions favorable and nonfavorable to criminal activities (cf. Vold, 1958; Cressey, 1970; Glaser, 1973; Taylor et al., 1973).

The next major discussion of labelling theory appeared in Edwin Lemert's (1951) "Social Pathology," and was explicated through his concept, "secondary deviation." While Goffman (1963) later addresses the question of how persons manage stigma and mitigate its consequences, Lemert is concerned with the processes which create, maintain, or intensify stigma. The secondary deviant is "a person whose life and identity are organized around the facts of deviance" (Lemert, 1972:63).

However, although Tonnshausen, Lemert, and others have developed some of the notions of labelling theory, it was not until the sixties when Becker (1963), Kitsuse (1962), Erikson (1962) and others popularized these notions and received widespread attention from sociologists and criminologists.

In contrast to the positivistic views of deviance, Becker and others view deviance in the following ways: Deviance is a social product rather than an objective behavioral entity. It is a quality attributed to an act/actor by an audience. This conceptualization calls attention to the deviance-making process and the condi-
tions under which a person would be more likely to become a deviant. Such an idea about deviance is clearly an application of the interactionist conception of "self" as a social construct which is firmly rooted in interactions with others. Social identities, social attitudes are learned, developed through group association. Thus, the application of social labelling may lead to a symbolic reorganization of self-identities.

As a social phenomenon, deviance (and deviant act) is not immutable, objective reality without reference to the process of social definition (via social audience). It is constantly shaped by the dynamic processes of social interaction. In taking an interactionist approach, labelling theory signals a shift from the long-dominant effort of the positivistic sociologists to differentiate "causal" characteristics of offending individuals to intensive exploration of the processes that produce deviants.¹²

Neo-interactionism

Despite controversies and disagreements among some theorists (e.g., Zimmerman and Wieder, 1970; Douglas, 1971:203-212; Mehan and Wood, 1975:96; Turner, 1974:323), phenomenological sociology as developed by Alfred Schutz, and later popularized by Peter Berger, Thomas Luckmann, Harold Garfinkel, Aaron Cicourel, Maurice Natanson,
Jack Douglas and others in the sixties and seventies, is herein categorized as a variant form of interactionism. The similarity between phenomenological sociology and interactionism has been noted by some sociologists (e.g., Filmer, et al., 1972; Psathas, 1972, 1973:7; Wallace, 1969:35; Denzin, 1969; Lauer and Hendel, 1977:277; Prus, 1977c). Phenomenological sociology has taken several directions; we are mainly concerned with what has been called "ethnomethodology" by Garfinkel (1967) and his associates.

Ethnomethodology refers to attempts to discover the methods that ordinary people use when formulate definitions of the situation. It directs the attentions of sociologists to the everyday common-sensical actions and interactions of actors and their significance for producing the appearance of a continuous social order.

Garfinkel and his associates contend that, in everyday interaction, there are certain background features which "everyone should understand" and which "should not be questioned" in order that all parties to the situation be able to "conduct their common conversational affairs without inference" (Garfinkel, 1967:42). In other words, in every situation there are certain implicit meanings (and rules) which appear to guide a considerable amount of everyday affairs and are critical for the construction
of agreed-upon intersubjective reality. A basic task for ethnomethodologists is, therefore, to penetrate to the normal situation of interactions and to uncover the "taken-for-granted" rules of everyday life. To this end, one major technique of inquiry is to disrupt the normal social events (e.g., playing as boarder in one's own home, overpaying or underpaying for objects purchased, and so on) and to observe actors' responses to these disruptive events. Thus, in uncovering the implicit meanings and rules, ethnomethodology might achieve some insights into the processes involved in constructing and maintaining a sense of social reality.

Recognizing the interactionists' concern in discovering the processes by which meanings emerge and orient people's everyday life, it might be argued that the ethnomethodologists are more concerned with how people negotiate, produce and maintain an "intersubjective reality" (Turner, 1974:324; Lauer and Hendel 1976:285; Lindesmith, et al., 1975:20). Thus, according to Garfinkel and his associates, society does not just exist, it has to be produced by interacting individuals. Secondly, there are as many social worlds of experience as there are individuals producing such world ("multiple realities"). These are the two premises most basic to an ethnomethodological conception of society.
Social Construction of Meaning

Like the symbolic interactionists, ethnomethodologists emphasize the role of meanings in social actions. Both believe that sociological inquiry must start at the level of meanings of actors and endeavor to grasp the character of the social meanings. But the ethnomethodologists, to a greater extent, emphasize the "ad hoc" capacity of actors in working out a social reality of the situation. As we have mentioned in the above, situations are generally guided by the taken-for-granted, routinized and non-problematic social meanings. However, they argue that these background meanings are never adequate for carrying on the complex activities of our society. They provide only the shared symbolic resources which the members of the society draw upon in constructing situational interpretations. The members are seen to negotiate with one another as they work out situational meanings for the purpose at hand in that situation.

Police work provides one illustration of this negotiated aspect of reality construction. Bittner (1967) reports that the police do not rely on the law alone in making decisions of arresting. The law becomes important only in so far as it is used by the patrolman as a resource in constructing situational meanings, Douglas (1971:104) concludes:
In this sense all human thought and action is necessarily existential: not only must we create our world of meaning (our essences) out of our existence, but we must also recreate some part of that world of meanings for every situation we face in everyday life.

In stressing the situational construction and negotiation of social meanings, ethnomethodologists criticize the interactionist labelling theory. They charge that labelling theory has neglected the processes by which meanings are negotiated by involved participants (Filmer, et al., 1972:50; Douglas, 1971:142-3). For example, in Becker's (1963) study of marijuana user, he believed that an individual would tend to become a marijuana user when he learns socially to define the experience as pleasurable. Douglas (1971:204-5) feels that there is little consideration that the actor may construct the meanings of the situation for himself instead of internalizing the social meanings provided by his significant others. He further charges that the labelling theorists have given little attention to the way in which the individuals might resist labels, reject them, reinterpret them, and so on.

In other words, the ethnomethodologists emphasize the construction processes by which interacting individuals negotiate and work out meanings of things.

Negotiated Social Order, Accounts and Strategies

While symbolic interactionists such as Blumer (1969:18)
and Henslin (1976:168) hold that much of social life is open and negotiable, the ethnmethodologists further emphasize that "social order is the outcome of everyday interpretative work" (Filmer, et al., 1972:164). Social order is highly precarious, having no existence at all apart from those accounting and describing procedures by the members of that society. With this premise, they focus on how members go about giving accounts, employ strategies and tactics in working out meanings of things.

It is with these phenomenological underpinnings that Lyman and Scott (1970) elaborate on the social significance of "accounts". Analytically, an account is a strategy of members employed to negotiate a social reality or an identity of the situation. If one considers accounts in terms of identity management, then accounts appear to serve the following purposes:

1. Restore the moral character of the accouter
   (a) by paying due respect to the rules he broke;
   (b) by dissociating his identity from the special content of his works or deeds, i.e., to dissociate the evaluation of the offense from the evaluation of his moral character;
   (c) by dissociating his identity from the persons who are deviant as well as repudiating the deviant act;
   (d) reclaiming his character as normally good and promising by assurances that his deviant act was an "accident", and that the same accident will not be
repeated.

(2) Facilitate the interaction process, bridging the gap between action and expectation and renegotiate situational identities.

Basic Assumptions of Interactionism

In summarizing the materials we have discussed so far, we suggest the following as representing the basic premises of interactionism: 19

(1) Human life is group life. Social order is not reducible to biological or psychological properties.

(2) Human societies are produced, shaped, and maintained by interacting individuals. Human life is conceived as an ongoing process of social interaction.

(3) Humans are seen as capable of self-reflexive behavior, i.e., they are able to take their own and other’s points of view in formulating their lives of action and entering into social interaction.

(4) Humans operate in symbolic realities rather than an objective or stimulus reality. In acting toward the world, persons assign meanings to other people, objects and activities.

(5) Symbolic realities are products of group life. Phenomena do not have intrinsic qualities; the meanings of objects are audience specific and are articulated
through social interaction.

(6) On acquiring a perspective for ordering the world, humans act on the basis of the meanings they assign to other people and other objects.

(7) Humans interact symbolically, i.e., they formulate and manipulate symbolic representations for one another. In this process, new forms of meanings, action and patterns of behavior appear.

(8) Interaction is problematic and negotiable. While guided by previous definitions and perspectives, each interaction sequence and decision-making context is problematic.

(9) Enabling persons to locate self and others in somewhat shared symbolic realities, self-other identities suggest guidelines for interaction.

(10) Through association with others who have already established symbolic realities, newcomers acquire perspectives for ordering the world they experience. However, these perspectives may undergo change as people find themselves in different situations and exposed to various others. In the final analysis, human reality is a socially constructed reality and its maintenance requires an ongoing process of confirmatory social interaction.
FOOTNOTES

1 As will be explained in the later part of the chapter, symbolic interactionism and ethnomethodology will be subsumed under the rubric term "interactionism."

2 The notion of "interaction" has been used as a way to reconcile between nominalism (individuals as the ultimate source of behavior) and realism (society as reality sui generis, i.e., with a reality independent of the individuals of society). See Meltzer and Petras (1972:43-45); Simmel (1971:127); Levine, et al., (1976:827); Fallding (1968:47-48). For a discussion of nominalist and realist research, see Snizek, 1975.

3 Interactionism arises partly as a reaction against the mechanical determinism of the social sciences. See Matza (1964:9); Vold (1958).

4 This is what Blumer (1969:129-131) calls "generic variables." These are concepts which are not compartmentalized into a world of their own, yield abstract knowledge of human life and transcend space-time specifics. Also see Glazer and Strauss' (1967) "grounded theory," Simmel's (1971) "forms of sociation," Lofland's (1974) "conceptual types," Prus' (1977a) "generic sociology" for similar ideas.

5 For an appreciation of the generic properties of interactionist concepts, see Turner (1974:190).

6 "Sociation" is the abbreviated term of "association" and "dissociation." "Forms of sociation" means different forms and processes of association and dissociation. See Levine et al., (1977).

7 The mode of analysis is quite similar to Hegel's (1970) approach. See also Engels (1940).

8 For a general overview of Mead's ideas see Blumer (1969), Meltzer (1972), Zeitlin (1973), Natanson (1973).
In his book, "Mind, Self and Society," Mead (1934) attempted to overcome the dualistic and mechanical separation of individual and society which had been quite entrenched in western philosophical and social thought (in such antitheses as mind vs. body, subject vs. object, being vs. becoming, idealism vs. materialism, analysis vs. synthesis, induction vs. deduction... etc.). In one way modern phenomenology represents an attempt to overcome this mechanical dualism. For example, Heidegger's (1961) "being-in-the-world" indicates that the world is not something that is given to man externally and hence can be discovered by man through his cognitive acts. Although taking a materialistic approach, Feuerbach's (1972) monumental essay, "The Essence of Christianity" and Engels' (1940) "The Dialectics of Nature," represent another similar attempt. In contrast to the Western dualism, Chinese philosophy has traditionally taken an "organismic" approach to avoid the two extreme tendencies of dualism (Needham, 1969:302). See Needham's (1969) excellent review of Chinese philosophy in volume 2 of his work, Science and Civilization in China.


Labelling theory is part of a larger move in criminology and sociology against the legacy of positivistic notions of crime, deviance and social problems. See Matza (1964:12-21), Taylor et al. (1973:140), Schur (1971:27).

For a typical criticism of ethnomethodology from conventional sociology, see Coser (1975).

For purpose of clarity, Berger and Luckmann's (1966) phenomenological approach, albeit popular among some sociologists, will not be elaborated here. See Heap and Roth (1973) for discussion of different "types" of phenomenological sociology.
A term which Edmund Husserl (1973) mentioned casually, but Alfred Schutz (1967) spent his whole life in developing its social implications. It describes the aspects of our mutual interrelatedness as being in a social world which is sustained and created by the members of that world.

Recently, Prus mentioned this to me as a kind of "experimental sociology". However, I have some reservations about the utility of this approach.


For the ethnomethodologists, the objective features of the social world are reducible to the intersubjective procedures by which the world is assembled and accomplished in concrete, everyday face-to-face interactions. The domain of inquiry is members' situated practices which produce the "world" for them. This is in contrast with Husserlian phenomenology which treats the "world" as an object of immediate consciousness and constituted through intentional acts of consciousness. See Heap and Roth (1973:363-4).

The following assumptions are somewhat modified versions of a similar listing developed by Robert C. Prus in 1978.
CHAPTER III

REVIEW OF THE LITERATURE

As jury decision-making represents a substantive area for this research, we begin this section by reviewing the literature as it pertains to jury decision-making. Following this, we will examine attribution research, concluding with a consideration of other works in deviance relevant to this inquiry.

Jury Research

The jury system has been institutionalized since the eleventh century (Erlanger, 1970:359). However, not until recently have there been any systematic, scientific studies. Much of the existing literature on jury research had been of a pro or con variety and the inquiry was directed toward the argument of the merits and pitfalls of the jury system.

In the fifties, the Chicago law school started the first systematic jury research project. While providing empirical data on the question of jury competence, this research project examined various social-psychological

One major objective of this project was to examine the effects of the so-called "extra-legal" variables like age, sex, socio-economic status of foreman and other jury members in group deliberation and sentencing behavior (See Strodtbeck, et al., 1956; Strodtbeck, et al., 1957; Bevan, et al., 1958; James, 1959a, b; James and Hawkins, 1957; Strodtbeck and Hook, 1961; Strodtbeck, 1962; Snyder, 1971).

Another major objective was to examine the impact of the personal characteristics of the victim and the defendant on the decision-making process of jurors (Kalven and Ziesel, 1966).

In investigating the impact of the social characteristics of defendants on jury's decision, Landy and his colleagues (1969) find that the social category to which the defendant belongs may lead to expectations about both his habits and his reactions to a wrongdoing. An unattractive defendant (e.g., lower class worker, with criminal record) not only stands a much greater chance of being convicted of a crime than does an attractive defendant (e.g., upstanding citizen), but he will be made to pay more severely for his crimes (also see Nemeth and Sosis, 1973; Sigall and Landy, 1972; Efran, 1974; Izzett and Leginski, 1974).
While Landy and others explored the effect of the social character of the defendant, Brooks and his colleagues (1975) indicate that the social character of the victim might also influence the jury's verdict. In Brooks and Doob's study, respondents indicated that it was less serious and less justified to convict a man of raping a woman who had a history of prostitution than it was to convict a man (on identical evidence) of raping a woman of character (see also Walster, 1966; Lerner and Simmons, 1966; Lerner and Matthews, 1967; Shaver, 1970a; Jones and Aronson, 1973).

