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UNIVERSITY OF CALIFORNIA
SANTA CRUZ

**The Construction of the Criminal “Other”: The Effect of
Media-induced Heuristics on Attitudes Toward Sex Crimes**

A dissertation submitted in partial satisfaction
of the requirements for the degree of

DOCTOR OF PHILOSOPHY

in

PSYCHOLOGY

by

Robert P. Doyle, J.D.

December 2018

The Dissertation of Robert P. Doyle is
approved:

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Abstract

The Construction of the Criminal “Other”: The Effect of Media-induced Heuristics on Attitudes Toward Sex Crimes

Robert P. Doyle, J.D.

This 2-study program of research has two objectives: 1) evaluate framing and thematic representations in newspaper articles about sex offenders, sex offense, cases, and sex offender policy; and 2) measure the role of similarly framed media exemplars and heuristics on individuals’ attitudes and social judgments regarding the social problem of sex crime. Drawing upon a theoretical basis in social psychology, political psychology, and critical race theory, this research seeks to examine the role of media framing and social identity in shaping people’s attitudes toward crime, crime policy, and those who are labeled as “criminals,” particularly with respect to the particular presentation of sex crimes.

In Study 1, newspaper articles (N=43) about “sex offenses” and/or “sex offenders” in three major California newspapers were analyzed and coded for thematic frames. Analyses were informed by grounded theory (Corbin & Strauss, 1990) and coded accordingly. Independent coders established the validity of core themes, and inter-coder reliability was established using consensus agreement. In Study 2, video newscasts that vary in their framing of sex offender issues were shown to participants (N=183). Participants were randomly assigned to one of four groups based upon the independent variable they received (i.e., the video or combination of videos they watch). Participants watched either: Video A (a newscast about “sex offenders” that

is similarly framed to the articles coded in Part One of this study); Video B (a newscast about “sex offenders” that eschews the types of frames found in Study 1); both Video A and Video B; or an unrelated (control) video. After the video, participants completed an 80-item questionnaire to measure their attitudes about crime generally, sex crimes, and sex offenders. Analyses of the dependent variable demonstrate that the variation in framing of the video stimuli affects the degree to which participants endorse the heuristic of the “sex predator” and the degree to which participants favored punishment of sex offenders. More specifically, participants who viewed the more sensational and fear generating news segment endorsed the “predator” characterization and favored punishment more than those who did not view this video. Results were statistically significant. Findings from these studies will have important practical and theoretical implications for understanding the role that the media plays in shaping attitudes about crime, offenders, and overall prison policy in the United States.

Acknowledgements and Dedication

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Finally, I would like to dedicate this dissertation to my wife, Cara, and my two beloved daughters, Ru and Meka, to whom I am forever grateful for their patience and support, as well as the millions of men and women currently in cages in the United States, with no benefit to themselves, their families, their communities, or society at large.

Chapter I: The Specter of Sex Crimes

In contemporary society, the problem of criminal behavior elicits robust public attitudes and beliefs about the nature of crime and the methods through which society responds to criminal transgressions. The notion of violent and sexual “person crimes” (e.g., Cal. Pen. Code §§ 187-289; Or. Rev. Stat. §§ 163.005, et seq.) easily leads most individuals to react both strongly and negatively to such events, without the need to account for the underlying context of criminal behavior, the factual aspects of each particular incident, or the base rate at which the most horrific crimes--usually the most heavily covered by the media---occur. The absence of such information, in turn, often leads members of the public to support criminal justice policies that reflect a definitively punitive response rather than a carefully crafted set of policies designed to alleviate the more complex structural determinants of crime. Given the degree to which criminal justice attitudes are used as a clear and unequivocal barometer of public opinion, it is not surprising that political responses to crime, such as mandatory minimum prison sentences, are often justified by policymakers because of the public’s desire for increased levels of punishment (Gottfredson, Warner & Taylor, as cited in Stalans, 1993).

With the exception of those who have experienced sexual or violent crime directly or as actors in the legal system, individuals generally receive information about the presence of crime in their community from news and media outlets. The degree to which negative attitudes toward crime are non-controversial and normative (indeed very few people would argue that such behavior is socially positive), may

well explain the media's devotion to crime as a subject worth reporting. Researchers have frequently noted that "[t]he news and entertainment industries in the United States have been dominated by crime and justice-related themes since their inception. In modern times, the focus on criminal justice borders on an obsession (e.g., Barlow, Barlow & Chiricos, 1995; Surette, 1998)" (Haney & Greene, 2004, p. 129).

In exploring the interface of attitude formation, media depictions of crime, and criminal justice policy, perhaps no greater contemporary example exists than that of sex crimes. The notion of the "sex offender" quickly and decidedly precipitates disdain and disgust on the part of many individuals, without a great deal of attention paid to the complexities which surround the occurrence of sex crimes or even the array of behavior that the term "sex offense" subsumes. Figure 1 depicts neighborhood residents picketing outside the home of a registered sex offender who was released back to his Murietta, California community after serving his sentence. Moreover, the image of the sex offender invokes a number of discursive stereotypes, even though empirical reality of the sex offender population differs substantially from the assumptions that most of the general public "readily accept as fact" (Griffin & West, 2006, p. 1). In tandem with these individual perceptions, sex offenders are also "the subject of increasing media attention which is at once salacious, superficially probing, and almost universally condemning" (Federoff & Moran, 1997, p. 263). It is against this backdrop that Proposition 83, for example, a voter legislative measure on the November 7, 2006 statewide ballot in California that increased penalties and residency restrictions on sex offenders, generated

overwhelming support by the public and numerous state media sources alike. Indeed, the final elections results indicated that 70.5% of voters decided in favor of Proposition 83 (California Secretary of State, Bruce McPherson (2006, December 4). *November 7, 2001 General Election Results for State Ballot Measures*. Retrieved December 5, 2006 from <http://vote.ss.gov/Returns/prop/00.htm>).



Figure 1. Picketers outside the home of a registered sex offender in California who had completed his incarceration (The Californian, March 31, 2005).

Proposition 83, however, underscores the potential complex and systemic impact that the media has upon people's formation of judgments regarding the presence of sex offenders in the community. Even when a particular media outlet may seek to provide informed and rational analyses of policy proposals, the manner in which media sources comprehensively present and frame public policy issues and news stories related to policy objectives may have an impact on how voters perceive a particular social problem. The impact of this "agenda control" by the media can be

quite profound. Researchers have demonstrated that while the media may not always influence a person's behavior at any given moment, its selective emphasis and manner of framing information shapes our broader conception of social reality. (E.g., Hodgetts & Chamberlain, 2006; Price, Tewksbury & Powers, 1997; Shah, Kwak, Scmierback & Zubric, 2004; Berinsky & Kinder, 2006; Valkenburg, Semetko & Vreese, 1999; Woong Rhee, 1997; Iyengar, 1990; & Gerbner, Gross, Morgan, & Signorelli, 1986). Thus, the readily available clearinghouses for public information, which increasingly have been consolidated to reflect a shrinking diversity of ownership (e.g., Reinard & Ortiz, 2005) at the same time as they have proliferated on the internet, contribute to, and in fact, *mediate* the meaning (Bruner, 1990) which readers ascribe to newsworthy phenomenon. The average person in the United States spends about 180 hours per year reading newspapers (Pratkanis & Aronson, 2000). Therefore, when we see the *San Jose Mercury News* editorial staff, for example, rationally advocate to its readers a vote of "no" on Proposition 83 (San Jose Mercury News, 2006), we must also examine the manner in which that same newspaper depicts sex offender policy analyses and coverage of sex crime news stories over an extended period of time with regular frequency. Researchers have examined the lasting impact of "central" routes of persuasion on social judgment (e.g, Chaiken, Liberman & Eagly, 1989). However, the meaning that readers negotiate for complex social issues via interpretative third party sources may have some impact on the effectiveness of even the most rationally persuasive policy arguments. (Eagly & Chaiken, 2005).