Some researchers investigated the impact of attitude similarity between the jury and the defendant (Griffith and Jackson, 1973; Mitchell and Byrne, 1973). In general, they find that those jurors exposed to a defendant with attitudes dissimilar to their own sentence that defendant more heavily than do jurors exposed to a defendant with attitudes similar to their own.

Pretrial publicity is another issue some researchers examine. These researchers believe that the pretrial publicity of a court case produces what may be called a "primacy effect" on the jury's decision, which ascribes that the first information sets up a directional tendency to which later information will be assimilated (Sue, et al. 1974; Hoiberg and Stireo, 1973). Here, it is argued that
the first information about the defendant establishes a
cognitive set so that any subsequent information inco-
sistent with the previous information would be ignored,
suppressed, or reduced in importance.

In addition to this research work, some researchers
have focused on the more fundamental problem of "person
perception." The basic inquiry is: "How do people form
impressions of others and sustain these impressions of
others over time?" These researchers thereby involved
are interested not only in how inferences are drawn from
partial information, but also in how perceivers combine
the various kinds of stimuli to produce coherent impres-
sions (cf. Asch, 1946; Hastorf et al. 1970:35-60;
Freedman, et al. 1978: 68-78). This research orienta-
tion coincided with the upsurge of interest in at-
tribution theory in the sixties.

Attribution Research

Since the sixties attribution research has become
one of the major areas of social psychology in psychology.
The attribution framework as developed by Heider (1958),
Kelley (1973), Jones and Davis (1965), has been concep-
tualized as a general theory of how persons organize per-
ception and make causal explanation. Attribution theory,
as conceived by Heider (1958), should be a general theory
of "universal psychological principles" and phenomenolo-
gical in its research scope, i.e., attempting to understand in common sense terms the ways in which people think about and act toward their world (Fischhoff, 1976).

In spite of the prominence of attribution theory in the field of social psychology in recent years, there are no definite theoretical statements nor summary of relevant research available (Fischhoff, 1976:422). Thus, for the sake of clarity, we will focus on those areas of attribution research that are more relevant to the concerns of this thesis.

(1) Attribution of responsibility for an accident

A major impetus for the current research on attribution of responsibility was given by Walter's (1966) article entitled, "Assignment of Responsibility For an Accident." According to Walter, subjects assign more responsibility to either the victim or perpetrator when the consequence of the accident is serious. This finding was later labelled as "defensive attribution" by Shaver (1970a). In essence, Walter and others (e.g., Shaw and Skolnick, 1971; Chaikin and Darley, 1973) emphasize the importance of self-oriented motives in the attribution. In other words, the more serious the accident, the stronger the tendency to attribute responsibility to the persons involved in the situation so that we can assure ourselves that such unhappy events would not overtake us.

Related to this research, some researchers observe
that the subjects tend to reject or derogate "innocent victims" whose suffering is in no way attributable to their own actions or characteristics. This paradoxical phenomenon is clearly visible in the treatment often afforded the victims of forcible rape. There is a tendency for the subject to assume that the victim must in some way have invited or provoked the attack she has experienced.

To explain this phenomenon, Lerner and his colleagues (1966) advance the notion of "social justice belief" which contends that people have social justice cognitions and want to believe that they live in a world where they ultimately get what they deserve and deserve what they get (also see Lerner and Matthew, 1967; Lerner and Simmons, 1966; Lerner, 1965, 1970, 1971, 1974, 1975, 1976; Jones and Aronson, 1973; Lincoln and Levinston, 1972).

In the last analysis, although using different terminology, "defensive attribution" and "social justice belief" basically represent a process of "belief adjustment." In other words, people strive to bring order into their cognitive world by an ad hoc categorizing and classifying of events or persons in an attempt to work out a meaning for the situation concerned. Unfortunately the attribution theorists fail to investigate the interaction process of meaning construction. Instead, they
assume a priori the existence of some self-oriented motives.

(2) Some Attribution Tendencies

Along the same line of reasoning as "ego-defensive attribution," some theorists note that people have a constant need to strive toward consistency, maintaining a balance among the elements of their cognitions and eliminating or reducing conflicting cognitions. For example, some researchers study: How people explain away undesired outcomes (Festinger, et al., 1957; Yaryan and Festinger, 1961); the different ways to reconcile goal and effort (to enhance the attractiveness of the goal when more effort is spent on it. Jellison and Riskind, 1970; Jellison, et al. 1972; Jellison and David, 1973); the tendencies to attribute ability to self and to others (Lerner, 1965; Jellison and David, 1973; Baron, et al. 1976: 351); and the effects of initial expectations on job performance (Feather, 1969; Feather and Simon, 1971; McManan, 1973; Wortman, et al. 1973; Harvey et al. 1974).

(3) Interpersonal Attraction

In reference to interpersonal attraction, a basic area of research involves the effects of physical attractiveness on liking (Aronson, 1969). In general, researchers have found that physical attractiveness not only affects our relationships with other people, but also exerts a
powerful effect upon our overall impressions of others. For example, Dion, et al. (1972) find that their subjects expect physically attractive men and women to possess more socially desirable traits and to have more good things in store for them in the future (see also Miller, 1970; Dion, et al. 1972; Dermer and Thiel, 1975; Efran, 1974; Regan, et al. 1974). Some researchers report that this effect also extends to young children (e.g., Dion, et al. 1973; Dion and Berscheid, 1974). Others suggest that it may affect judicial discussions (e.g., attractive defendant receives lower rating of guilt and less severe sentence, Efran, 1974; Shoemaker, et al. 1973). Finally, some researchers observe that liking may affect ratings of physical attraction, i.e., the more we like people, the more physically attractive they would appear to us (Gross and Crofton, 1977).

Taken as a whole, attribution research focuses on how people make causal inferences on the basis of incoming information. While most of its research are theoretically weak (Kelley, 1973:126; Prus, 1975; Fischhoff, 1976:440; Rozeboom, 1977), many attribution researchers theorize, albeit implicitly, on the basis of self-oriented motives and the needs of cognitive balance. Thus, they tend to reduce complex social phenomena to purely individual psychological phenomena. By further extension, society may
then be reducible to the motives and acts of individuals. This is an extreme nominalist tendency. As Prus (1975b:3) has pointed out, in his critique of attribution research, attribution theory fails to "recognize the social context in which attributions occur." In another article, Vidmar and Crinklaw (1974) advocate a process-oriented approach and suggest that the attribution theorists should look at the social factors in the attribution process as well as the interaction of these social factors.

Although we criticize attribution research as being overly psychological and for not treating the attribution process as being embedded in an ongoing social process, it, nevertheless, offers us some promising findings and has brought the problems of symbolic influences on human behavior into sharper focus. It also offers numerous research reports on the ways that people impute meanings to other people or objects which they encounter. Secondly, despite its extreme tendency, it helps to dispute the epiphenomenalist approach which contends that the meaningful reality of human beings can be reducible as the "product" of social environment. Thirdly, it offers structured research models and provides us with some suggestions of how to investigate the symbolic influences on human behavior. Finally, it stimulates our theoretical interests in the principles by which people order their
cognitive worlds.

Interactionist Research

If we move to the interactionist approach we encounter a large number of studies that treat identities as problematic, emerging and being recast in interaction.


Taken as a whole, these studies signify the trend of research toward what Lofland (1970, 1974) calls "strategic analysis." This trend may be partly explained by the popularization of Goffman's dramaturgical approach and partly by the upsurge of interest in labelling theory and phenomenological strands of thought in the sixties. Interactionists have begun to pay close attention to what the ethnomethodologists term "in situ"
details (i.e., to study how people construct social meanings and how these social meanings are negotiated, sustained or restructured in daily interaction processes). A central contribution of the "strategy studies" is their demonstration of the importance of identity negotiation in everyday life. They show that much of modern life is not clearly and routinely prescribed, but is, instead, left open and negotiable. As Blumer (1969:18) has pointed out, these areas of "unprescribed conduct are just as natural, indigenous, and recurrent in human group life as are those areas covered by pre-established and faithfully followed prescriptions of joint-action."

Some other research sites in which identity negotiation emerges as an important focus are: the visibly handicapped (Davis, 1961); tuberculosis patients (Roth, 1962); hospital dying patients (Glaser and Strauss, 1964); child molesters (McCaghy, 1968); identity searching (Klapp, 1969); suicide (Henslin, 1970; Jacob, 1970); coroner's definition of suicide (Douglas, 1971:107-130); gynecological examination (Emerson, 1970); consciousness (Porter, 1971); body odor management (Lagey, 1972); the nudist management of respectability (Weinberg, 1973); call girl identity neutralization (Bryan, 1973); adolescent homosexual prostitutes (Reiss, 1973); shoplifter identity (Cameron, 1973); parole revocation
(Prus, 1973); psychiatric diagnosis and mental illness (Scheff, 1967, 1968); repentant sinner strategy (Blumstein, 1974); weight loss organization (Laslett and Warren, 1975); employee theft (Zweigman, 1977) and deviance involvement process (Prus 1977a).

These studies call our attention to the significance of ongoing identity work for social interaction and indicate the precarious nature of identity maintenance. To the extent that persons act toward others on the basis of their typifications of others, the negotiation of identities has critical implications for one's life chances in a social setting.
FOOTNOTES

1 It is widely believed that William Marston was the first person engaging in serious research through mock trials in 1924; most subsequent jury research has involved simulated jurors. See Winick (1961:100); Reed (1965); Kaplan and Kemmerick (1974).

2 For a review of jury studies, see Reed (1965), Erlanger (1970); McCabe (1974); Brooks and Doob (1975); Rooks (1976).

3 These variables are called "extralegal" because they are presumably legally irrelevant to the imposition of sentence or arrest discretion. The other kinds of variables like seriousness of the offense, the number of previous offenses committed by the offender, the nature and number of charges presently brought against the offender, etc., are called "legal variables," in a sense that they are legally relevant for judicial decisions.

4 One well-known information organization theory is called "information integration theory." It was earlier formulated by Asch (1946) and later developed by Anderson, Kaplan and others. See Anderson (1968); Kaplan (1971); Himmelfarb (1972); Himmelfarb and Anderson (1975); Kaplan and Kemmerick (1974).

5 At the present stage we do not agree with Heider and Fischhoff that attribution theory is phenomenological (Heider, 1958, called it "naive psychology"). The more accurate characterization is that some of its research are phenomenological in empirical focus but not in theorizing. See Manis (1972) for a general discussion of "naive" psychology and the "common sense" approach.

6 The diversity of research in this field is really amazing. Most social psychology textbooks or introductory psychology textbooks do not have a separate chapter devoted to those diverse areas of research. Perhaps the first social psychology text that has a separate chapter on it is Freedman et al. (1978); cf. Baron et al. (1974); Hollander (1976); Hastorf et al. (1970); Hollander and Hunter (1967).

This can be seen as an elaboration of the "Gestalt" theory. See for example, Festinger's (1957) cognitive balance theory, Asch's (1946) impression formation theory, Newcomb's (1953, 1956) balance theory.

A term used as an opposite of phenomenological approach (Hill, 1973:12). Terms of similar connotation are: mechanical-organismic model (Buckley, 1967), organismic model of society (Stark, 1963), sociologism (Filmer, et al., 1972:4).

This trend was noted by Blumer as early as 1954. See Blumer (1969:140-141n).
CHAPTER IV

RESEARCH PROBLEMS AND HYPOTHESES

Moving from the preceding material on decision-making and identity formation, we arrived at three sets of hypotheses. These hypotheses were derived not because they best reflected our theoretical orientation, but because they were seen as the first necessary questions to the understanding of decision-making in the area.

1. Attribution of Responsibility and Sentencing Disposition

The first set of hypotheses reflects a basic concern of attribution research: "How people attribute meaning to others with whom they come in contact?" Two questions are especially central to this basic concern. First, what sorts of things affect jury's sentencing disposition? A second related question is: How do people attribute responsibility to others (and themselves)? Theories like "defensive attribution" (Walster, 1966), "justice-world belief" (Lerner, 1965), "balance theory" (Newcomb, 1953), "Gestalt theory" (Asch, 1966), "cognitive dissonance theory" (Festinger, 1956), etc., are being used by social psychologists to explain the phenomenon of sentencing disposition and attribution of responsibility.
Consistent with the orientation of attribution research, it was hypothesized that the attribution of responsibility would be positively related to (i) the seriousness of the offense, (ii) viability of the evidence against the defendant, and inversely related to (i) the general impression of the defendant (i.e., liking) and (ii) perceived credibility of the account. In a similar vein, it was also posited that sentencing disposition would be positively related to (i) seriousness; (ii) viability and (iii) responsibility, and inversely related to (i) liking and (ii) credibility.

2. Criminal Stereotyping

While the attribution theorists are concerned with the impact of social psychological elements, sociologists working in the area of jury research have tended to emphasize the role of "extra-legal attributes" of the offender in the determination of judicial dispositions. Variables like race, sex, age, socio-economic status, have been called "extra-legal" because they are (presumably) legally irrelevant to the imposition of sentence or arrest discretion. The task of sociological research has been concerned to detect the impact of these variables on judicial dispositions.

"Criminal Stereotypes" here refers to the co-
ordination of certain extra-legal variables in forming some over-simplified, fixed, conceptions which people hold about criminals. Criminal stereotyping involves a process of selective simplification of the actual objects and events - discarding some information and imputing other details to make it plausible and authentically real for the people doing the stereotyping. Once formed, the stereotype tends to persist even in the face of contradictory evidence and experience (Lindesmith, et al., 1975:99; Simmons, 1965, 1969).

Many studies have shown that stereotypes of various kinds do exist among people and some are correlated with judgment of guilt (see, for example, Simmons, 1965, 1969; Peterson and Gist, 1951; Bittner, 1967; Scheff, 1967; Shoemaker, et al., 1973).

To examine the impact of criminal stereotyping in sentencing behavior we provided our jurors with background data on four hypothetical cases (i.e., four vignettes). Among the variables that might be co-ordinated to form a criminal stereotype we selected two for examination: social class (middle class and lower class) and sex (male and female). In general, we predicted that lower class targets and male targets were more prone to be cast as "criminals," receiving more guilty verdicts and heavier sentencing recommendations than were their
middle class and female counterparts.

Vignettes (synopsis of )
(criminal cases)

Criminal Stereotypes: (as independent variables)
- sex
- social class

Three measures of Guilt Assignment
- seriousness
- viability
- responsibility

Sentence Disposition

Fig. 1A. The impact of criminal stereotyping

3. The Role of Accounts

Accounts are defined as statements intended to explain morally questionable behavior (Lyman and Scott, 1970:112). Its purpose is to restore the moral character or sustain a cherished identity of the target. Reflecting the work of Lyman and Scott (1970), Sykes and Matza (1957), four types of account were developed. These are: denial, shifting responsibility, justification and repentant sinner. It was conceived that each account would constitute a strategic aim to redefine the situation.

Denial is an account in which one rejects both the intent and the responsibility for the act in question and asks for the redemption of disrupted identity.
Shifting responsibility is an account in which one admits that an act in question is bad but denies full responsibility by claiming that one was not acting from one's "free will".

Justification is an account in which one accepts responsibility for the act in question, but attempts to define the act as a fulfilment of loyalty in which one owes an unbreakable allegiance, moral duty and affection.

Repentant sinner is an account in which one accepts responsibility for the act in question but expresses extreme remorsefulness and asks for forgiveness of his action.

In this research each account comprises a short descriptive statement summarizing the target's reaction to the criminal charge. For each case the juror would have to read one type of account and make an assessment of it. While some accounts might be more effective than others it was expected that any of these accounts would play a role in alleviating the imputation of guilt and sentence severity.
4. The Role of Referent Others

Although the term "referent others" has been capitalized on as a starting point for some theories like small group theories, role theories, this seemingly basic concept still requires conceptual clarification and investigation (Lindesmith, et al., 1975:479). For the purposes of this thesis, "referent others" are those other persons who suggest definitions of the target to the simulated jurors. The following passage by Festinger (1956:28) succinctly identifies the role of referent others in the negotiation of identities in everyday interaction process:
If more and more people can be persuaded that the system of belief is correct, then clearly it must, after all, be correct. Consider the extreme case: if everyone in the whole world believes something there would be no question at all as to the validity of this belief.

This passage clearly suggests the role of referent others (social confirmation) in sustaining social reality. While we do not intend to convey a deterministic view of referent others, we do want to examine how it moderates the decision-making process. To this end, three sets of bogus data were presented to the simulated jurors. In each case the juror would receive one of the "referent others" statements which was prescribed as a verdict rendered by a group of twelve jurors. Our jurors were then asked to arrive at their final decision concerning the case. It was hypothesized that the simulated jurors would move in the direction of the decision of the referent others.

![Fig. 1C The Role of Referent Others](diagram)

Refferent Others
3 types (as independent variables):
- innocent, release
- light sentence ($100 fine)
- heavy sentence (4-year imprisonment)

Three Measures of Guilt Assignment
- seriousness
- viability
- responsibility

Sentence Disposition
List of the Hypotheses

Hypothesis 1 - Attribution of Responsibility

1a. The attribution of seriousness of the offense is positively related to the attribution of responsibility.

1b. The attribution of viability of the evidence against the defendant is positively related to the attribution of responsibility.

1c. The degree of liking associated with the defendant is inversely related to the attribution of responsibility.

1d. The perceived credibility of the defendant's account is inversely related to the attribution of responsibility.

Hypothesis 2. Sentence Disposition

2a. The attribution of seriousness of offense is positively related to sentence severity.

2b. The attribution of viability of the evidence against the defendant is positively related to sentence severity.

2c. The degree of liking associated with the defendant is inversely related to sentence disposition.

2d. The perceived credibility of the defendant's account is inversely related to sentence disposition.

2e. The attribution of responsibility is positively related to sentence severity.
Hypothesis 3. Criminal Stereotyping and Guilt Assignment

As the defendants more closely resemble popular criminal stereotypes, the greater the likelihood that they will be assigned higher levels of guilt.

indicators: male vs female
lower class vs middle class

Hypothesis 4. Criminal Stereotyping and Sentence Disposition

As the defendants more closely resemble popular criminal stereotypes, the greater the likelihood that they will receive more severe sentences.

indicators: male vs female
lower class vs middle class

Hypothesis 5. Account and Guilt Assignment

Any account, regardless of its specific character, is effective in resisting imputation of guilt.

(four types of account)
indicators: (i) denial
(ii) shifting responsibility
(iii) justification
(iv) repentant sinner

Hypothesis 6. Account and Sentence Disposition

Any account, regardless of its specific character,
is effective in resisting sentence severity.

(four types of account)

indicators: (i) denial

(ii) shifting responsibility

(iii) justification

(iv) repentant sinner

Hypothesis 7. Referent others

Following exposure to the decision of other jurors, the simulated jurors' decision will tend to move in the direction of the group decision.

(three types of referent other decisions):

indicators: (i) innocent, release

(ii) light sentence ($100 fine)

(iii) heavy sentence (4-year imprisonment)
FOOTNOTES

This term is used, in our context, interchangeably with the other term, "reference group". The latter term has been conceptualized in several ways: e.g., generalized others (Mead, 1934), reference group (Merton, 1957:225-80; Shibutani, 1961), orientation others (Kuhn, 1972), comparative reference group (Kelley, 1952; Festinger, 1967).
CHAPTER V

DATA COLLECTION AND STATISTICS

The Sample

The sample consists of 198 undergraduate students from Wilfred Laurier University, Ontario, Canada. The research was administered during the classroom period. The students were told that the research was concerned with the nature of decision-making and its relationship to the judicial process. They were asked to assume the role of jurors making a court decision.

While almost all the students were full time students (94%), seventy percent were first year or second year students, eighty five percent between the ages of 19 to 24, with more females (55%) than males. Four-fifths of the students (78%) identified themselves as middle class or coming from a middle class family. As to religious affiliation, 55% were Protestants, 19% Catholic, and 20% of the students did not identify any denomination. For religious devotion, the percentage distributed evenly among high devotion (29%), medium devotion (28%), low devotion (23%) and no devotion at all (18%). For complete figures of the above distri-
butions, see Table 9 in the Appendices.

The Method of Data Collection

For this research, a questionnaire was used as the method of data collection. Since this research claims to be grounded in an interactionist tradition, a few words about the questionnaire are desirable.

The questionnaire we used for this research is relatively unique in two senses. First, while it was modeled after attribution research in many ways, it was developed in the contexts of an interactionist approach to sociology. In the questionnaire a series of problematic situations were introduced requiring decisions. To this end, jurors were provided with background data on four hypothetical cases (i.e., four vignettes). After reading each case, the jurors were asked to make assessments of a target who had been charged with engaging in infraction behavior. Following this, the jurors were exposed to a situation of negotiation for identity, as for each case, they were presented with a target's defense (i.e., the account) relative to his or her charge. By rotation, each juror would receive four different kinds of accounts for four criminal cases. In each situation, they were asked to make a judgment of the case as well as the credibility of the account. Again, the
purpose was to investigate how the jurors interpreted and applied rules to a situation. Following this, the jurors were presented with the decisions of the referent others. Here the jurors were given bogus data representing one moderate and two extreme verdict options. The purpose was to determine the role of referent others in negotiating social identities.

Hence, in a methodological sense our questionnaire is structured to unearth the symbolic processes of individual actors in a process-oriented manner. Our questionnaire does not, however, simply ask the opinion or attitudes of respondents like many sociological and psychological questionnaires do. Rather, it attempts to create different situations for the respondents and asks for their decisions. This process-oriented approach reveals the uniqueness of this questionnaire. As Cohen (1965) succinctly points out in his article, "Anomie Theory and Beyond":

The dominant bias in American sociology has been toward formulating theory in terms of variables that describe initial states, on the one hand, and outcomes, on the other, rather than in terms of processes whereby acts and complex structures of actions are built, elaborated and transformed.

Our Questionnaire is also unique in a theoretical sense. Questionnaires have often been criticized for
blinding the investigator to the "real character" of the social world. Specifically, the criticism has been centered around the validity of questionnaire data relative to the situation which it is supposed to study. Cicourel, for instance, had commented (1968:10) that the investigator did not know how his respondents understood and interpreted his questions. We were sensitive to this concern when we constructed our questionnaire. While maintaining a level of standardization otherwise not attainable, our questionnaire reflects a sensitivity to people's interpretation. To this end, jurors were asked to account for their decisions as they made them. This provides auxiliary material to qualify their standardized responses.

Our questionnaire also utilizes a three-decision-making sequence. This implicitly reflects our view that human behavior is a constantly unfolding process rather than a rigid structure from which behavior is mechanically released. Recognizing the symbolic and shifting nature of the social world, our questionnaire attempts to serve as a bridge to the actual empirical processes.

The Questionnaire: Its Major Limitations

In the process of doing the research we have come
to recognize many limitations in our questionnaire. All of the limitations reveal the inadequacies of conventional quantitative research and attest to Blumer's (1969:34) saying that the road to data validation "does not lie in the manipulation of the method of inquiry; it lies in the examination of the empirical social world." If we really desire to keep our theorizing attuned to the empirical world, we have to get down to where the people are, "dig deep into it," as Blumer would say (1969:39), in order to acquire a firsthand knowledge of what is going on. The following points summarize some of the limitations of our questionnaire:

(1) Some jurors expressed the concern that there was just not enough information to make a decision. Bermant and his colleagues (1974) noticed the big difference in the results of a verdict for juries who read a thirty-page transcript as compared to those who read a four-page synopsis of the same case. In their experiment, thirty jurors of the first kind voted the defendant guilty and twelve jurors of the second kind did so. However, our main concern was not to provide more legally relevant information so that we would have a more close simulation of real courtroom situation. The main concern was to examine how jurors, if they were presented with a very
brief trial information, "fill in the gaps" by constructing their own images of the persons and events in the trial. Then, what was the problem? The problem was: to some extent, the jurors were justified in complaining of the lack of relevant information because the information was inadequate for them to construct meanings for the persons and events of the cases. Furthermore, much of the information was not sufficiently developed or dramatized to become influential for decision-making. This point will be further discussed in the next chapter.

(2) While we had tried to avoid rigid operational definitions or bending the empirical world to our premises, the use of questionnaire did serve as a limitation to our exploring and inspecting what was really going on in the social world. Again, as Blumer has succinctly pointed out, (1969:39) "No theorizing, however ingenious, and observance of scientific protocol, however meticulous, are substitutes for developing familiarity with what is actually going on in the spheres of life under study."

Consistent with Denzin (1970a, b), Prus (1973), and others, we advocate the use of multi-methodology. A questionnaire alone, no matter how meticulous it is, would be inadequate to catch the processual and shifting nature of the empirical social world.

Finally, it should be noted that we do not pay ex-
plicit attention to the following questions: First, how realistic are the settings and circumstances wherein participants are asked to behave like jurors? Second, how similar are the participants in the research to persons likely to serve on real juries? Strictly speaking, this research offers as an empirical test to some notions of the current research rather than an experiment on jury behavior.

Statistics

Due to the fact that there is a tendency to confuse the use of statistical significance with substantive significance (Duggan and Dean, 1968; Morrison and Henkel, 1969; Winch and Campbell, 1969; Hagan 1974), in this section, we would like to clarify the way we use them and the statistical techniques we consider for this research.

A basic problem in the use of significance tests is the frequency with which their results are misinterpreted. As noted above, one source of this problem is a tendency to confuse the meaning of substantive significance with statistical significance. Statistical significance (or significance testing) is designed to answer the question as to whether a particular sample is likely to have come from a particular population. It can indicate the likelihood that an observed statistical relationship actually
exists in the population sampled, but does not tell how strong or important that relationship is. It is markedly influenced by the size of the sample involved. In social science, it has become conventional to accept as statistically significant relationships which have a probability of occurring by chance 5% of the time or less. We accept 0.05 as our significance level for this research.

As noted by Morrison and Henkel (1969:136) significance tests are not a necessary nor a significant criterion for substantive significance (i.e., the measure of association). Substantive significance indicates the strength or importance of a relationship between two variables. It indicates the extent to which characteristics of one sort and characteristics of another sort occur together. For this research, since our data is an ordinal level data, we choose Goodman-Kruskal's Gamma as the measure of association. Though Gamma has received little attention from researchers in education and psychology, it has been very popular with sociologists (Roßcoe, 1975:111). For the nominal level data we have chosen Lambda and Cramer's V as the measures of association.
FOOTNOTES

1 For an excellent review of the methodology of interactionism, see Denzin, 1970a, b.

2 There are several problems we have to solve if we treat this research as an experiment on jury behavior. First, a comparison of the social characteristics of courtroom juries with those of typical college students leads to the conclusion that there is in fact little overlap between these two populations (Bermant, et al., 1974). Secondly, the students only read a summary of a case, and their verdicts have no real effect on the defendant. This is a realistic issue. Thirdly, as Bermont and others have shown, there are many problems in generalizing from laboratory experiments to the actual courtroom situation (see Landy and Aronson, 1969; Sue, et al., 1973; Bermant, et al., 1974).

3 Some sociologists (e.g., Morrison and Henkel, 1969; Winch and Campbell, 1969) argue that significance tests would be misused if the cases at hand have not been selected by probability methods. In this respect, this research has violated this principle.
CHAPTER VI

DATA ANALYSIS

In this chapter, the operationalizations entailed in the hypotheses, along with the findings and interpretations specific to these hypotheses, will be examined on a hypothesis by hypothesis basis. This is to promote a sense of continuity between the measurements of the variables and the interpretations of the relation between them.

Hypothesis 1. Attribution of Responsibility

In hypothesis 1, the (common) dependent variable is the attribution of responsibility. Initially, we conceptualized it as one of the elements in the imputation of guilt and sentence disposition. Subsequent familiarity with the attribution literature reveals that this issue has become one of the major concerns of attribution theory as well as its research activities (see Vidmar and Crinklaw, 1974; Fishbein and Ajzen, 1973, for a review). As Phares and his colleagues (1972:392) emphatically put it, "It is highly probable that the degree to which one person holds another as
responsible for the latter's act is a prime determinant of much interpersonal behavior." To some researchers, the research on attribution process has become the re-
search on the process of attribution of responsibility. Since this issue occupies such an important position in interpersonal behavior, it deserves a close examination. In hypothesis 1, the dependent variable, responsibility, is measured in the following way, by using a 9-point rating scale:

"How responsible do you feel this person is for the offense?"