While certain public officials and smaller local news outlets overtly supported Proposition 83, many major newspapers with enormous readerships opposed the measure (e.g., Furillo, *Sacramento Bee*, October 24, 2006). Yet despite vocal media criticism of the law, voter support for “Jessica’s law” was immense. As such, public support for Proposition 83 highlights the need to explore media framing in conjunction with theories of social cognition when it comes to attitudes and beliefs about sex crimes. One avenue of social psychological research that has particular relevance to understanding public attitudes toward sex offender policy lies in the social cognition hypotheses of the availability heuristic and the representativeness heuristic (Kahneman & Tversky, 1973, 1974). Before turning to these theoretical approaches, however, it is important to discuss the aspects of Proposition 83 that treat sex offenders more punitively under California law.

Chapter II: Sex Offenders in California and Proposition 83

A. Legal Definitions of “Sex Offenses” and “Predators”

The California Penal Code requires persons convicted of certain specified sex crimes to regularly register their current residence, regardless of transience, with state law enforcement officials (Cal Penal Code § 290, et. seq., 2006). Registration information is in turn made public and any person who qualifies must comply with the registration requirement for life (Cal Penal Code § 290(a)(1)(A), 2006). The complete list of crimes of conviction that are considered “sex offenses” encompasses a wide range of behavior from the most serious and well-known offenses such as forcible rape (e.g., Cal Penal Code § 261-269, 2006) to simple misdemeanors such as indecent exposure (e.g., Cal Penal Code § 314(1)-(2), 2006). It is worth noting that for the example of indecent exposure, a misdemeanor, the maximum penalty is a year incarceration (Cal Penal Code § 314(1), 2006). Offense such as “statutory rape” where sexual behavior is only deemed non-consensual by virtue of the age of consent would also fall under the general category of “sex offenses.” It is also entirely possible depending upon the context of a crime and the realities of limited jail resources that a person convicted of indecent exposure would receive a sentence of probation with little or no incarceration.

The panoply of criminal behavior that designates a convicted person as a “sex offender” under California law must be contrasted with the much narrower category of “sexually violent predators” (SVP). Pursuant to statute, an SVP is “a person who has been convicted of a sexually violent offense against two or more victims and who

has a diagnosed mental health disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior” (Cal Welfare & Institutions Code § 6600(a)(1), 2006). The SVP statutory scheme further sets forth a set of definitions to clarify the elements required for a finding of SVP, as well as a complex procedure by which an SVP can be indefinitely committed to a state psychiatric institution (Cal Welfare & Institutions Code §§ 6600-6609.3, 2006). The elements for a finding of SVP, therefore, are extremely narrow and represent more extreme forms of sexually related criminal behavior in conjunction with a clinical disorder; the label of “sex offender,” on the other hand, could include a single conviction for a non-violent misdemeanor offense, for which no jail is imposed.

From the perspective of clinical psychological diagnoses, which are closely tied to SVP determinations, there is an important distinction between sex offenders categorized as “opportunistic” versus those who are “predatory” (Robertiello & Terry, 2007). According to Johnson, “understanding the typology [of sex offenders] offers more effective intervention for protecting the public and decreasing sexually violent re-offense” (2006, p. 119). The importance of this clinical distinction relates directly to the problem of the media’s tendency to conflate sex offenders with predators. Even more serious criminal offenses against children victims tend to be opportunistic versus predatory or psychopathic (Harry, Pierson, & Kuznetsov, Andrei, 1993). In fact, only 5% of child sex offenders demonstrate clinical signs of psychosis (Sanghara & Wilson, 2006). With therapeutic and pharmacological

intervention, the prognosis for rehabilitative treatment for opportunistic sex offenders is much better than for the smaller subset of sex offenders whose crimes tend to be predatory (Johnson, 2006). Therefore, over-classification of predatory offenders obscures the role that sex offender treatment should play in public policy interventions.

B. Proposition 83, “The Sexual Predator Punishment and Control Act”: A Policy Grounded in Fiction

The proposed changes to California’s sex offender statutes pursuant to Proposition 83, which voters decided upon on November 7, 2006, consist of four primary components: (1) penalties for sex offenders would be increased; (2) registered sex offenders would be monitored via GPS devices; (3) *any person* required to register as a sex offender would be prohibited from living within 2000 feet (about two-fifths of a mile) of any school or park; and (4) more sex offenders would be eligible for SVP commitment (Legislative Analyst’s Office (2006, July 20).

California General Election Official Voter Information Guide, Proposition 83 Sex Offenders. Sexually Violent Predators. Punishment, Residence Restrictions and Monitoring. Initiative Statute. Retrieved October 24, 2006 from <http://www.voterguide.ss.ca.gov/props/prop83/analysis 83.html>).

Although each proposed area of change could be subjected to critical policy analysis, the increased restrictions on where a sex offender may reside demonstrates the particular disconnect between the language used to frame Proposition 83 and the

contextual reality of the individuals who are subject to these enhanced restrictions. The “Yes on 83” campaign and several media statements about the measure imply that Proposition 83 targets “predators” and “child molesters” (e.g., Editorial Staff, (2006, October 11, 2006). Yes on Jessica’s Law: Prop. 83 tough on child molesters. *Los Angeles Daily News*. Retrieved October 26, 2006, from <http://www.83yes.com/news/read/?id=38>). In fact, the title of the measure itself, the “Sexual Predator Punishment and Control Act of 2006,” implies that these extreme “predatory” offenders are the primary subject of the legislation. Statistical realities, however, belie this assumption. According to the California Legislative Analyst’s Office, there are approximately 90,000 registered sex offenders in California as of July 20, 2006. As of June, 2006 however, the number of individuals being held pursuant to an SVP finding or pending an SVP determination totaled 725. Therefore, the large number of non-violent, non-predatory registered sex offenders, including those who may be fully complying with registration and community supervision requirements, will be forced out of residency in any densely populated area as a result of Proposition 83’s sweeping 2000 foot restriction. (In Sacramento County, an estimated seven of 10 sex offenders registered with the state live within 2,000 feet of a school or park, according to a 2005 analysis by The Bee *including* those who may be fully complying with registration and community supervision requirements). Figure 2 highlights the problematic nature of this residency restriction. The shaded areas indicate areas of the city of Ventura, California where registered sex offenders would be prohibited from living. According to the provisions of Proposition 83, sex

offenders would be prohibited from living in the vast majority of this city and others like it.

Limited options

Jessica's Law bars registered sex offenders from living within 2,000 feet of any school, park or beach.