Responsibility: 1 2 3 4 5 6 7 8 9
Low Moderate High

In examining the factors that affect the attribution of responsibility, four subhypotheses are derived, each re-
ferring to the impact of the seriousness of the offense, viability of the evidence against the target, the per-
ceived credibility of the target's defense (account), and the degree of liking for the target. These four inde-
dependent variables are measured by the following rating scale:

la: "How serious do you feel this offense is?"

Seriousness: 1 2 3 4 5 6 7 8 9
Low Moderate High
lb: "How viable (strong) would you say the evidence against this person was?"

Viability: 1 2 3 4 5 6 7 8 9
Low   Moderate   High

lc: "What is your general impression of the defendant?"

Liking: 1 2 3 4 5 6 7 8 9
Low   Moderate   High

ld: "How credible (believable) did you find the person's account?"

Credibility: 1 2 3 4 5 6 7 8 9
Low   Moderate   High

Hypothesis 1A. The attribution of seriousness of the offense is positively related to the attribution of responsibility.

In this hypothesis, we predict that the higher the degree of seriousness attributed to the offense, the more likely the target will be held responsible for the offense. Table 1A presents gamma coefficients for the four targets under two conditions, before and after the account. In other words, there are two measurements of the hypothesized relationship, before and after the target gives his (or her) account of the offense. No prediction was made regarding any difference of the relationship between seriousness and responsibility by the two measurements. Rather, the two measurements are presented as a means of
providing more pertinent data to test the hypothesis.

Table 1A indicates moderate support for hypothesis 1A. The level of seriousness associated with an offense appears to have some effect on the level of responsibility attributed to a target.

Table 1A. Summary Table of Attribution of responsibility by Seriousness of Offense (Gamma Coefficients)

<table>
<thead>
<tr>
<th>Defendants</th>
<th>Jim (L.C.)</th>
<th>Bill (M.C.)</th>
<th>Mary (L.C.)</th>
<th>Nancy (M.L.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measurement 1 (before the account)</td>
<td>0.69</td>
<td>0.52</td>
<td>0.63</td>
<td>0.48</td>
</tr>
<tr>
<td>Measurement 2 (after the account)</td>
<td>0.68</td>
<td>0.49</td>
<td>0.61</td>
<td>0.51</td>
</tr>
</tbody>
</table>

p < 0.05  n = 198

Note: Responsibility (Low = 1 to High = 9)
Serialousness (Low = 1 to High = 9)

Hypothesis 1B. The attribution of viability of the evidence against the defendant is positively related to the attribution of responsibility.

In this hypothesis the effects of the viability of the evidence against the target is examined vis-a-vis the attribution of responsibility. Table 1B indicates that in those cases in which the evidence seems stronger against the target, he/she is more likely to be seen as being more responsible for the offense. Although one finds some variations across targets (the two middle-class targets, Bill and Nancy, have higher gamma coefficients than their
lower-class counterparts), hypothesis 1B does receive a moderate amount of support.

Table 1B. Summary Table of Attribution of Responsibility by Viability of the Evidence Against the Defendants (Gamma Coefficients)

<table>
<thead>
<tr>
<th>Defendants</th>
<th>Jim (L.C.)</th>
<th>Bill (M.C.)</th>
<th>Mary (L.C.)</th>
<th>Nancy (M.L.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measurement 1 (before the account)</td>
<td>0.49</td>
<td>0.74</td>
<td>0.58</td>
<td>0.80</td>
</tr>
<tr>
<td>Measurement 2 (after the account)</td>
<td>0.43</td>
<td>0.76</td>
<td>0.50</td>
<td>0.72</td>
</tr>
</tbody>
</table>

p = <0.05  n = 198

Note: Viability (Low = 1 to High = 9)
Responsibility (Low = 1 to High = 9)

Hypothesis 1C. The degree of liking associated with the defendant is inversely related to the attribution of responsibility.

Hypothesis 1C predicts that in cases where the target is better liked by the jurors, he/she will be less likely to be assigned responsibility for their misdeeds. Table 1C shows that liking does play a role, albeit somewhat minor, in the assignment of responsibility. The gamma coefficients indicate moderate support for this hypothesis across targets and "before and after account" conditions.
Table 1C. Summary Table of Attribution of Responsibility by the Degree of Liking for the Defendants (Gamma Coefficients)

<table>
<thead>
<tr>
<th>Defendants</th>
<th>Jim (L.C.)</th>
<th>Bill (M.C.)</th>
<th>Mary (L.C.)</th>
<th>Nancy (M.L.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measurement 1 (before the account)</td>
<td>-0.26</td>
<td>-0.54</td>
<td>-0.19</td>
<td>-0.63</td>
</tr>
<tr>
<td>Measurement 2 (after the account)</td>
<td>-0.23</td>
<td>-0.32</td>
<td>-0.31</td>
<td>-0.33</td>
</tr>
</tbody>
</table>

*p = <0.05  n = 198

Note: Liking (Low = 1, to High = 9) Responsibility (Low = 1 to High = 9)

Hypothesis 1D. The perceived credibility of the defendant's account is inversely related to the attribution of responsibility.

In this hypothesis we predict a negative relationship between the judged credibility of the account and the attribution of responsibility. Although the degree of credibility assigned to a target offering explanations for his misdeed is measured only once (after the account), Table 1D suggests that this hypothesis has no significant support.

Table 1D. Summary Table of Attribution of Responsibility by Perceived Credibility of Account (Gamma Coefficients)

<table>
<thead>
<tr>
<th>Defendants</th>
<th>Jim (L.C.)</th>
<th>Bill (M.C.)</th>
<th>Mary (L.C.)</th>
<th>Nancy (M.L.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measurement 2 (after the account)</td>
<td>0.02</td>
<td>-0.09</td>
<td>-0.12</td>
<td>0.02</td>
</tr>
</tbody>
</table>

*p = ' <0.05  n = 198

Note: Credibility (Low = 1 to High = 9) Responsibility (Low = 1 to High = 9)
To summarize the findings of hypothesis 1A to 1D, it appears that responsibility, seriousness, viability of evidence and liking are important elements in the decision-making process of the simulated jurors. Their moderately strong associations suggests that, in deciding whether the target should be held responsible for the offense, the jurors did take these factors into consideration in arriving at a decision. The finding that the level of attributed credibility of the target's account did not affect the level of target attributed responsibility is somewhat surprising and although it might be argued that the accounts offered were not sufficiently dramatic or convincing, this is an area worthy of further investigation.

Hypothesis 2. Sentence Disposition

In this hypothesis we attempt to examine the relationship between seriousness, viability, liking, credibility, responsibility and sentence disposition. In attribution literature these variables are purported to be integral components of the decision-making process. While these variables are measured in the same way as they appeared in Hypothesis 1, sentence disposition, the major dependent variable, is operationalized in the following way:

"As a juror, what sentence would you recommend in this case?"
a. __ innocent, release  
b. __ inconclusive evidence, release  
c. __ fine the offender  
d. __ 6 to 12 months on probation  
e. __ short term imprisonment (up to 2 months)  
f. __ 3 to 6 months imprisonment  
g. __ 7 months to a year imprisonment  
h. __ 2 to 3 years imprisonment  
i. __ 4 to 6 years imprisonment  
j. __ more than 6 years imprisonment  

Hypothesis 2A. The attribution of seriousness of the offense is positively related to sentence severity.

As in Hypothesis 1 the relevant tables for Hypothesis 2 also involve two measurements of the relationship (before and after the presentation of the target's accounts). Although attributed seriousness of the offense has a moderately strong relationship with responsibility (Table 1A), Table 2A suggests that it has only a light effect on sentence disposition. This is contradictory to some current attribution research findings (e.g., Walter, 1966; Shaver, 1970a). Our finding suggests that seriousness is not as powerful a predictor of sentence disposition as might be suspected.
Table 2A. Summary Table of Sentence Severity by Seriousness of Offense (Gamma Coefficients)

<table>
<thead>
<tr>
<th>Defendants</th>
<th>Jim (L.C.)</th>
<th>Bill M.C.</th>
<th>Mary (L.C.)</th>
<th>Nancy (M.L.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measurement 1 (before the account)</td>
<td>0.18</td>
<td>0.43</td>
<td>0.36</td>
<td>0.24</td>
</tr>
<tr>
<td>Measurement 2 (after the account)</td>
<td>0.22</td>
<td>0.35</td>
<td>0.41</td>
<td>0.20</td>
</tr>
</tbody>
</table>

p = <0.05  n = 198

Note: Sentence Severity (Low = innocent release to High = more than 6 years imprisonment)
Seriousness (Low = 1 to High = 9)

Hypothesis 2B. The attribution of viability of the evidence against the defendant is positively related to sentence severity.

Although not quite as strong as the effects of viability on responsibility, viability has a noteworthy (light to moderate) effect on sentence disposition. Table 2B indicates that where the evidence against the target is deemed stronger, the jurors are likely to assign a more severe sentence.

In studying the impact of viability of evidence, Phares et al., (1972) observes that if the connection of the stimulus person and the outcome is clear and unambiguous, the observers would feel that the evidence is more strongly against the target and attribute greater responsibility in the face of severe outcome. Similarly,
in Walster's (1966) study, the accident appeared to be the fault of the car owner because the police stated that the accident was due to a faulty mechanical condition of the automobile. In our research, however, the connection between the stimulus person (target) and the outcome is comparatively clear and unambiguous. It may be due to this fact that we receive a moderately high correlation between viability and responsibility and between viability and sentence disposition.

Table 2B. Summary of the Sentence Severity by Viability of the Evidence Against the Defendants
(Gamma Coefficients)

<table>
<thead>
<tr>
<th>Defendants</th>
<th>Jim (L.C.)</th>
<th>Bill (M.C.)</th>
<th>Mary (L.C.)</th>
<th>Nancy (M.L.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measurement 1 (before the account)</td>
<td>0.30</td>
<td>0.72</td>
<td>0.62</td>
<td>0.73</td>
</tr>
<tr>
<td>Measurement 2 (after the account)</td>
<td>0.23</td>
<td>0.49</td>
<td>0.50</td>
<td>0.22</td>
</tr>
</tbody>
</table>

p < 0.05  \[ \chi^2 = 198 \]

Note: Sentence Severity (Low = innocent release to High = more than 6 years imprisonment)

Hypothesis 2C. The degree of liking associated with the defendant is inversely related to sentence severity.

Although there are some variations across the targets, we find light to moderate support for Hypothesis 2C (Table 2C). Where the targets receive higher "liking" scores, they tend to receive more lenient sentences.
Table 2C. Summary Table of Sentence Severity by the Degree of Liking for the Defendants (Gamma coefficients)

<table>
<thead>
<tr>
<th>Defendents</th>
<th>Jim (L.C.)</th>
<th>Bill (M.C.)</th>
<th>Mary (L.C.)</th>
<th>Nancy (M.C.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measurement 1 (before the account)</td>
<td>-0.36</td>
<td>-0.48</td>
<td>-0.23</td>
<td>-0.48</td>
</tr>
<tr>
<td>Measurement 2 (after the account)</td>
<td>-0.29</td>
<td>-0.58</td>
<td>-0.55</td>
<td>0.52</td>
</tr>
</tbody>
</table>

\[ p = <0.05 \quad n = 198 \]

Note: Sentence severity (Low = innocent release to High = more than 6 years imprisonment)

In the research on interpersonal attraction, liking represents an area of intensive research in social psychology (Freedman et al., 1978: XII). In this respect, further comment on "liking" than that offered in the discussions of Hypothesis 1A and Hypothesis 2C is desirable as we try to put the findings of the present study in perspective.

In this respect two preliminary qualifications seem appropriate. First, many of the jurors seemed quite ambivalent about their ability to rate the targets in terms of liking on the basis of the (limited) information given them. Second, requiring that the participants assume the role of a "juror" implies that many of their personal preferences must be put aside. While we should keep these qualifications in mind, it should also be noted that the
effects of liking were more pronounced for the middle class targets than their lower class counterparts.

Thus, although we have light to moderate strength gamma coefficients for liking, clearly, the variable, "liking," was not manipulated to its full advantage. Two examples from the literature may illustrate this point.

To examine the effect of liking, Regan and his colleagues (1974) deliberately manipulated the behavior of the target so that in one condition he appeared likeable to the observers. In the "Like" condition, he appeared pleasant, smiled, and held attitudes very similar to the observers' own. In the "Dislike" condition, he was shown looking bored and annoyed, drumming his fingers, riffling through paper, and holding attitudes very dissimilar to the observers'.

In another study by Dion and her colleagues (1972), subjects were given three envelopes. Each envelope contained one photo of a stimulus person. One of the three envelopes contained a photograph of a physically attractive stimulus person, another contained a photograph of a person of average attractiveness; and the final envelope contained a photograph of a relatively unattractive person. The physical attractiveness rating of each of the pictures was determined in a preliminary study.
The results supported her prediction that physical attractiveness had effects on personal evaluations.

Thus, the present results may in part reflect the lack of manipulation explicitly designed to bring out the effect of liking.

Hypothesis 2D. The perceived credibility of the defendant's account is inversely related to sentence severity.

In this hypothesis we expect that the more credible the defendant's account appears to the jurors, the less severe the sentence they will assign to the defendant. Table 2D indicates light support for this hypothesis. The finding is somewhat interesting in contrast to Table 1D where there is no significant relationship between credibility of account and attribution of responsibility.

Table 2D. Summary Table of Sentence Severity by Perceived Credibility of Account (Gamma Coefficients)

<table>
<thead>
<tr>
<th>Defendants</th>
<th>Jim (L.C.)</th>
<th>Bill (M.C.)</th>
<th>Mary (L.C.)</th>
<th>Nancy (M.C.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measurement 2 (after the account)</td>
<td>-0.25</td>
<td>-0.40</td>
<td>-0.41</td>
<td>-0.28</td>
</tr>
</tbody>
</table>

p <0.05  n = 198

Note: Sentence Severity (Low = innocent release, to High = more than 6 years imprisonment)
Credibility (Low = 1, to High = 9)
Hypothesis 2E. The attribution of responsibility is positively related to sentence severity.

The findings of Hypothesis 2E relating responsibility and sentence disposition suggest that responsibility while related somewhat to sentence disposition is by no means as powerful as might be supposed. This finding may account for the differential effect of perceived credibility target's account on attribution of responsibility and sentence disposition. It also suggests that the relationship between responsibility and sentence disposition might be nullified by other audience concerns.

Table 2E. Summary Table of Sentence Severity by Attribution of Responsibility (Gamma Coefficients)

<table>
<thead>
<tr>
<th>Defendants</th>
<th>Jim</th>
<th>Bill</th>
<th>Mary</th>
<th>Nancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measurement 1 (before the account)</td>
<td>0.15</td>
<td>0.56</td>
<td>0.31</td>
<td>0.49</td>
</tr>
<tr>
<td>Measurement 2 (after the account)</td>
<td>0.01</td>
<td>0.49</td>
<td>0.18</td>
<td>0.54</td>
</tr>
</tbody>
</table>

*p = < 0.05  n = 198

Note: Sentence Severity (Low = innocent release, to High = more than 6 years imprisonment)
Responsibility (Low = 1, to High = 9)

In an attempt to test for other decision-making influences, the effects of (i) respondent's sex and (ii) religious devotion on attribution of responsibility and sentence disposition were also examined. Each, however,
yielded only very weak gamma coefficients (see Tables 2F and 2G). These findings indicate that the respondent's sex and religious devotion are not important factors in accounting for their decision-making.

To sum up, the variables in the five subhypotheses of Hypotheses 2 receive light to moderate correlations. Since variables like seriousness of the offense, attribution of responsibility and sentence disposition have been subject to extensive research, in what follows, these findings will be related to the current research as we attempt to put Hypothesis 1 and Hypothesis 2 in perspective.

Table 2F. Summary Table of Sentence Severity by Respondent's Sex (Gamma Coefficients)

<table>
<thead>
<tr>
<th>Dependants</th>
<th>Jim (L.C.)</th>
<th>Bill (M.C.)</th>
<th>Mary (L.C.)</th>
<th>Nancy (M.C.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.30*</td>
<td>0.15*</td>
<td>0.15</td>
<td>0.35*</td>
</tr>
</tbody>
</table>

*p < 0.05  n = 198

Note: Sex (Male = 1, Female = 2)  
Sentence Severity (Low = innocent release, to High = more than 6 years imprisonment)
Table 20: Summary Table of Sentence Severity by Respondent’s Religious Devotion (Gamma Coefficients)

<table>
<thead>
<tr>
<th>Defendants</th>
<th>Jim (L.C.)</th>
<th>Bill (M.C.)</th>
<th>Mary (L.C.)</th>
<th>Nancy (M.C.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.20*</td>
<td>0.22*</td>
<td>0.13</td>
<td>0.19*</td>
</tr>
</tbody>
</table>

*p < 0.05     n = 198

Note: Sentence Severity (Low = innocent release, to High = more than 6 years imprisonment) Religious Devotion (Low = 1, to High = 9)

Responsibility and Sentencing: Putting Hypothesis 1 and 2 in perspective.

The interest in the relationship between the attribution of seriousness of offense, the attribution of responsibility and sentence disposition has been exemplified by the theories of "defensive attribution" and "justice world belief." Both theories are addressed to the basic problem in the attribution process.

E. Walster is recognized as the first researcher to derive the theory of "defensive attribution." In order to examine the relationship between the above mentioned variables, Walster (1966) presented subjects with a description of an accident in which a stimulus person's parked and unoccupied motor vehicle rolled down a hill. In accordance with her prediction, people assigned more responsibility and heavier sentence to the perpetrator.
in the serious conditions. According to Walster, seriousness of offense was highly associated with the attribution of responsibility and sentence disposition. But in our case these variables only receive a light to moderate correlation.

It might be the case that the present study did not adequately contrast more serious and minor conditions. In addition to this, the "victims" reported in our vignettes were not in any way physically injured by the target. Under this kind of situation, the jurors might not think the cases were "as serious" as when they were personally involved. Shaver's (1970b) findings support this interpretation. He reports that less responsibility will be attributed when the defendant carried insurance which could compensate the injured victim. Kalven and Ziesel (1960) also reported similar results.

According to Walster and Shaver, the attribution of responsibility is based on a sense of control (i.e., a need to feel that we can control events). Since events over which we have no control can be very threatening, they argued that people are inclined to attribute more responsibility to a victim or to a perpetrator in a serious accident. Thus, audiences can maintain a self-assured feeling that they can control situations and will not themselves be involved in such unfortunate events.
This elaboration basically emphasizes the importance of self-oriented motives in the perception of an accident with negative outcomes. In the same vein, Lerner (1965) argues that people tend to reject or derogate the victim in order to maintain the belief that the world is just, that good people get good outcomes and bad people get what they deserve. In this way, people may then reassure themselves that they are different from the victim.

The relatively small and inconsistent correlations of our variables do not lend much support to the findings of "defensive attribution" or "justice world belief." Overall, the relationships between these variables seem considerably more complex than what Walster, Lerner and others assume.

It should also be noted that the studies by Walster and Lerner were not based on systematic theoretical analysis of the attribution process. Rather, they relied more on "intuitive" hypothesis and speculation. And, in spite of the various attempts at replications, no single version of their hypothesis has received consistent support (Vidmar and Crinklaw, 1974). Moreover, the follow-up experiments by Walster herself have not provided further support for her first experiment. It is, thus, amazing to find that her theorizing and findings would be accepted as "facts" in the social
Hypotheses 3 and 4. Criminal Stereotypes

Hypotheses 3 and 4 will examine the impact of criminal stereotypes in terms of two extra-legal attributes, sex and social class. As indicators of the independent variable (defendants variously resemble popular criminal stereotypes), sex and social class will each be dichotomized: male vs female; middle class vs lower class. In essence, Hypotheses 3 and 4 predict that males and lower class defendants (more closely resembling popular criminal stereotypes) will be more likely than female and middle class defendants to receive greater imputation of guilt and more severe sentence. In the vignettes there are four targets (defendants), two males and two females. Jim and Mary were introduced as lower class targets whereas Bill and Nancy were their middle class counterparts.

Hypothesis 3. As the defendants more closely resemble popular criminal stereotypes, the greater the likelihood that they will be assigned higher levels of guilt.

As indicated above, the independent variables for Hypotheses 3 and 4 will be dichotomized: male vs female; middle class vs lower class. The dependent variable for Hypothesis 3; the imputation of guilt is, however, defined
by three separately measured variables: (i) seriousness of offense; (ii) responsibility of the defendant and (iii) viability of the evidence against the defendant. These three variables are measured in the same way as they were in Hypotheses 1 and 2.

Table 3A. Summary Table of Imputation of Guilt by Sex of Defendants (Gamma Coefficients)

<table>
<thead>
<tr>
<th>3 Measures of Imputation of Guilt</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Seriousness</td>
<td>Responsibility</td>
<td>Viability</td>
</tr>
<tr>
<td>0.15*</td>
<td>0.06</td>
<td>0.14</td>
</tr>
</tbody>
</table>

*p <0.05  n = 198

Note: Sex (Male = 1, Female = 2)
Seriousness (Low = 1, to High = 9)
Responsibility (Low = 1, to High = 9)
Viability (Low = 1, to High = 9)

Table 3B. Summary Table of Imputation of Guilt by Social Class of Defendants (Gamma Coefficients)

<table>
<thead>
<tr>
<th>3 Measures of Imputation of Guilt</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Seriousness</td>
<td>Responsibility</td>
<td>Viability</td>
</tr>
<tr>
<td>-0.07</td>
<td>-0.05</td>
<td>-0.23*</td>
</tr>
</tbody>
</table>

*p <0.05  n = 198

Note: Social Class (Lower class = 1, Middle class = 2)
Seriousness (Low = 1, to High = 9)
Responsibility (Low = 1, to High = 9)
Viability (Low = 1, to High = 9)
Table 3C. Summary Table of Imputation of Guilt by Social Class of Defendants, Holding Sex as Constant (Gamma Coefficients).

<table>
<thead>
<tr>
<th>Low Class vs Middle Class</th>
<th>Seriousness</th>
<th>Responsibility</th>
<th>Viability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jim vs Bill</td>
<td>0.04*</td>
<td>0.01</td>
<td>-0.45*</td>
</tr>
<tr>
<td>Mary vs Nancy</td>
<td>0.04</td>
<td>0.010</td>
<td>0.000</td>
</tr>
</tbody>
</table>

Note: Social Class (Lower Class = 1, Middle Class = 2)
Seriousness (Low = 1, to High = 9)
Responsibility (Low = 1, to High = 9)
Viability (Low = 1, to High = 9)

* p < 0.05  n = 198

Table 3a and 3b show the relationship of the three dimensions of guilt to sex and social class of the target. The gamma coefficients of these two tables indicate that Hypothesis 3 receives very little support. Holding sex as constant in examining the impact of social class on the assignment of guilt, we still do not find any significant changes in the earlier coefficients (see Table 3C). The only slight change might be in the "viability" category. In Table 3B, we have a gamma coefficient -0.23, (p < 0.05) but in Table 3C, the coefficient increases to -0.45 (p < 0.05) for males. These findings indicate that there was some tendency for the jurors to view the evidence against the defendant as more plausible in the case of the middle class targets.
Hypothesis 4. As the defendants more closely resemble popular criminal stereotypes, the greater the likelihood that they will receive more severe sentences.

Table 4. Summary Table of Sentence Severity by Sex and Social Class of Defendants (Gamma Coefficients)

<table>
<thead>
<tr>
<th>Sex by Sentence Severity</th>
<th>-0.04</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Class by Sentence Severity</td>
<td>-0.14*</td>
</tr>
</tbody>
</table>

*p < 0.05 n = 198

Note: Sex (Male = 1, Female = 2)
Social Class (Lower Class = 1, Middle Class = 2)
Sentence Severity (Low - innocent; release, to High - more than 6 years of imprisonment)

While the independent variables of Hypothesis 4, sex and social class, are the same as those of Hypothesis 3, the dependent variable is sentence severity which is operationalized in the same way as it was in Hypothesis 1 and 2. Table 4 indicates that there is no relationship between the target's sex sentence severity (Gamma = -0.04, p < 0.05) and social class of the target has only a very limited effect on sentence disposition (Gamma = -0.14, p < 0.05).

In attempting to explain the lack of effect of criminal stereotypes, the notion of "trust violation" emerges as one plausible "alternative" explanation. It
may be the case that the middle class and female targets are seen as violating public trust to a greater degree when they break the rules of society. Although we have to reject Hypotheses 3 and 4, it is possible that the impact of criminal stereotyping has been cancelled out by that of "trust violation." Future research, therefore, might need to test for the separate (and possibly interacting) effects of "trust violation" and criminal stereotyping.

To sum up, our data suggests that the variables like sex, age and social class, are not as effective in determining judicial decision-making, as has been assumed by some researchers. This finding is, however, quite consistent with Hagan's review of twenty previous studies of sentencing behavior. In his article, Hagan (1974) concludes that the relationship between sentence and extralegal variables is generally very weak. He observes that those studies which concluded with the role of extra-legal variables in differential sentencing were often based on a misinterpretation of the results of statistical tests. He also finds that when controlled on the effects of offense type and prior records, the original association between extra-legal variables and sentencing usually diminished in strength and reduced below statistical significance. He concludes that
(p. 379), "While there may be evidence of differential sentencing, knowledge of extralegal offender characteristics contributes relatively little (5 percent) to our ability to predict judicial dispositions."

In the final analysis, while "sex" and "social class" may play a role in social perception, it appears that we need to develop an alternative way of theorizing. We need to move beyond the positivistic correlation analysis between extra-legal variables and judicial decision and try to investigate the dynamics of interactional processes of meaning construction. Instead of treating the impact of these variables in a static and deterministic way, we should analyze their role in the ongoing process of meaning construction, and examine how the jurors impute meanings to the various extra-legal attributes of the offender. Attributes such as "age," "sex," and "social class" appear to have some effect on the decision-making process, but their effects are much less unilinear than might be expected, suggesting that more attention might be profitably directed towards the interpretive processes of audiences."
The Role of Accounts

Hypothesis 5. Any account, regardless of its specific character, is effective in resisting imputation of guilt.

Hypothesis 6. Any account, regardless of its specific character, is effective in resisting sentence severity.

In testing these two hypotheses, four types of accounts are utilized as the independent variable: repentant sinner, justification, shifting responsibility, and denial. Each account consists of a short descriptive statement given by the target for the purpose of renegotiating the damaged social identity. The two dependent variables of these two hypotheses (imputation of guilt and sentence severity) are operationalized in the same manner as they appear in Hypotheses 3 and 4.

Hypothesis 5. Any account, regardless of its specific character, is effective in resisting imputation of guilt.

As expected, the dependent variable, imputation of guilt, is measured by the following categories:
(1) attributed seriousness of the offense; (2) attributed responsibility for the event, and (3) viability of the evidence against the target. The following tables, Tables 5A, 5B, and 5C presenting data summarized across
four targets, provide the best starting point for examining the impact of accounts on the attribution of guilt.