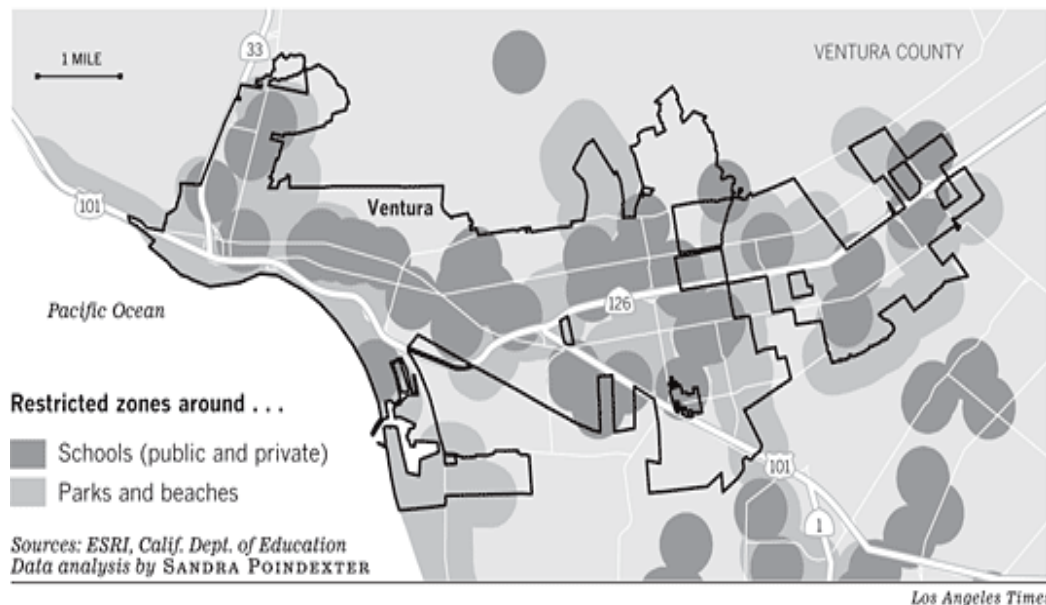


Figure 2. Map of areas in Ventura, California Where Sex Offenders Are Prohibited from Residing Under Jessica's Law (Los Angeles Times, September 8, 2007).

According to the Sacramento District Attorney, Jan Scully, as reported by the *Sacramento Bee* newspaper, voters overwhelmingly supported Proposition 83 “because the current law has not done everything it can to protect our citizens and children from violent predators.” Scully added that “voters stepped in when the Legislature failed to enact tough laws.” Hill, John, (November 8, 2006). “Jessica’s Law” wins big; campaign finance flops. *Sacramento Bee*. Retrieved December 5, 2006, from <http://www.sacbee.com/389/story/73533.html>). Ms. Scully’s comments

regarding Proposition 83 again highlight the discrepancy between the full effects of the voter measure and the descriptive terms that she uses to analyze support for the new policy. Similar to the “Yes on 83 Campaign,” her sole focus on “violent predators” misrepresents Proposition 83’s far-reaching effects for those offenders who are neither predatory nor violent. More importantly, Ms. Scully suggests that the previous statutory scheme of sex offender punishment and regulation has been insufficient to address an implied public safety crisis. National statistics regarding sex crimes and the person who commit them, however, contradict such a generalized and simplistic notion.

According to the Rape, Abuse, and Incest National Network, the number of rapes and sexual assaults for victims over the age of 12 years-old has fallen approximately 69% since 1993 (Rape, Abuse & Incest National Network. RAINN Statistics. Retrieved December 5, 2006 from <http://rainn.org/statistics.html> (hereinafter RAINN)). RAINN further reports:

Contrary to the belief that rapists are hiding in the bushes or in the shadows of the parking garage, almost two-thirds of all rapes were committed by someone who is known to the victim: 73% of sexual assaults were perpetrated by a non-stranger – 38% of perpetrators were a friend or acquaintance of the victim, 28% were an intimate and 7% were another relative (RAINN, 2006).

A United States Department of Justice Report in 1992 suggests that as many as 70% of rapes against child victims, ages twelve year-old and under, were committed by family members. Another 24% were committed by friends or acquaintances, leaving only 6% that were committed by strangers (Langan, P. A. & Harlow, C.W. (1994).

Crime Data Brief: Child Rapes---1992 (Report No. NCJ-147001). U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Retrieved December 5, 2006 from http://www.rainn.org/docs/statistics/child_rape_victims92.pdf?PHPSESSID=979c3b401f7a11ebe9101d15913a9d5e). Although collecting accurate data on sex crimes against child victims presents a methodological challenge, it is clear that the vast majority of rapes, the most serious of sex crimes, are not committed by predatory strangers lurking within a specified distance of a park or school, as Proposition 83 would suggest. Such crimes are committed in the context of relationships that already exist in a family or larger social circle dynamic. Yet, Proposition 83 does little to address the complexities of this unique facet of sex offenses. More importantly, the decline in rapes as cited by RAINN indicate the inherent contradiction in statements by media outlets and policy advocates such as Jan Scully, that increased punitive measures such as Proposition 83 are necessary to “save lives” (Hill, 2006).

With respect to recidivism rates of convicted sex offenders, statistical evidence suggests that re-offense by sex offenders is quite low. According to a 1994 study of recidivism, 46% of sex offenders released in 1994 were re-arrested for the alleged commission of a felony within three years. However, these subsequent arrests were overwhelmingly associated with non-sex related crimes (Griffin & West, 2006). In fact, within the same three year period, out of a sample of 3,138 released sex offenders, only 2.5% were arrested for a subsequent allegation of rape. (Griffin & West, 2006). A comprehensive meta-analysis of sex offender recidivism conducted

by Hanson and Bussierre found a recidivism rate of approximately 13% for all categories of convicted sex offenders (Hanson & Bussiere, 1998). While recidivism studies are complex and may differ depending upon the definitions and methodology employed, these statistics demonstrate the inherent fallacy behind Ms. Scully's validation of Proposition 83: that sex offenders have previously taken advantage of a system that allows them to increasingly re-offend. Additionally, there is the potential that post-incarceration punitive measure such as registration may contribute to *non-sex* related recidivism, especially with respect to property and controlled substance crimes, because registration, residency, and employment restrictions make positive reintegration into the community virtually impossible for even a reformed offender.

Although *Sacramento Bee* reporter John Hill (Hill, 2006) includes arguments by both proponents and opponents of Proposition 83, albeit summarily and without explanation, his highlighted presentation of Ms. Scully's comments is instructive. The average reader is left with the interviewee's appeal to fear and emotion rather than a fact-based analysis. Even the summary description of Proposition 83 on the California Secretary of State's website, referring to the measure as "Sex Offender *Reform*," implies that the previous scheme of sex offender punishment has been unjustly lenient. No other ballot measure reference included the word "reform," despite the term's arguably equal applicability to areas such as abortion and campaign finance.

Researchers have commented that “extensive publicity of certain child sexual abuses is responsible for a totally false stereotype of the child sex abuser in the public eye” (Sanghara & Wilson, 2006, p. 230). Therefore, based upon the social cognitive processes of heuristics, the degree to which social judgments, and ultimately voting preferences, are potentially swayed by unrepresentative depictions of sex offenders and sex offender policy becomes significant.

Chapter III: The Construction of the Criminal “Other”: An Integrative Theoretical Analysis of the role of Identity, Social Cognition, and Media Framing in Public Perceptions of Sex Crime.

Since the early 1970s, the United States has approached the behavior that falls into the legally and socially constructed categories of crime with one overarching response: the hyper-incarceration of those that inhabit its political and geographical borders. Over the last forty years, “following a nearly 50-year trend in the relative stability in the use of incarceration” (Mauer, 2003), the number of people incarcerated in jails and prisons in the U.S. has catapulted to well over 2,200,000 (Glaze, 2010), a population comparable to that of Houston, Texas, the fourth largest city in the U.S. (U.S. Census Bureau, 2010). With close to two and a quarter million people imprisoned, the United States’ rate of imprisonment leads the world, incarcerating .74% of its population (U.S. Census Bureau, 2010). Comparative global incarceration rates underscore the aberrance of U.S. prison policy. It is particularly instructive that the United Kingdom, whose colonial progeny included the foundations of the U.S. legal system in the 18th century, imprisons at a rate that is five times lower than the United States. (Hartney, 2006). The United States deviates even further from other so-called “western democracies” such as France, Germany, and Italy, as well as countries that are often accused of abrogating human rights, such as Iran. As the U.S. spends an estimated \$42 billion per year on its prisons, its rate of incarceration has become six times greater than that of China, and 32 times greater than India’s rate (Hartney, 2006).