(1) Seriousness

Table 5A indicates changes in "seriousness" rating after the four types of accounts were given, as compared to the "before the account ratings." An examination of Table 5A reveals that only the "repentant sinner" strategy is notably effective in alleviating "seriousness." Although some shifts occur in the other account conditions, they tend to balance one another out. Thus, while some reinterpretation of seriousness associated with the offense appears to have been precipitated by the accounts, the proffering of the accounts utilized herein, with the exception of the "repentant sinner" account, had little effect on the overall levels of guilt attributed to the targets.
Table 5A. Change in the Rating of Seriousness by Defendant’s Account (All Defendants)

<table>
<thead>
<tr>
<th>Variation of rating</th>
<th>Repentant Sinner</th>
<th>Justification</th>
<th>Shifting responsibility</th>
<th>Denial</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less serious</td>
<td>23%</td>
<td>18%</td>
<td>17%</td>
<td>13%</td>
<td>18%</td>
</tr>
<tr>
<td>No change</td>
<td>67%</td>
<td>70%</td>
<td>69%</td>
<td>74%</td>
<td>70%</td>
</tr>
<tr>
<td>More serious</td>
<td>10%</td>
<td>12%</td>
<td>14%</td>
<td>13%</td>
<td>12%</td>
</tr>
</tbody>
</table>

100% 100% 100% 100% 100%
(n = 190) (n = 106) (n = 287) (n = 207) (n = 790)

Lambda: = 0.00 p > 0.05
Cramer's V = 0.15

(2) Responsibility

Table 5B focuses on the responsibility aspect of guilt imputation. The result indicates that it also provides little support for Hypothesis 5. Only in the case of "denial" does one find a noteworthy overall shift of ratings in the direction of decreased attribution of responsibility. As with "seriousness," one finds some shifts in the other account conditions, although they tend to balance one another out. The data also suggests that the added information entailed in the account was also interpreted by the jurors in ways at variance from that predicted.
Table 5B. Change in the Rating of Responsibility by Defendant's Account (All Defendants)

<table>
<thead>
<tr>
<th>Variation of rating</th>
<th>Repentant Sinner</th>
<th>Justification</th>
<th>Shifting responsibility</th>
<th>Denial</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less responsible</td>
<td>19%</td>
<td>28%</td>
<td>25%</td>
<td>30%</td>
<td>25%</td>
</tr>
<tr>
<td>No change</td>
<td>60%</td>
<td>48%</td>
<td>52%</td>
<td>53%</td>
<td>54%</td>
</tr>
<tr>
<td>More responsible</td>
<td>21%</td>
<td>24%</td>
<td>23%</td>
<td>17%</td>
<td>21%</td>
</tr>
</tbody>
</table>

100% 100% 100% 100% 100%
(n = 190) (n = 106) (n = 287) (n = 207) (n = 790)

Lambda = 0.00  \( p > 0.05 \)
Cramer's V = 0.07

(3) Viability

Referring to the degree of certainty that a target committed a misdeed, we find that the evidence becomes stronger against the target when they utilized the strategies of "repentant sinner," "justification," and "shifting responsibility." What is interesting in this regard is that, under these three conditions of admitted offenses, the jurors did not find the evidence in the case even more convincing. One might suggest that these accounts had some effect in "softening" the jurors' perception of the defendants even though guilt was admitted. Denying the event had an overall effect of making the evidence less viable against the target, but the effects of this strategy were far from unidirectional.
Table 5C. Change in the Rating of Viability by Defendant's Account (All Defendants)

<table>
<thead>
<tr>
<th>Variation of rating</th>
<th>Repentant Sinner</th>
<th>Justification</th>
<th>Shifting responsibility</th>
<th>Denial</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less viable</td>
<td>15%</td>
<td>19%</td>
<td>13%</td>
<td>30%</td>
<td>19%</td>
</tr>
<tr>
<td>No Change</td>
<td>59%</td>
<td>47%</td>
<td>49%</td>
<td>48%</td>
<td>51%</td>
</tr>
<tr>
<td>More viable</td>
<td>26%</td>
<td>34%</td>
<td>38%</td>
<td>22%</td>
<td>30%</td>
</tr>
</tbody>
</table>

100%  100%  100%  100%  100%
(n = 190) (n = 106) (n = 287) (n = 207) (n = 790)

Lambda = 0.00  p >0.05
Cramer's V = 0.15

Hypothesis 6. Any account, regardless of its specific character, is effective in resisting sentence severity.

Table 6 presents data summarized across four targets. It indicates changes in sentence severity after the four types of accounts were given as compared to the "before the account ratings." An examination of Table 6 reveals that there are some shifts in sentencing in each of the four account conditions, however, no overall differences emerge in these four conditions and they tend to balance one another out. Hypothesis 6 is not supported.
Table 6. The Role of Account: Change in Sentence Disposition by Defendant's Account (All Defendants)

<table>
<thead>
<tr>
<th>Change in Sentence</th>
<th>Repentant Sinner</th>
<th>Justification</th>
<th>Shifting responsibility</th>
<th>Denial</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less severe</td>
<td>19%</td>
<td>26%</td>
<td>18%</td>
<td>10%</td>
<td>20%</td>
</tr>
<tr>
<td>No Change</td>
<td>64%</td>
<td>52%</td>
<td>60%</td>
<td>63%</td>
<td>60%</td>
</tr>
<tr>
<td>More severe</td>
<td>17%</td>
<td>22%</td>
<td>22%</td>
<td>19%</td>
<td>20%</td>
</tr>
</tbody>
</table>

100% (n = 190) 100% (n = 106) 100% (n = 287) 100% (n = 207) 100% (n = 790)

Lambda = 0.00 p >0.05
Cramers V = 0.08

Although Hypotheses 5 and 6 are not supported, the data in the open-ended question section may sensitize us to the juror’s frame of reference. This material suggests that a juror’s frame of reference can affect the way in which accounts were interpreted and provides some insights for the inquiry of the general ineffectiveness of accounts.

In general, the simulated jurors expressed a concern oriented more toward educating the offender than punishing him, especially when the latter was seen as a poorly educated, lower class target. This attitude of personal rehabilitation can be delineated into the following four aspects:
(1) Helping the disadvantaged group. Some jurors indicated that since the poorly educated lower class targets are the victims of society and belong to the underprivileged group, they felt that they, as jurors, had some obligations to help them out of the situation. "He has only grade ten education and probably was talked into committing the crime without realizing its outcome. If he had further training, he could get a better job." Thus, in this case, the strategy of "shifting responsibility" would be effective in alleviating the imputation of guilt or sentence severity. In the same vein, some jurors wrote, "Because she has received little education, she should be given adequate help in order that similar crime will not occur in the future. Probably she had financial difficulties because she works in a factory." It may also be noted that this same general attitude could nullify the effects of criminal stereotyping.

(2) Optimism for the offender's rehabilitation. Some jurors expressed the conviction that "people could change if we gave them a chance, and offered them some kind of assistance." To this end, some jurors suggested the option of "on probation." "While on probation an officer may be able to uncover some underlying problems that prompted the offense and help with these." "The offender should be given a time to change his view."
This optimistic attitude typically coincides with a situational deterministic conception of man. Where the offender's behavior is seen as more situationally determined, he would be less likely to be held accountable for his offense.

(3). Preference of other means of punishment than imprisonment. Many jurors showed a strong distrust of imprisonment and believed that it would not rehabilitate. Although the prisons were not denounced as "a school for crime," some jurors believed that imprisonment reinforced criminal identities and might produce changes in individuals that contributed to further criminal behavior. "Given that she does not have much education, if she is given long term imprisonment she would just be easily influenced by the tough criminals around her in prison." Furthermore, "a prison would make him a hardened criminal because of the friendships formed with other inmates," and might thus "compound the financial burden" of the offender.

It may be noted, however, that the open-ended questions were not answered as often or as extensively as would have been desirable and, although somewhat suggestive, it seems premature to comment on the elements affecting the interpretations of the accounts. The above material may, however, sensitize us to the
problems of interpretation of accounts. This material also reveals that the accounts were not simply proffered by the target and accepted or rejected by the jurors, they were interpreted in various ways. It seems that a better way to proceed would be to interview the jurors at length at different stages of their decision-making.

The Role of Referent Others

Hypothesis 7. Following exposure to the decision of other jurors, the simulated jurors' decision will tend to move in the direction of the group decision.

In this hypothesis, the independent variable (the decision of the referent others) consists of three sets of bogus jury decisions. These decisions were presented allegedly reflecting previous jury verdicts and were varied in three manners:

(i) "innocent" type (release)
(ii) "low guilt" type (light penalty, $100 fine)
(iii) "high guilt" type (heavy penalty, 4 years imprisonment).

After being informed of the decision of the jurors, the simulated jurors were again asked to recommend a sentence for the targets. This third sentence recommendation was compared with the previous one to establish the influence of the referent others on the simulated jurors.
Table 7A, a summary table indicating the overall changes in sentence severity for four target cases, seems the best place to start in examining the data for Hypothesis 7.

Table 7A. The Role of Referent Others (All Defendants)

<table>
<thead>
<tr>
<th>Change in Sentence</th>
<th>Innocent</th>
<th>Low Guilt</th>
<th>High Guilt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less Severe</td>
<td>30%</td>
<td>27%</td>
<td>5%</td>
</tr>
<tr>
<td>No Change</td>
<td>65%</td>
<td>70%</td>
<td>64%</td>
</tr>
<tr>
<td>More Severe</td>
<td>5%</td>
<td>3%</td>
<td>31%</td>
</tr>
</tbody>
</table>

100% 100% 100%
(n = 87) (n = 102) (n = 172)

Gamma = 0.65  p < 0.05

As Table 7A indicates, the simulated jurors tended to move in the direction of the definitions to which they were exposed. Although some two-thirds of the jurors did not alter their decision following the referent other information, those who did change tended to be influenced by the decisions of other jurors. The Gamma coefficient is 0.65 which shows a moderately strong correlation.

Tables 7B to 7E, presenting the changes in sentence severity for four individual targets, suggest that the simulated jurors were more receptive to incoming information concerning the innocence of female targets than that of the male targets.
Table 7B. The Role of Referent Others (The Lower Class Defendant, Jim)

<table>
<thead>
<tr>
<th>Change in Sentence</th>
<th>Innocent</th>
<th>Low Guilt</th>
<th>High Guilt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less Severe</td>
<td>14%</td>
<td>10%</td>
<td>6%</td>
</tr>
<tr>
<td>No Change</td>
<td>81%</td>
<td>86%</td>
<td>63%</td>
</tr>
<tr>
<td>More Severe</td>
<td>5%</td>
<td>47%</td>
<td>31%</td>
</tr>
</tbody>
</table>

100% 100% 100%
(n = 21) (n = 28) (n = 48)
Gamma = 0.57 p < 0.05

Table 7C. The Role of Referent Others' (The Middle Class Defendant, Bill)

<table>
<thead>
<tr>
<th>Change in Sentence</th>
<th>Innocent</th>
<th>Low Guilt</th>
<th>High Guilt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less Severe</td>
<td>20%</td>
<td>19%</td>
<td>6%</td>
</tr>
<tr>
<td>No Change</td>
<td>68%</td>
<td>78%</td>
<td>56%</td>
</tr>
<tr>
<td>More Severe</td>
<td>12%</td>
<td>3%</td>
<td>38%</td>
</tr>
</tbody>
</table>

100% 100% 100%
(n = 25) (n = 27) (n = 48)
Gamma = 0.52 p < 0.05
Table 7D. The Role of Referent Others (The Middle Class Defendant, Nancy)

<table>
<thead>
<tr>
<th>Change in Sentence</th>
<th>Referent Others' Position</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Innocent</td>
</tr>
<tr>
<td>Less Severe</td>
<td>43%</td>
</tr>
<tr>
<td>No Change</td>
<td>57%</td>
</tr>
<tr>
<td>More Severe</td>
<td>0%</td>
</tr>
</tbody>
</table>

100% 100% 100%
(n = 21) (n = 28) (n = 52)

 Gamma = 0.73  p < 0.05

Table 7E. The Role of Referent Others (The Lower Class Defendant, Mary)

<table>
<thead>
<tr>
<th>Change in Sentence</th>
<th>Referent Other's Position</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Innocent</td>
</tr>
<tr>
<td>Less Severe</td>
<td>45%</td>
</tr>
<tr>
<td>No Change</td>
<td>55%</td>
</tr>
<tr>
<td>More Severe</td>
<td>0%</td>
</tr>
</tbody>
</table>

100% 100% 100%
(n = 20) (n = 29) (n = 44)

Gamma = 0.73  p < 0.05
In general, Hypothesis 7 receives support. Although seventy percent of our jurors did not change their decision following the referent others' information, it should be noted that this finding is consistent with Asch's (1967) observations. In his studies, he finds that, under unanimous group opinion pressure, about one-third (30%) of the individuals in the group give in and comply with the majority opinion.

While Hypothesis 7 is supported, some qualification about the way in which this hypothesis was tested should be noted. First, the simulated jurors did not interact with, or even see, those whose judgment they received. Had these conditions been realized, the effects of the referent others might have been greater. Secondly, the decision of the referent others was not supplemented with supporting rationale. This might also decrease the overall effect of the referent others on the simulated jurors' decisions.

Consistency and Commitment

In attempting to offer an alternative explanation for the general ineffectiveness of accounts and the limited effect of referent others, we suggest the notions of "consistency" and "commitment." It may be the case that asking the simulated jurors to make a decision at Time 1 (i.e., before the presentation of
account) will create a state of commitment vis-a-vis later decisions (the presentation of account and referent others). In making a decision at Time 2 or 3, some jurors might be concerned about being "consistent" with their early decision if they found that there was not enough evidence to prove it otherwise. Had the jurors be exposed to the accounts and the definitions of the referent others earlier, their judgment might be different.

This explanation for the effects of accounts and referent others is consistent with many research findings in the literature of social psychology. For example, Asch (1946) has shown that when positive information about a person is presented before negative information, the general impression is more positive than when the reverse order is used. This is called the "primacy effect." It is an effect by which the first information sets up a directional tendency to which later information is assimilated. This "order effect" is well illustrated by the following example as given by Hastorf et al., (1970: 50-1): "One may receive information first that a person is kind and then that he is dishonest. Under such circumstance, there is a tendency for one to infer that the person is basically kind and his dishonesty is somewhat subordinate. Thus, the term "primacy effect" denotes
the tendencies to ignore, deny, suppress, or forget the later information which is inconsistent with the previous information. It is essentially a commitment to the early information and decision and discount the importance or relevance of later incoming information. The studies of religious groups (Festinger, 1956; Simmons, 1964), flying sancerian clubs (Buckner, 1968), public hysteria (Medalia and Larsen, 1958), rumor (Peterson and Gist, 1951) provide further illustrations of how people attempt to ignore, deny, suppress or forget the later information which is inconsistent with the previous information and fit later information into existing notions of reality.

If asking the simulated jurors to make a decision at Time 1 will create a state of commitment and primacy effect, then we are in a dilemma of testing for the effect of account and referent others. Further research should examine this problem with closer attention and attempt to explore the function of commitment and "consistency" concerns in the decision-making process.
FOOTNOTES

1 Unfortunately, the other background information of the respondents like social class, age, and occupation, does not lend itself for computation due to the lack of variation among the categories.

2 This concept was introduced by Donald Cressey in his study of embezzlement. It was subsequently utilized by Jerry Jacobs (1969) in studying suicides and Prus (1977c) in his research on interpersonal violence. For another study of "trust", see Henslin (1968).
CHAPTER VII

SUMMARY AND CONCLUSIONS

Assuming an interactionist perspective, this thesis utilized a dialectical process-oriented approach in looking at some of the processes by which target identities emerged in the decision-making process of the simulated jurors. In this study we tried to examine the factors affecting a juror's decision-making within the framework of labelling theory developed by Prus (1973). One important question we asked was: "How people make causal inference on the basis of incoming information?" Following existing literature, we examined several factors that might affect jurors' attribution of qualities to the targets: perceived seriousness of the offense, attributed responsibility for the offense, general impression of the target and viability of the evidence against the target. In general, these variables are found to be important in the attribution process of the simulated jurors. However, one basic theme of this thesis is that social phenomenon cannot be reduced to purely individual psychological phenomenon and that the "attribution variables" cannot by themselves offer a full understanding of decision-making processes. To supplement this inadequacy we also examined the role of criminal stereotyping (in terms of social class and sex), and
the impact of account and referent others in juror's assessments of targets. However, criminal stereotyping and account did not turn out to be influential and referent others had only limited effect on the simulated jurors. These findings call for a closer examination of the jurors' decision-making process.

In attempting to explain the lack of effect of social class and sex, we have offered the notion of "trust violation" as one plausible alternative explanation. It may be the case that the middle class and female target are seen as violating public trust to a greater degree when they break the rules of society. It is also possible that the impact of criminal stereotyping has been cancelled out by that of "trust violation." Therefore, we suggest that future research might need to test for the separate (and possibly interacting) effects of "trust violation" and criminal stereotyping.

The inconsequential effect of account and the limited effect of referent others is received with several reservations. The possibility cannot be discarded that the "accounts" and "referent others" might be operative but were being obscured by the limitations of research design or the contents of accounts and referent others. The major advantage of vignette
is that it permits a systematic manipulation of relevant variables and allows experimental procedures to be employed (Nosanchuk, 1972). However, as has been shown, it is inadequate to investigate the processes by which meanings (or social identities) emerge in the interaction process between the target and the simulated jurors. Future research should utilize a broader methodological strategy (ideally a multi-method approach) which may include, for example, observing and recording jurors' deliberation process, indepth interviewing at different stages of decisionmaking, etc.

It may also be the case that the impact of account and referent others was shortcircuited by what some researchers call "primacy effect" which indicates that the first information may set up a directional tendency to which later information is assimilated (Hastorf et al., 1970:51). Asking the simulated jurors to make a decision at Time 1 (i.e., before the account) may create a state of commitment vis-a-vis a decision at Time 2 (after the presentation of account and referent others). Future research should, therefore, more closely consider the "order effect" in the presentation of account and referent others.

Although some of the findings do not provide
support for our hypotheses, we feel that, in the course of research, we have explicated the basic directions for a research framework. Since this research framework has considerable general character, and can sensitize us to examine current research, and suggest directions for future research, as a means of concluding, we would like to present a synopsis of this framework in the following:

1. The first basic idea of this framework is that social research should be directed toward unearthing the symbolic processes of interacting individuals. To this end, social research should seek to understand the juror's frame of reference and personal perception of his own setting.

2. Secondly, the explanation of any particular form of behavior requires that its relation to other types be traced and demonstrated. As Lindesmith and his colleagues (1975:9) point out, "A given kind of behavior is explained in terms of its interrelationships with other kinds of behavior and not in terms of 'forces,' 'drives,' or anything which lies outside the behavior field or which is inferred from behavior." While many current jury research take the symbolic process of interacting individuals as a viable subject for social inquiry, they tend to explain it in terms
of human "needs," or "motives" rather than treating it as being embedded in an ongoing and unfolding process of social life.

(3) Thirdly, one important advantage of the framework is the application of generic concepts, concepts that are applicable across different institutions, content areas and situations. Only by so doing can we capitalize on the theoretical developments and research experiences of other researchers from various specializations.

(4) These three ideas reveal the basic advantages of interactionist analysis. In current social research, evidence of bivariate associations (i.e., causal analysis) permeates empirical literature. As Cohen (1965:10) succinctly observes, "[T]he dominant bias in American sociology has been toward formulating theory in terms of variables that describe initial states, on the one hand, and outcomes, on the other, rather than in terms of processes whereby acts and complex structures of action are built, elaborated, and transformed. Notable exceptions are interaction process analysis." Since many social researchers take a positivistic approach, they have limited their research attention to the elaborations of "determinants" of behavior and failed
to study the process whereby behavior emerges. There is cause here and effect there, but there is no process. In our study of the role of social class and sex, we criticized this tendency and suggested that we should look at the interactional process of meaning construction. In taking an interactionist approach it does not necessarily mean that causal analysis has no value for social research. In contrast, we envision causal analysis as an integral part of our empirical scope. Consistent with Weber's approach, we believe that sociological explanations have to be grasped at the level of social meanings as well as at the level of causality (Zeitlin, 1973: 167).

(5) Finally, we hold that social research should be analyzed in reference to the larger system of which it is a part. The analysis of jury decision-making has to be done in the context of the definitional process of the larger society. In this respect, it may be worthwhile to consider social and/or political environment. Similarly, we also like to see works which focus on the operation of the jury system in relation to other correction systems, law enforcement agencies and other judicial systems.

In closing we would like to briefly indicate
what we feel are the main contributions of this study. First, is the application of a processual labelling theory to jury decision-making, a relatively neglected sociological focus. Secondly, we have explicated the main directions of an interactionist research framework through a review of the historical development of interactionism. Thirdly, we feel our research has considerable generalizability by virtue of its theoretical emphasis and empirical focus (decision-making). While the research should have important implications for studying jury research, it should be applicable to other decision-making studies as well.
Table 8. Listing of defendant background information by vignette cases

<table>
<thead>
<tr>
<th>Case information</th>
<th>Jim Johnson</th>
<th>Bill Daniel</th>
<th>Nancy Phillips</th>
<th>Mary Brown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of charge</td>
<td>burglary</td>
<td>theft</td>
<td>shoplifting</td>
<td>shoplifting</td>
</tr>
<tr>
<td>Type of merchandise</td>
<td>store appliances</td>
<td>2 television sets</td>
<td>necklace</td>
<td>coat</td>
</tr>
<tr>
<td>Worth of merchandise</td>
<td>$500</td>
<td>not mentioned</td>
<td>several hundred dollars</td>
<td>$500</td>
</tr>
<tr>
<td>Location of incident</td>
<td>hardware store</td>
<td>furniture store</td>
<td>jewelry store</td>
<td>clothing store</td>
</tr>
<tr>
<td>No. of accomplices</td>
<td>one</td>
<td>one</td>
<td>one</td>
<td>one</td>
</tr>
<tr>
<td>Age</td>
<td>23</td>
<td>24</td>
<td>23</td>
<td>24</td>
</tr>
<tr>
<td>Year of school</td>
<td>grade ten</td>
<td>university graduate</td>
<td>university graduate</td>
<td>grade nine</td>
</tr>
<tr>
<td>Employment</td>
<td>janitor</td>
<td>insurance company</td>
<td>business firm</td>
<td>factory</td>
</tr>
<tr>
<td>Marital status</td>
<td>single</td>
<td>single</td>
<td>single</td>
<td>single</td>
</tr>
<tr>
<td>Prior infractions</td>
<td>none</td>
<td>none</td>
<td>none</td>
<td>none</td>
</tr>
<tr>
<td>Location of apprehension</td>
<td>home</td>
<td>home</td>
<td>on the street near the store</td>
<td>home</td>
</tr>
</tbody>
</table>
Table 9. Sample characteristics

<table>
<thead>
<tr>
<th>Age</th>
<th>Gender</th>
<th>Sex</th>
<th>Status</th>
<th>Social Status</th>
<th>Sex</th>
<th>Father's SES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year</td>
<td>%</td>
<td>No.</td>
<td>Status</td>
<td>%</td>
<td>No.</td>
<td>Social Class</td>
</tr>
<tr>
<td>17-18</td>
<td>3.5</td>
<td>7</td>
<td>Full Time</td>
<td>94.0</td>
<td>186</td>
<td>Lower Class</td>
</tr>
<tr>
<td>19-24</td>
<td>85.0</td>
<td>166</td>
<td></td>
<td></td>
<td></td>
<td>Lower Class</td>
</tr>
<tr>
<td>25-30</td>
<td>7.5</td>
<td>17</td>
<td>Part Time</td>
<td>5.0</td>
<td>10</td>
<td>Working Class</td>
</tr>
<tr>
<td>Over 31</td>
<td>3.0</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td>Working Class</td>
</tr>
<tr>
<td>Missing</td>
<td>1.0</td>
<td>2</td>
<td>Missing</td>
<td>1.0</td>
<td>2</td>
<td>Missing</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year in School</th>
<th>Religious Affiliation</th>
<th>Religious Devotion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year.</td>
<td>%</td>
<td>No.</td>
</tr>
<tr>
<td>1st</td>
<td>41.0</td>
<td>81</td>
</tr>
<tr>
<td>2nd</td>
<td>30.0</td>
<td>60</td>
</tr>
<tr>
<td>3rd</td>
<td>24.0</td>
<td>48</td>
</tr>
<tr>
<td>4th</td>
<td>5.0</td>
<td>9</td>
</tr>
<tr>
<td>No denomination</td>
<td>20.5</td>
<td>41</td>
</tr>
</tbody>
</table>
Vignettes (summary of criminal cases):

Criminal Stereotypes: (as independent variable)
- sex
- social class

Three Measures of Guilt Assignment:
- seriousness
- viability
- responsibility

Sentence Disposition

Accounts
four types (as independent variable):
- denial
- shifting responsibility
- justification
- repentant sinner

Assignment of Credibility of Account

Three Measures of Guilt Assignment:
- seriousness
- viability
- responsibility

Sentence Disposition

Referent Others
3 types (as independent variables):
- innocent, release
- light sentence ($100 fine)
- heavy sentence (4-yr. imprisonment)

Three Measures of Guilt Assignment
- seriousness
- viability
- responsibility

Sentence Disposition

Fig. 1. An Overview of the Research Process
QUESTIONNAIRE

This is a study of decision-making by simulated jury conducted by Peter Leung for his M.A. Thesis, under the supervision of Professor Robert C. Prus, in the Department of Sociology.

In this study we are concerned with the nature of decision-making and its relationship to the judicial process. To this end, you are asked to assume the role of a juror and render four verdicts for four criminal cases. The description of the cases is only a summary of the actual cases. As a juror, you are asked to arrive at a just verdict for each case.

Please read the following materials carefully and indicate the decision you feel is most appropriate under the circumstance. Please answer each question in the order in which it is asked; finish one page before you go on to the next, so that the information you receive is in a proper sequence. All the cases presented deal with "first time offenders" (none of the people has prior criminal record) charged with theft.

For your information, the Canadian Criminal Code defines punishment for theft as follows:

Section 294

Except where otherwise prescribed by law, every one who commits theft is guilty of an indictable offence and is liable
(a) to imprisonment for ten years, where the property stolen is a testamentary instrument or where the value of what is stolen exceeds $200 dollars, or
(b) to imprisonment for ten years, where the value of what is stolen does not exceed $200 dollars.

Before examining actual cases, we would like you to indicate how serious you feel these following incidents and behaviors are (please circle the number you feel most appropriate):

1. Theft from a clothing store

   Seriousness:  1  2  3  4  5  6  7  8  9
   Low          Moderate      High

2. Theft from a jewelry store

   Seriousness:  1  2  3  4  5  6  7  8  9
   Low          Moderate      High
3. Theft from a furniture store

<table>
<thead>
<tr>
<th>Seriousness</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
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</thead>
<tbody>
<tr>
<td>Low</td>
<td>Moderate</td>
<td>High</td>
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</tr>
</tbody>
</table>

4. Burglary of a hardware store

<table>
<thead>
<tr>
<th>Seriousness</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>Moderate</td>
<td>High</td>
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<td></td>
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<td></td>
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<td></td>
</tr>
</tbody>
</table>

5. Bank Burglary

<table>
<thead>
<tr>
<th>Seriousness</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>Moderate</td>
<td>High</td>
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<td></td>
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<td></td>
</tr>
</tbody>
</table>

6. Residential burglary

<table>
<thead>
<tr>
<th>Seriousness</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
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</thead>
<tbody>
<tr>
<td>Low</td>
<td>Moderate</td>
<td>High</td>
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</tbody>
</table>

7. Auto theft

<table>
<thead>
<tr>
<th>Seriousness</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
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</thead>
<tbody>
<tr>
<td>Low</td>
<td>Moderate</td>
<td>High</td>
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<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

8. Forcible rape

<table>
<thead>
<tr>
<th>Seriousness</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
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<tbody>
<tr>
<td>Low</td>
<td>Moderate</td>
<td>High</td>
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<td></td>
</tr>
</tbody>
</table>

9. Drinking and fighting in a tavern

<table>
<thead>
<tr>
<th>Seriousness</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
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</thead>
<tbody>
<tr>
<td>Low</td>
<td>Moderate</td>
<td>High</td>
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<td></td>
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<td></td>
</tr>
</tbody>
</table>

10. Driving 20 miles over the speed limit

<table>
<thead>
<tr>
<th>Seriousness</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>Moderate</td>
<td>High</td>
<td></td>
<td></td>
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</tbody>
</table>
Case Number One

Jim Johnson is charged with burglary of a hardware store. The store owner had returned to the store to pick up some business files late Thursday evening. As he approached the store, he saw two men jump into a car and take off. He claims to be able to identify the two persons and gave the police the car's license number. Tracing the license number, the police apprehended Jim at his home and found some appliances worth about five hundred dollars. Using serial numbers, the store owner later identified the appliances as belonging to him and said that Jim was one of the persons he saw getting into the car. Jim is 23 years old, unmarried. He has grade ten education and is presently employed as a janitor in a commercial building.

1. How serious do you feel this offense is?

Seriousness: 1 2 3 4 5 6 7 8 9
Low Moderate High

2. How responsible do you feel this person is for this offence?

Responsibility: 1 2 3 4 5 6 7 8 9
Low Moderate High

3. How viable (strong) would you say the evidence against this person was?

Viability: 1 2 3 4 5 6 7 8 9
Low Moderate High

4. What is your general impression of the defendant?

Liking: 1 2 3 4 5 6 7 8 9
Low Moderate High

5. As a juror, what sentence would you recommend in this case?

a. ___ innocent, release
b. ___ inconclusive evidence, release
c. ___ fine the offender
d. ___ 6 to 12 months on probation
e. ___ short term imprisonment (up to 2 months)
f. ___ 3 to 6 months imprisonment
g. ___ 7 months to a year imprisonment
h. ___ 2 to 3 years imprisonment
i. ___ 4 to 6 years imprisonment
j. ___ more than 6 years imprisonment

6. How did you reach this decision? What sort of things did you take into consideration?
Account: Jim Johnson

When asked about the incident, Jim admits that he had in fact been involved in the crime, but he also indicates that his parents have had extreme financial difficulties. His father has had a long term illness and although he has been helping them out all along, the mortgage payments were more than he could handle, even with what he could borrow. The idea for the burglary occurred to him when he met someone who would buy the merchandise of that sort at a good price.