A. Racialized Incarceration

While the aggregate numbers of people in U.S. prisons are staggering, overall rates of incarceration obscure the extreme and disparate effect that U.S. prison policy has had on people identified as racial minorities. In comparison to whites, who are imprisoned at a rate of 412 people per 100,000, Black people are imprisoned close to six times the rate of whites---that is, over 2290 per 100,000 (Mauer, 2007).

Clearly, African Americans bear the weight of incarceration more than any other racial group, with one out of eight black males between the ages of 25 and 29 currently in prison or jail (Mauer, 2003). The U.S. Justice department has estimated that close to one out of three black males born in the last decade will spend time in a state or federal prison during their lifetime (Bonczar & Beck, 1997).

Although black males are the most disproportionately incarcerated group, disparities for other racial and ethnic minorities are glaring as well, and their rates of incarceration vastly exceed their representation in the population (Harrison & Beck, 2006; U.S. Census Bureau, 2006; Mauer, 2003). For example, Latinos, the fastest growing demographic group in the United States, are twice as likely to be incarcerated as whites (Harrison & Beck, 2006). Likewise, imprisonment of Native Americans exceeds the national average by 38% and has been increasing significantly (Greenfield & Smith, 1999; Mauer, 2003). Moreover, recent data demonstrates that African American women are the fastest growing group in U.S. prisons (Mauer, 2007), contributing to the United States role as the global leader in incarcerating

women (Walmsley, 2006). While the rates of incarceration for women of color are considerably below those of men, women of color are vastly overrepresented in prison as compared with white women (Mauer, 2007). As such, the intersection of race and gender in the U.S. has particular negative implications for the women of color who are increasingly subject to the prison system (Ritchie, 1996).

B. The Role Of Poverty-Induced Risk Factors

Of course poverty is a significant criminogenic force in the lives of persons who are sent to prison. Indeed, the very structure of the criminal law punishes those whose economic status predicts a wide range of criminal behavior (Sullivan, 1989; Masten & Garmezy, 1985). French writer and social critic, Anatole France, articulated the relationship between poverty and crime with incisive irony: “The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread” (1894, p. 113). Empirical research has likewise highlighted the relationship between poverty and crime (e.g., Evans, 2004), predict a host of risk factors that form the complex determinants of crime Risk factors are the social historical forces in a person’s life that tend to be more greatly associated with negative outcomes such as criminal behavior (e.g., Masten & Garmezy, 1985; Evans, 2004; Lisak & Beshzerzey, 2007; Haney, 2006). These contextual factors exist at numerous levels and include immediate situational forces such as childhood abuse and trauma (e.g., Dodge, Bates, & Pettit, 1990; Krischer & Sevecke, 2008) and frequent residential displacement (Widom & Maxfield, 2001); family histories of

mental illness, substance abuse and incarceration (Lisak & Beszterczey, 2007); and structural community-level phenomenon such as exposure to violence (Lisak & Beszterczey, 2007), reliance on poorer schools, and even greater exposure to environmental toxins (Evans, 2004). Negative life-altering experiences such as these often lead to coping behaviors (e.g., substance abuse) that are maladaptive in the long term and further increase the likelihood of criminal behavior. Situational risk factors, far beyond the control of the people who endure them, are the precursor for criminal behavior. Of course many people who endure risk factors never engage in crime---risk factors differ in both chronicity and the degree, which may lead to different outcomes. Moreover, the presence of protective factors or buffers may mitigate the negative impact of risk factor exposure (Masten & Garmezy, 1985). For the overwhelming majority of those who are punished as criminals, however, the relationship between poverty-entwined risk factors and incarceration is fundamental (e.g., Evans, 2004).

The growth of the prison institution in the U.S. coincided with growing urban poverty in a context of rapid economic development. As such, heightened enforcement against property offenses meant punishment was increasingly directed toward the poor (Haney, 2006). Furthermore, the historical legacy of slavery and the material position of blacks and immigrants vis-à-vis the established (and, of course, “white”) economic status quo has perpetuated disadvantage among people of Color (Roediger, 1999; Ignatiev, 1995; Balibar & Wallerstein, 1991). As such, historically entrenched racial disparities in poverty and economic privilege have meant that

people of Color, especially African Americans and Latinos, are far more likely to experience poverty and structural risk factors than whites. In contemporary terms, such structures have ensured the intersection of poverty and race structurally operates to further the chances that a person of Color will be institutionally punished (Haney, 2006; Sullivan, 1989; Brewer & Heitzeg, 2008; Fenning & Rose, 2007; Johnson, 2001; Albonetti, 1990). For example, in Washington D.C., where low income neighborhoods are comprised almost exclusively of African American residents, 75% of all black males will go to jail or prison in their lifetime (Bramen, 2002). Indeed, race and class intersect amidst a context of poverty-induced risk factors that predict negative outcomes for those who endure them, ensuring that particular racialized groups become targeted for criminalized behavior (Brewer & Heitzig, 2008).

C. The Discourse of Psychological Individualism

In essence, the U.S. prison population, the prison system punishes differentially according to racial and socio-economic terms. Yet despite these interconnections, the causal relationship between race, class, and crime are infrequently emphasized in the public discourse. Similarly, the impact of structural, contextual, and economic forces on crime is rarely acknowledged in the legal system. Institutionally and discursively, the narrative of “psychological individualism” dominates legal decision-making in a way that prevents an accurate and just understanding of the roots of crime (Haney, 2002). In the United States, a strong cultural narrative and legal framework, assumes that crime is merely the product of

individual choice, and generally committed by “bad” people. Likewise, the discursive and political notion of “merit” and “deservingness” frequently echoes individualist attributions that ignore the structural causes of poverty (e.g., Bullock, 1999). Research indicates that people in the U.S. generally view poverty as an individual problem, and tend to focus attention on poor people’s behavior rather than the social and economic contexts that maintain disparity and exclusion (Lott, 2002; Bullock, 1995; Halpern, 1993). Explanations of poverty are frequently limited to narratives of personal failure and individual deficiency, which rarely reflect the complex arrangement of structural and social factors that determine class. This kind of “cognitive distancing” as a psychological phenomena (Lott, 2002), reflects a deeper set of philosophical underpinnings in which “[t]he construction of the liberal subject---the post-Enlightenment, modern man of reason---depends on the existence of an Other, constituted from the opposite qualities of the liberal self” (Hudson, 2006, p. 33). As such, assumptions about personal merit, success, choice, and opportunity dominate narratives about poverty, both by the media and among the middle-class public at large (Lott & Bullock, 2007).

D. White Habitus and the Construction of the Criminal Identity

When poverty intersects with race, economic disparities along racial lines are consistently framed by the media and perceived by the public in partial terms: negative social outcomes may be highlighted while structural disparities affecting that particular group are ignored (Gandy, Kopp, Hands, Frazer & Phillips, 1997). Even

with varying levels of poverty and economic in/stability, the residential and social segregation of whites from blacks that still predominates residential geography in many parts of the United States shapes whites' perceptions of African Americans and their experiences (Bonilla-Silva & Embrick, 2007). Of course, segregation alone, even the structural and material disparities that serve to systematically separate whites from people of color, cannot alone explain racial attitudes in the United States; the concept of a "white habitus" (Bonilla-Silva & Embrick, 2007), however, is useful when looking at mainstream white middle-class perceptions of black victimization at the hands of legal and political institutions such as the judicial and prison systems. In this way, we can further examine how Haney's concept of "psychological individualism" (e.g., 2002), the dominant narrative of human behavior imbedded in the law, and indeed, U.S. culture, is also imbedded in the willingness of whites, those who are economically comfortable, and a plurality of the public at large to support legal and social practices that systematically and negatively punish certain groups of people. As such, a critical and interdisciplinary theoretical framework provides for a more contextually driven, and discursively responsive approach to researching the psychology of social judgment, social identity, racial attitudes, and attitudes toward crime (e.g., Bonilla-Silva & Embrick, 2007; Fox, 2004; Watts & Erevelles, 2004).

For white middle class people who tend to be segregated from, and thus, often blind to, the social experience of the poor and people of color, social segregation is perceived as normal, unintentional, and benign (Bonilla-Silva & Embrick, 2007). As such, an absence of experience-based empathy toward the "other" in conjunction with

an inequitable distribution of political and economic power means that disparate outcomes for particular racial groups go without critique in the mainstream discourse. When messages about racial groups become imbedded in the popular media, both explicitly and implicitly, media representations constructed along racial lines often reproduce the power disparities that exist between whites and people of color, and along class lines. Media representations of social issues in racial terms, without a meaningful inclusion of history, context, privilege, and oppression, impacts the way in which individuals form stereotypes, construct their own identity vis-à-vis other groups, and view social policy and outcomes. Policy issues such as welfare, for example, seem to coalesce with racial sentiment among whites. Fox notes that “[t]he political rhetoric and media images that surround the public debate about welfare have often been inflammatory, derogatory, and racially coded” (Fox, 2004, p. 580). Fox likewise found that whites’ attitudes and stereotypes toward Latinos, which often differ based on ethnic context, generally influence their support for welfare (Fox, 2004). Similarly, social phenomena such as crime and immigration are frequently characterized in simplistic and racial terms (Hagan & Palloni, 1999). The enforcement of immigration policy, for example, despite the law’s “universal” and process-oriented approach to citizenship status, “constructs citizenship as visibly inscribed on bodies in specific ... spaces” (Romero, 2006, p. 447), in the form of racial profiling. Representations of such racialized enforcement in the media, without critical analysis, can lead to an implicit association between race and “illegality”, particularly among the white middle class public (Perea, 1997).

Normative notions of gender and sexuality identity also play integral roles in the social construction of the “criminal” in society---especially when characterizing certain people who engage in certain types of behavior. Critical theorists Said (1978) and Gilroy (1993) argue that western liberal notions of justice such as those underlying the U.S. legal framework require “the irrational, uncivilized, Black and oriental ‘Others’ who are defined by their lack of everything that distinguished the citizen of the West” (Hudson, 2006). The white male “reasonable person” perspective of the law (Hudson, 2006) comports with the legal and cultural assumptions of “psychological individualism”, in which people are assumed to have freedom of choice over their behavior, unencumbered by context (Haney, 1999). Such an ideological backdrop in conjunction with a prison system that punishes men of Color, and Black men in particular, more than any other group (Haney, 2006), suggests that discursive constructions of gender are at work in the relationship between media framing and public attitudes toward crime. Similarly, those labeled “sex offenders,” become mythologized and demonized in ways that invoke gender assumptions, generalized homophobia, and a completely inaccurate view of the nature of sex crimes (Dowler, 2006; Cowburn, 2005; Cowburn, & Dominelli, 2001; Sanghara & Wilson, 2006). The media’s frequent characterization of the violent criminal in unrealistic, dehumanized, and often monstrous terms (Haney, 2005; Haney & Greene, 2004; Muschert, 2007; Dowler, 2006; Iyengar, 1991), suggests that researchers must be sensitive to the social and legal construction of gender when making the link between discursive framing and differential racial outcomes in the

prison system. The relationship between media caricatures of the “criminal” and social cognition is always grounded in an historical context of meaning that has been defined by the subjugation of those seen as “other” in the U.S. As such, it is no surprise that racialized schemas of violent crime endure among the public (Dodge, 2008; Iyengar, 2000; Peffley, Shields, & Williams (1996).

E. The Political, Economic, and Psychological Evolution of “Deviance”

In light of decades of research on intergroup relations, discourse about categorically defined groups of people typically involves attributions and judgments that frame “out-group” members as “deviant” (E.g., Sherif, 1966; see Taylor & Moghaddam, 1994). From a legal and public policy perspective, however, the multiple layers of crime control practices and institutions that have been formulated in the United States since its colonial inception reflect a shift towards a social construction of deviance that, somehow, required large scale incarceration and punishment (Haney, 2006). Critical theorist and philosopher, Michel Foucault, argues that increased incarceration as a response to a wide range of criminal offenses evolved as the expanding industrial and capitalist economic structure required a greater level of adherence among workers to rigid and mechanistic workplace norms (1977). In this sense, deviance was seen as a threat to the material structures that defined the rapid changes taking place in the United States during the mid 19th and 20th centuries--- mass production and the accumulation of capital. Moreover, these massive periods of social transformation, geographic expansion, and demographic

shifts among a rapidly increasing population also contributed to increased reliance upon prison institutions across U.S. jurisdictions. (Rothman, 1971).

1. Media Framing and Crime Discourse

While the expansion and acceptance of prisons as a legal institution the U.S. was facilitated by a particular social and economic context, the explosion in the number of people who are incarcerated in the U.S. is a more recent phenomenon. In the 1970s, the use of imprisonment as a response to crime began to accelerate at an unprecedented rate in the United States (Haney, 2006). Between 1970 and 2000 the number of people imprisoned in the U.S. increased sharply, despite a crime rate and incarceration rate that had remained relatively flat for fifty years (Haney, 2006). During this same period of time, public concern over crime rose dramatically and was significantly associated with increased media coverage and crime-related public policy initiatives rather than actual crime rates (Beckett, 1997).

In terms of socio-political issues, “tough on crime” rhetoric and policies of hyperincarceration have gone relatively unchallenged by the mainstream U.S. public. The normativity of negative reactions to crime may well explain the media’s devotion to crime as a subject worth reporting. Researchers have frequently noted that “[t]he news and entertainment industries in the United States have been dominated by crime and justice-related themes since their inception. In modern times, the focus on criminal justice borders on an obsession” (Haney & Greene, 2004, p. 129). The media’s focus on crime combined with a lack of direct knowledge about crime means

that most individuals generally receive information about the presence of crime in their community from news and media outlets. Moreover, media coverage of crime overwhelmingly over-represents violent crime, emphasizing the most sensational and fear-provoking details of a criminal case while ignoring the realities, context, and even base rates of such behavior (e.g., Haney & Greene, 2004; Dowler, 2006; Stalans, 1993). Likewise, a broad spectrum of research has demonstrated the ways in which cognitive biases and stereotypes about so-called “criminals” are applied when people are primed with certain frames about crime (e.g., Stalans, 1993, Busselle, 2001, Hurwitz & Peffley, 2005). Therefore, the relationship between social cognition and discursive frames is crucial for understanding public attitudes toward people accused of crimes.