1. How serious do you feel this offense is?
   Seriousness: 1 2 3 4 5 6 7 8 9
      Low      Moderate      High

2. How responsible do you feel this person is for this offense?
   Responsibility: 1 2 3 4 5 6 7 8 9
      Low      Moderate      High

3. How credible (believable) did you find the person's account?
   Credibility: 1 2 3 4 5 6 7 8 9
      Low      Moderate      High

4. How viable (strong) would you say the evidence against this person was?
   Viability: 1 2 3 4 5 6 7 8 9
      Low      Moderate      High

5. What is your personal impression of the defendant?
   Liking: 1 2 3 4 5 6 7 8 9
      Low      Moderate      High

6. As a juror, what sentence would you recommend in this case?
   a. ___ innocent, release
   b. ___ inconclusive evidence, release
   c. ___ fine the offender
   d. ___ 6 to 12 months on probation
   e. ___ short term imprisonment (up to 2 months)
   f. ___ 3 to 6 months imprisonment
   g. ___ 7 months to a year imprisonment
   h. ___ 2 or 3 years imprisonment
   i. ___ 4 to 6 years imprisonment
   j. ___ more than 6 years imprisonment

7. How did you reach this decision? What sort of things did you take into consideration?
Case Number Two

**Bill Daniels** and another man are being charged with theft from a furniture store. Operating on a tip from one employee, the store manager called the police claiming that one of his employees and Bill had together stolen two television sets from the store. The police searched Bill's home and found two new television sets. The store manager claims that Bill and his employee had fraudulently obtained the merchandise through a bogus customer - salesman relationship, with Bill posing as a customer. Bill is 24 years old, single and has a university degree. Presently he is working with an insurance company.

1. How serious do you feel this offense is?

   Seriousness:  
   
<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>Moderate</td>
<td>High</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

2. How responsible do you feel this person is for this offense?

   Responsibility:  
   
<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>Moderate</td>
<td>High</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. How viable (strong) would you say the evidence against this person was?

   Viability:  
   
<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
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</thead>
<tbody>
<tr>
<td>Low</td>
<td>Moderate</td>
<td>High</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. What is your general impression of the defendant?

   Liking:  
   
<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
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<tbody>
<tr>
<td>Low</td>
<td>Moderate</td>
<td>High</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5. As a juror, what sentence would you recommend in this case?

   a. ___ innocent, release
   b. ___ inconclusive evidence, release
   c. ___ fine the offender
   d. ___ 6 to 12 months on probation
   e. ___ short term imprisonment (up to 2 months)
   f. ___ 3 to 6 months imprisonment
   g. ___ 7 months to a year imprisonment
   h. ___ 2 to 3 years imprisonment
   i. ___ 4 to 6 years imprisonment
   j. ___ more than 6 years imprisonment

6. How did you reach this decision? What sort of things did you take into consideration?
Account: Bill Daniels

When asked about the incident, Bill confesses that he was part of the crime. He appears extremely remorseful for his act and expressed deep regret over the theft. He promises that he will never do anything like this again and wants to know if there is anything he can do to make things up to the store and to society.

1. How serious do you feel this offense is?

Seriousness: 1 2 3 4 5 6 7 8 9
Low Moderate High

2. How responsible do you feel this person is for this offense?

Responsibility: 1 2 3 4 5 6 7 8 9
Low Moderate High

3. How credible (believable) did you find the person's account?

Credibility: 1 2 3 4 5 6 7 8 9
Low Moderate High

4. How viable (strong) would you say the evidence against this person was?

Viability: 1 2 3 4 5 6 7 8 9
Low Moderate High

5. What is your general impression of the defendant?

Liking: 1 2 3 4 5 6 7 8 9
Low Moderate High

6. As a juror, what sentence would you recommend in this case?

a. ___ innocent, release
b. ___ inconclusive evidence, release
c. ___ fine the offender
d. ___ 6 to 12 months on probation
e. ___ short term imprisonment (up to 2 months)
f. ___ 3 to 6 months imprisonment
g. ___ 7 months to a year imprisonment
h. ___ 2 to 3 years imprisonment
i. ___ 4 to 6 years imprisonment
j. ___ more than 6 years imprisonment

7. How did you reach this decision? What sort of things did you take into consideration?
A group of twelve jurors reviewing the case found the defendant guilty, but since he sincerely regretted his theft, they felt compassion and recommended a $100 fine as penalty.

Please evaluate the judgment rendered by this group of jurors:

1. How reasonable would you say this verdict was?

   Reasonable: 1 2 3 4 5 6 7 8 9
   Low          Moderate          High

2. If you were with this group and they insisted on this position, how would you react?

   ________________________________________________________________

   ________________________________________________________________

   ________________________________________________________________

3. If you are asked to make your final decision in this case, what sentence would you now recommend?

   a. ___ innocent, release
   b. ___ inconclusive evidence, release
   c. ___ fine the offender
   d. ___ 6 to 12 months on probation
   e. ___ short term imprisonment (up to 2 months)
   f. ___ 3 to 6 months imprisonment
   g. ___ 7 months to a year imprisonment
   h. ___ 2 to 3 years imprisonment
   i. ___ 4 to 6 years imprisonment
   j. ___ more than 6 years imprisonment

4. Is there anything else you would like to add concerning your decisions, feelings for the case, etc.? ________________________________________________________________

   ________________________________________________________________

   ________________________________________________________________
Case Number Three

Nancy Phillips is charged with shoplifting. An employee of a jewelry store told the police that on Wednesday afternoon Nancy went to their store with another girl and asked him to show them some jewelry. They examined the merchandise and then left, saying they would be back to buy a set of earrings. Putting the jewelry in order, the employee noticed that a necklace worth several hundred dollars was missing. He called the police immediately and from the employee's description they spotted the girls two blocks from the store. The employee claims that a necklace found in Nancy's possession belongs to the store. Nancy is single, 23 years of age, and has a University education. Presently she is working for a business firm.

1. How serious do you feel this offense is?

   Seriousness: 1 2 3 4 5 6 7 8 9
   Low    Moderate    High

2. How responsible do you feel this person is for this offense?

   Responsibility: 1 2 3 4 5 6 7 8 9
   Low    Moderate    High

3. How viable (strong) would you say the evidence against this person was?

   Viability: 1 2 3 4 5 6 7 8 9
   Low    Moderate    High

4. What is your general impression of the defendant?

   Liking: 1 2 3 4 5 6 7 8 9
   Low    Moderate    High

5. As a juror, what sentence would you recommend in this case?

   a. ___ innocent, release
   b. ___ inconclusive evidence, release
   c. ___ fine the offender
   d. ___ 6 to 12 months on probation
   e. ___ short term imprisonment (up to 2 months)
   f. ___ 3 to 6 months imprisonment
   g. ___ 7 months to a year imprisonment
   h. ___ 2 to 3 years imprisonment
   i. ___ 4 to 6 years imprisonment
   j. ___ more than 6 years imprisonment

6. How did you reach this decision? What sort of things did you take into consideration?
Account: Nancy Phillips

When asked about the incident, Nancy denies the charge of shoplifting. She alleges that she is not the kind of person who goes around stealing things from people and she does not know anything about the charges. She says she has a steady job and even though she is no angel, she is nevertheless a solid citizen and has never been a thief. Under oath, she says that it is ridiculous to charge a respectable person like her.

1. How serious do you feel this offense is?
   Seriousness: \[ \begin{array}{ccccccccccc} & 1 & 2 & 3 & 4 & 5 & 6 & 7 & 8 & 9 \\ \text{Low} & & & & & & & & & \\ \text{Moderate} & \text{High} \end{array} \]

2. How responsible do you feel this person is for this offense?
   Responsibility: \[ \begin{array}{ccccccccccc} & 1 & 2 & 3 & 4 & 5 & 6 & 7 & 8 & 9 \\ \text{Low} & & & & & & & & & \\ \text{Moderate} & \text{High} \end{array} \]

3. How credible (believable) did you find the person's account?
   Credibility: \[ \begin{array}{ccccccccccc} & 1 & 2 & 3 & 4 & 5 & 6 & 7 & 8 & 9 \\ \text{Low} & & & & & & & & & \\ \text{Moderate} & \text{High} \end{array} \]

4. How viable (strong) would you say the evidence against this person was?
   Viability: \[ \begin{array}{ccccccccccc} & 1 & 2 & 3 & 4 & 5 & 6 & 7 & 8 & 9 \\ \text{Low} & & & & & & & & & \\ \text{Moderate} & \text{High} \end{array} \]

5. What is your general impression of the defendant?
   Liking: \[ \begin{array}{ccccccccccc} & 1 & 2 & 3 & 4 & 5 & 6 & 7 & 8 & 9 \\ \text{Low} & & & & & & & & & \\ \text{Moderate} & \text{High} \end{array} \]

6. As a juror, what sentence would you recommend in this case?
   a. ____ innocent, release
   b. ____ inconclusive evidence, release
   c. ____ fine the offender
   d. ____ 6 to 12 months on probation
   e. ____ short term imprisonment (up to 2 months)
   f. ____ 3 to 6 months imprisonment
   g. ____ 7 months to a year imprisonment
   h. ____ 2 to 3 years imprisonment
   i. ____ 4 to 6 years imprisonment
   j. ____ more than 6 years imprisonment

7. How did you reach this decision? What sort of things did you take into consideration?
A group of twelve jurors reviewing the evidence concluded that the defendant was guilty of the charges and recommended a 4 year sentence. They felt that there was strong evidence that the defendant had committed the crime and they found the defendant's statement difficult to believe.

Please evaluate the judgment rendered by this group of jurors:

1. How reasonable would you say this verdict was?
   
   Reasonable: 1 2 3 4 5 6 7 8 9
   Low          Moderate       High

2. If you were with this group and they insisted on this position, how would you react?

3. If you are asked to make your final decision in this case, what sentence would you now recommend?
   
   a. ___ innocent, release
   b. ___ inconclusive evidence, release
   c. ___ fine the offender
   d. ___ 6 to 12 months on probation
   e. ___ short term imprisonment (up to 2 months)
   f. ___ 3 to 6 months imprisonment
   g. ___ 7 months to a year imprisonment
   h. ___ 2 to 3 years imprisonment
   i. ___ 4 to 6 years imprisonment
   j. ___ more than 6 years imprisonment

4. Is there anything else you would like to add concerning your decision, feelings for the case, etc.? ____________________________

   ____________________________
   ____________________________
Case Number Four

Mary Brown is charged with theft from a clothing store. The store clerk reports that on Friday afternoon Mary and another girl came to his store together. While he was talking with the other girl he noticed Mary walking out of the store with something under her arm. He ran after her but could not find her. He then grabbed her friend and called the police. On questioning the girls, the police obtained Mary's name and address. When they arrived at Mary's place they found a coat worth about five hundred dollars on the sofa. The store clerk claims that this was part of their stock. Mary is 24, unmarried and works in a factory. She has a grade nine education.

1. How serious do you feel this offense is?

Seriousness: 1 2 3 4 5 6 7 8 9
Low Moderate High

2. How responsible do you feel this person is for this offense?

Responsibility: 1 2 3 4 5 6 7 8 9
Low Moderate High

3. How viable (strong) would you say the evidence against this person was?

Viability: 1 2 3 4 5 6 7 8 9
Low Moderate High

4. What is your general impression of the defendant?

Liking: 1 2 3 4 5 6 7 8
Low Moderate High

5. As a juror, what sentence would you recommend in this case?

a. ___ innocent, release
b. ___ inconclusive evidence, release
c. ___ fine the offender
d. ___ 6 to 12 months on probation
e. ___ short term imprisonment (up to 2 months)
f. ___ 3 to 6 months imprisonment
g. ___ 7 months to a year imprisonment
h. ___ 2 to 3 years imprisonment
i. ___ 4 to 6 years imprisonment
j. ___ more than 6 years imprisonment

6. How did you reach this decision? What sort of things did you take into consideration?

______________________________
Account: Mary Brown

When asked about the incident, Mary admits the charge of shiplifting but claims that it was not her idea. She says she was opposed to theft and did not want to get involved, but a long time friend had talked her into doing it, saying that it would be easy and that if their friendship meant anything to her, then, she should go along with the idea. Further, her friend told her that she could pay her back the money she had borrowed by selling the merchandise.

1. How serious do you feel this offense is?
   Seriousness: 1 2 3 4 5 6 7 8 9
   Low Moderate High

2. How responsible do you feel this person is for this offense?
   Responsibility 1 2 3 4 5 6 7 8 9
   Low Moderate High

3. How credible (believable) did you find the person's account?
   Credibility: 1 2 3 4 5 6 7 8 9
   Low Moderate High

4. How viable (strong) would you say the evidence against this person was?
   Viability: 1 2 3 4 5 6 7 8 9
   Low Moderate High

5. What is your personal impression of the defendant?
   Liking: 1 2 3 4 5 6 7 8 9
   Low Moderate High

6. As a juror, what sentence would you recommend in this case?
   a. __ innocent, release
   b. __ inconclusive evidence, release
   c. __ fine the offender
   d. __ 6 to 12 months on probation
   e. __ short term imprisonment (up to 2 months)
   f. __ 3 to 6 months imprisonment
   g. __ 7 months to a year imprisonment
   h. __ 2 to 3 years imprisonment
   i. __ 4 to 6 years imprisonment
   j. __ more than 6 years imprisonment

7. How did you reach this decision? What sort of things did you take into consideration?
In order that we be able to describe the composition of our sample, it is necessary to ask you for a little background information:

1. What is your age? ____

2. Are you a) Male ____ b) Female ____

3. Occupation
   a. student (1) ____ full time (2) ____ part time
   b. other, if student is not your major "occupation" ________

4. What is your major?
   a. ___________________________ (major)
   b. ___________________________ (undecided)

5. What year are you in the University? ____ year

6. In what social class would you identify yourself?
   a. ____ lower class
   b. ____ working class
   c. ____ middle class
   d. ____ upper class

7. To what social class would you say your parents belong to?
   a. ____ lower class
   b. ____ working class
   c. ____ middle class
   d. ____ upper class

8. What is your religious affiliation? _____________________

9. How devout are you in your religious practices?
   a. devoutness 1 2 3 4 5 6 7 8 9
      Low Moderate High
   b. does not apply ____________________

THANK-YOU FOR YOUR ASSISTANCE
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