2. Heuristics and Social Cognition: Making Sense of Information from the Social World

In order to understand the theoretical and phenomenological relationship between people’s beliefs, assumptions, biases, knowledge, and sources of information available to them, it is important to examine the social cognitive underpinnings of what people come to “know” (or think they “know”) about things with which they have little experiential knowledge. Even in the most so-called “cognitive” terms, this sort of understanding incorporates both the social context of information that is provided to people, and the subjectivity of personal interpretation based on one’s experiences in the social world. Humans regularly process complex pieces of information gathered from discursive or communicated sources. Instead of

performing empirical, or even, “logical” analyses to process social information, people rely on simplified strategies known as heuristics to reach conclusions and decisions to make sense of the social world in which they live (MacLeod & Campbell, 1991). In 1973, Tversky and Kahneman articulated a now well-established hypothesis of the availability heuristic, a mechanism of social cognition which is thought to influence individual judgments and decision-making about the frequency and probability of social phenomena (Manis, Shedler, Jonides & Nelson, 1993). According to Tversky and Kahneman, the availability heuristic allows one to “evaluate[] the frequency of classes or probability of events by the ease with which relevant instances come to mind” (Tversky & Kahneman, 1973, p. 207). Further research in this domain has examined the interplay of accessible information content with accessible subjective experiential information, highlighting differential use of the availability heuristic depending on beliefs about the source of information, and the relevance of their own experiential information (e.g., Schwarz, 1998). Likewise, the relationship between intuitive judgments and the accessibility, or “ease to which a thought comes to mind” has been further demonstrated (Kahneman, 2003). Here, the distinction between “systematic” information processing and “intuitive” judgments related to information accessibility (i.e., heuristics) comports with dual-process theorizations of persuasion involving central (e.g., systematic) and peripheral (e.g., heuristic) information processing strategies (Chaiken, Liberman, & Eagly, 1989).

The related notion of the representativeness heuristic describes how people determine whether a particular object, event, or person belongs to a larger class of

social phenomena (Kahneman & Tversky, 1972). Tversky and Kahneman demonstrated that people's classification of stimuli into certain categories or groups are based on the extent to which that stimuli (an object or event) represents the "typical" feature of the category (Kahneman & Tversky, 1972). Subsequent research further explored the degree to which this type of subjective probability led subjects to make assumptions about a larger population of people. For example, Hamill, Wilson, & Nisbett devised an experiment wherein subjects were presented with vivid anecdotal one-case samples of certain populations (1980). One case described a particular welfare mother; another presented the case of a prison guard. The experimenters found that exposure to each particular case highly influenced the subjects' attitudes about the population (Hamill, et al, 1980). Notably, this influence was strong despite varying levels of information provided to the subjects regarding the typicality or atypicality of the case. These results "suggest that, at least when information about sample bias is pallid and information about the nature of the sample is vivid, people may make unwarranted generalizations from samples to populations" (Hamill, et al, 1980, p. 578).

3. Cognitive Heuristics and the Media

The application of cognitive heuristics to people's experience with media messages and social discourse requires a fundamental understanding of how people process the meanings of what other "say," both explicitly and implicitly (Hamblin & Gibbs, 2003). To the degree that discursive interpretation, like all cognitive

processing, relies upon our experience as bodies in the world, the role of metaphor in meaning that humans make of their linguistic encounters takes on a special, albeit fundamental, role in shaping human understanding (e.g., Gibbs, 2011). Moreover, figurative messages invoking metaphor and allegory seem to have a particularly strong impact on human cognition when the communication involves emotional figurative language (Gibbs, Leggitt, & Turner, 2002). Fear, in particular, has been associated with lower levels of information processing in decision-making (Nabi, 2002). Likewise, differentially “happy” states have led to increased use of bias and stereotyping in the laboratory (Park & Banaji, 1991), suggesting that a perceiver’s affect or level of “contentedness”, a frequent covariant of social privilege and economic comfort, may influence her reliance on cognitive heuristics and stereotyped exemplars.

Social psychology research has demonstrated that the impact of peripheral cues on heuristic reliance is heightened by repeated exposure to such messages (Petty & Cacioppo, 1984). This finding has vast implications for our media-laden world where complex messages are cast upon human beings like a net and reliance upon the media for information dominates a significant portion of human existence in the U.S. (Pratkanis & Aronson, 2000). Similarly, heuristic-based messages within this media web tend to eschew complex explanations in favor of easily framed and easily consumed sound-bites. As such, heuristics take on special importance in media messages because the availability of heuristic information from another source

depends in large part on the ease of recall and the simplicity of the information (Schwarz, et al, 1991).

Further extensions of heuristic social judgment models have demonstrated that base-rate errors and biases in categorical assumptions are accentuated by other situational forces. For example, researchers have demonstrated that people prefer the opinions and decisions of those who exhibit a high degree of confidence in those pronouncements (Price & Stone, 2004). Information that is presented by a source that is high in “distinctiveness” has also been found to influence heuristic processing regardless of information content (Bohner, Frank, & Erb, 1998). While other studies have failed to link exemplar “vividness” with the availability heuristic, vividness of message has its own effect of subjective memory and judgment (Shedler & Manis, 1986). Such findings have particular application to research on people’s understanding of crime as a social phenomenon, given the particularly sensational way in which crime is routine framed in the media (e.g., Haney & Greene, 2004). Even in the laboratory, people’s evaluations of outcomes produce preference shifts depending on how the problem at hand is framed (Tversky & Kahneman, 1981). Given the rarely challenged ideological rhetoric surrounding crime control (Haney, 1999; Beckett, 1997) and the selective manner in which sensational and distorted details about crime become representative of public opinion, the ways in which media messages invoke particular emotional and situational aspects of heuristic reliance are important for developing a psychology of the discourse on crime.

4. Culture, Cognition & Identity

When perceiving and attending to information, people engage in a subjective process of “meaning-making” in which the nature and import of the information is situated within a particular context of experience. In order to understand the relationship between the meaning that people assign to the information they receive and their beliefs about the world, however, it is important to recognize that such meaning is fundamentally a cultural construct. In other words, established systems of language and community practices, products of history rather than human nature, provide the tools through which its members see the world (Bruner, 1990).

Cognition, as such, is not only social in nature, but involves “symbolic systems that individuals use[] in constructing meaning [that] were already in place, already ‘there,’ deeply entrenched in culture and language” (Bruner, 1990, p. 11). Jerome Bruner outlines the notion that humans have a “perceptual readiness” for meaning (Bruner, 1956). He suggests that cognition involves:

[R]epresentation that is triggered by the acts and expressions of others and by certain basic social contexts in which human beings interact. In a word, we come initially equipped ... with a set of predispositions to construe the social world in a particular way and act upon our construals. (1990, p. 73).

Indeed, this theoretical approach to socio-cultural meaning-making has been integral to understanding the role of identity as a crucial basis for biases, narrative framing, and political views. Hammack, for example, demonstrates the role of collective identity-based “master narratives” on beliefs, policy preferences, and interpretation of historical events (2010). In other words, discursive meaning depends in large part on

the socialization of identity within a broader cultural context. Collectively speaking, *who* the message is about, *who* is making the statement, and *who* is interpreting the information appears to be influential in what types of biases and heuristics are ignited by representative and available exemplars.

The salience of identity comports with experimental findings on heuristics wherein the perceived credibility of the message source impacted the use of stereotypical information (Macrae, Shepherd, & Milne, 1992). Likewise, participants' use of counterfactual social judgment has been differentially influenced by frames that invoke attribution and empathy toward different people in an event (Macrae, et al, 1992). Of course, much research in psychology has focused on the way in "point of view" influences people's attributions about the causes of events (e.g., Taylor & Fiske, 1975). Experimental focus on person-memory and stereotyping has also demonstrated the salience of racial and gender categorization in minimizing within-group differences and exaggerating between-group differences (Taylor, Etcoff, & Ruderman, 1978). With specific application to Tversky and Kahneman's theories, Rothman & Hardin have demonstrated that use of the availability heuristic is increased when participants were judging members of a perceived "out-group" (1997). From a theoretical perspective, one can think of perception itself as categorization based on certain cues or, perhaps in many cases, "clues". While categorical inferences are often unconscious, they are representational in that they represent category members (Bruner, 1956). Of course, this representation allows for varying degrees of "predictive veridicality" precisely

because “the perceptual categorization of an object or event permits one to go beyond the properties of the object or event perceived to a prediction of properties not yet tested” (Bruner, 1956, p. 110). Heuristics, therefore, form a categorical representation that becomes imbedded in a vast network of categories by past learning. Although categories may vary in terms of their accessibility, the degree of accessibility comes from experience---an important concept to explore in a world of media-inscribed meanings and distinctions.

5. Social Identity Theory and the Construction of the Criminal

While theories of social cognition and heuristic biases lay the psychological foundation for understanding the social construction of “criminals” in the U.S., the importance of subjectivity, perspective, and group-based application of heuristics requires an understanding of social identity processes as psychological and sociological phenomena. In essence, the relationship between social cognition and identity is crucial for understanding people’s policy preferences and political beliefs. Information can be presented and framed in ways that invoke certain categories leading study participants to apply cognitive heuristics to a wide array of political beliefs, such as U.S. security policy (Kanwisher, 1989). However, political judgments rely upon much more than simple differentials in the quantity or quality of the information presented (e.g., Ansolabehere & Iyengar, 1993). The very nature of such political beliefs, which reflect both general philosophy and material policy preferences, bear upon the believer’s complex notions of how power in society is

distributed in various contexts. When certain policies and outcomes are perceived to benefit some particular group, one's policy preferences necessarily involve constructions of group identity. Messages about U.S. "security policy", for example, can only be interpreted in the context of the question: security "for and from *whom*?" How such a question is answered, and what that answer *means* to the receiver of such information, have an impact on political beliefs and legal decision-making.

Group membership and group identity includes cognitions, attitudes, and biases toward perceived "out-groups" in addition to positive "in-group" identifications, often invoking status differentials in those determinations (e.g., Hewstone, Rubin, & Willis, 2002). One's notions of group identity are complex, intersecting, and, at times, paradoxical, suggesting that contextual differences and power shifts could invoke differences in social identification (e.g., Hurtado, Gurin, & Peng, 1994; Hammack, 2006). Yet the salience of race as a socially constructed category provides the best example of the nexus between identity and social judgment. Moreover, the notion of "the racial subject [as] always constituted by and within a system of representation" (Denzin, 2001, p. 243; Hall, 1996) suggests that media and language are likely to play a role in the way racial categories are constructed. Research further suggests that by framing certain "considerations and relationships and not others, news coverage of issues that intersect substantially with race relations influences the linkages between individuals' race cognitions and their political evaluations" (Domke, McCoy & Torres, 1999, p. 590).

a. Racial Identity and Crime Discourse

Of course, the importance of social identity categories such as race and *racism* has long been documented in the criminal justice system. In discussing prison as an inherently racist institution, and the representation of prison otherwise, Angela Davis has noted that:

Although government, corporations, and the dominant media try to represent racism as an unfortunate aberration of the past that has been relegated to the graveyard of U.S. history, it continues to profoundly influence contemporary structures, attitudes, and behaviors (2003, p. 23-24).

Of course, any critical analysis of media representations of crime must examine the structural ways in which crime and incarceration have become racialized (Brewer & Heitzig, 2008). From the psychological perspective, therefore, it is crucial to understand the ways in which social identity is formed and impacts social cognition regarding politically charged topics such as crime leading to heuristic notions of criminality, often framed in racial and gendered terms.

b. The Role of Social Identity Theory

In 1979, Henri Tajfel and John Turner articulated a hypothesis that revolutionized the way psychologists view identity, intergroup relations, and conflict (see Tajfel & Turner, 1979). Most of the subsequent research on social identity has employed conventional measures such as reward allocation, trait attribution, and hostility toward devalued out-groups (Maass & Cadinu, 2006). However, many researchers have argued that Social Identity Theory (SIT), and other theories of

group-based identity phenomena, can reasonably be applied to groups and behavior not typically investigated in this field, including legally relevant group biases (e.g., Maass & Cadinu, 2006; Bagby & Rector, 1992). In fact, Tajfel and Turner felt that “many orthodox definitions of social groups are unduly restrictive when applied to the context of intergroup relations” (Tajfel & Turner, 1986, p. 15). From a social and cognitive perspective, group membership rests on the notion “that the individuals concerned define themselves and are defined by others as members of a group” (Tajfel & Turner, 1986, p. 15). Thus, essentially SIT incorporates Sherif’s broad concept of intergroup behavior: “any behavior displayed by one or more actors toward one or more others that is based on the actor’s identification of themselves and the others belonging to different social categories” (as cited in Tajfel & Turner, 1986, p. 15). The convergence of the legally constructed category of “criminal” with race-based categorizations and structural socioeconomic inequities in the U.S. provide for a rich application of SIT to discursive constructions of criminality.

In examining social identity processes Tajfel and Turner were concerned with the assumption of social mobility---the level of individual autonomy that our society assumes is present. As we know, however, racial and economic stratification serve to prevent people from “divesting themselves of the unsatisfactory, underprivileged, or stigmatized” aspects of their group membership (Tajfel & Turner, 1986, p. 9). Consistent with Sherif’s realistic group conflict theory (RCT), SIT postulates there are some circumstances in which the impact of low status assigned to a disadvantaged group serves to intensify that group’s antagonism toward a higher status group. If

this were the sole explanation for intergroup identity formation, one would expect that a “disadvantaged” group, such as low income persons of Color for example, would harbor consistent resentment toward those members of established institutions such as the criminal justice system. However, under some conditions, “low social status seems correlated with an enhancement of positive out-group attitudes” (Tajfel & Turner, 1986, p. 12). For example, within the constellation of intersecting social identities, the identity formation of legally recognized “law abider” may entail an identification with the institution and its representatives, especially if this identification is interpreted as socially valued.

The importance of perceived social value is crucial here. In light of the larger social meanings attached to crime in contemporary societies, the “law abider” identification involves constructions of citizenship identity that focus on who is categorized as “criminal” rather than the instances of legally proscribed behavior. Of course, the meaning that is applied to legally differentiated categories is a reflection of cultural practice (see Bruner, 1990). Criminologist Nils Christie, reminds us that in contrast to the acts themselves, the institutionalization of criminal punishment for certain acts is a social, political, and cultural construction (Christie, 2004). Crime itself can be defined in different and even conflicting ways which leads to vastly differential punishment responses depending on the socio-cultural context (Christie, 2004). Understandably, public attitudes toward many types of criminal behavior are negative. However, the construction of the criminal as a static type of person divorces criminal behavior from the social context in which it develops. This type of

labeling, as Haney, points out, reflects the supremely individualistic nature of the U.S. legal system (Haney, 1983). Rather than focusing on criminogenic contexts and the impact of risk factors in certain communities, the U.S. legal system places the locus of criminal behavior solely in the individual (Haney, 1983). In essence, the law eschews social scientific explanations for crime in favor of individual attributions and punishment for perceived “moral” failure and personal dysfunction, implying “that fundamental intellectual differences separate criminals from the law abiding (Haney, 1983, p. 111). As such, the notion of the criminal becomes construed as a “category of nature [rather] than simply a social or legal construction (Haney, 1983, p. 111).

When legal decision makers and the public view criminality in such personality-based and individualistic terms, a lapse in moral decision-making is assumed---regardless of the social context in which the behavior is taking place. Because risk factors are experienced differentially along racial and class lines, the role of identity in attitudes toward crime takes on a multilayered dimension. The construction of citizenship, that is, membership in the political state, necessarily emphasizes the importance of adhering to the laws of the state. However, the assumption that morality, values, and personal failings are the determinants of crime creates further identity divisions that coalesce not only around the “law abider/criminal” dichotomy, but also intersect with social identities of class and race. As Haney argues:

The consequences of using arbitrary divisions along a culture- and class- bound continuum to [assess] people on their propensities for crime are manifold. This approach ignores the fact that criminal laws--by which crimes and hence criminals are defined---are the product of

a highly imperfect and intrinsically sociopolitical process; that they are drafted and administered by persons who have little knowledge of or interest in the life circumstances of those to whom the laws are most often applied; and that the legal process represents the interests (and world views) of some persons far better than those of others. Moreover, it ignores the possibility that radically different social conditions may produce a moral perspective [and decision making process] that is neither higher nor lower than that of the well-educated upper middle class---just different (1983, p. 111).

The view of crime as simply the moral failing of “bad” people, therefore, becomes problematic in light of social identity processes outlined below and the unequal distribution of power and resources between groups along class and racial lines.

c. The Social Identity Processes of the “Law Abider”

In order to understand the role of social identity in people’s attitudes toward crime, we must examine the ways in which the social identity of the “law abider” might coalesce. Tajfel & Turner (1986) hypothesized that pressures to evaluate one’s own group positively through in-group/out-group comparisons leads members of social groups to qualitatively differentiate themselves from each other. Therefore, at least three types of variables should influence the way in which self-perceived “law abiders” differentiate themselves from other legal groups within the institutional context (cf. Tajfel & Turner, 1986). First, “law abiders” may internalize group membership as an aspect of self-concept. Numerous legally defined categories of criminality based on status such as “felon” or “gang member”, which intertwine with pervasively individualized labels for behavior such as “murderer” or “drug user”, bolster the contrasting identification of the “law abider”. Second, the institutional

situation must allow for comparisons, against both institutional actors and criminal defendants, which enable the law abider to evaluate the relevant relational attributes of those groups. Thus, “between-group differences must have evaluative significance” (Tajfel & Turner, 1986, p. 16). Behavior leading to identity “status” within the criminal justice system facilitates this type of accessible differentiation. It takes no stretch of the imagination to perceive the starkly dualistic notions of innocence versus guilt, helper versus injurer, good versus evil, and moral versus immoral that are reinforced within the criminal justice context. Third, because in-groups do not compare themselves with every relevant out-group (Tajfel & Turner, 1986), law-abiders must perceive the comparison to other groups as salient. The racial inequities that are prevalent throughout the justice system, combined with institutional power, precipitates and underscores the relevance of perceived group differences for these “law abiders”.

This general category of in-group membership is made more salient by the additional legal category (and, thus, social identity group) of “the victim” in U.S. jurisprudence. This discursive label is important because it is assumed that the law’s response to crime is on behalf of the victims, which not only includes specific victims of crimes, but the state itself---against which all crimes are presumed to be committed. Social discourse and articulated notions of victims’ rights, common legal procedures, and connection to victims as symbolic identifiers further coalesces the identity of the “law abider.” As such, these legal and contextual determinants should formulate an identity status that combines the salience of institutional victimhood

with other social identities, such as race and class, that are perceived to impact criminality.

Once a person has identified with the “law abider” status, it is likely that he or she will compare this to the identification with previous constructs of disadvantaged group identity, such as socio-economic class, racial minority status, or the generalized “victimhood” that is associated with criminal transgressions against the state. As such, identification with the “law abider,” becomes a reaction to the negative or threatened identity of the victim based on those other categories. Therefore, according to SIT, members of the public are likely to seek individual mobility (Tajfel & Turner, 1986) by disassociating themselves from previous group identification in favor of the ascribed identity of the “law abiding citizen.”

The category of “law abider” could also provide for an alternative response, social creativity (Tajfel & Turner, 1986). People might choose to see their legally constructed status as a reclassification of comparative group characteristics. Thus, the values which accompanied previous in-group attributes applied to intersecting identities might change from negative to positive. People who observe “others” break the law may obscure socially-negative elements of their previous group identification (e.g., being poor), with the positive status that accompanies “following the law”---especially in light of the negative media attention and institutional control that are routinely and publicly applied to those accused to committing crimes.

Finally, “law abider” identity can be fueled by perceptions of social competition. (Tajfel & Turner, 1986). According to this response alternative, people

actually change the out-group with which they compare themselves. This response is particularly salient for people who perceive negative qualities of larger group membership such as race and social class, as compared with dominant or advantaged groups (such as the wealthy and hierarchical institutional entities which embody social privilege). Thus, law abiders may no longer compare themselves to the high status group, which ironically includes the legal system itself; instead, the legally constructed and devalued group called “criminals” becomes a new frame of reference leading to more positive self-identification. This legally constructed inter-group categorization amounts to an inherent competition among categories, which is manifested by the way in which the legal system institutionalizes inter-personal conflict rather than mitigating it (see e.g., Pepinsky & Quinney, 1991). To the degree that competition “involves comparisons related to social structure, it [also] implies changes in the groups’ objective social locations.” (Tajfel & Turner, 1986, p. 21). Therefore, “law abider” identification is enhanced by the positional “switch” that accompanies arrest, prosecution, and most importantly, the imprisonment of “criminals”.

The incarcerated criminal, therefore, while myopically viewed in a position of power at the micro-level (e.g., vis-à-vis the individual victim in certain cases) is now more or less powerless. People as civic members (i.e., “law abiders”) then perceive an advantage pursuant to the institutional status that the law has accorded them over a large and seemingly omnipresent prison class. Of course, the common identity of the “law-abider” seems to be a rational response to negative social behavior. Indeed,

such an identification must underlie any system of laws to some degree. However, given the role of media and social discourse surrounding the law, surplus meanings that are attached the category of “criminal” are extremely problematic. Out-group categorization of people who, because of structural risk factors, historical oppression, and disparate enforcement, find themselves labeled “criminals,” serves to perpetuate the power disparities embedded in the prison system. Additionally, these perceptions of legality in terms of group deviance also thwart any social shift to a more effective and contextual approach to crime. As such, the relationship of social identity in the context of legal institutions and the ways in which the media fuel social cognition is important for analyzing attitudes toward crime, voter behavior in relationship to crime policy, and juror decision-making.

d. Subsequent Research in Social Identity Theory: Self Esteem, Uncertainty & Degree

Building upon the SIT research which followed in the wake of Tajfel and Turner’s revolutionary hypothesis (e.g., Hogg & Abrams, 1988, 1990; Mullen, Brown, & Smith, 1992; Foels, 2006) researchers found that in-group favoritism leads to elevated self-esteem among group members, and that, in turn, the effects of favoritism on social identity are mediated by self-esteem. Foels’ experimental results suggest that a “social identity may emerge from institutional categorization due to elevated self-esteem following in-group favoritism” (Foels, 2006, p. 38). Likewise, researchers have found that self-esteem plays a mediating role in the relationship between social identity categories and positive developmental outcomes such as

academic performance (Hughes, Witherspoon, Drake & West-Bey (2009). The application of these findings to the identity of civic “law abiders” is fairly straightforward: a person’s self-esteem is likely to be variable based upon the complexities of intersecting social identities, economic variability, and the functionality of relationships and family life. This assessment of self-worth, of course, can be exacerbated by other feelings of in-group inferiority based upon class or race. Comparative labels of “goodness” between law abiders and law breakers may instill a sense of self esteem in a person who is assessing criminality from the outside.

Complementary research in SIT has also found that the motivational role of “subjective uncertainty” plays a significant role in fostering social identity (Hogg & Grieve, 1999). Individuals have a fundamental need to feel certain about their place in the world; uncertainty about what to expect from the social environment implies reduced control over one’s life (Hogg & Grieve, 1999). Findings from a complex series of minimal group paradigm experiments in which an element of subjective uncertainty was introduced supported the hypothesis that “categorization produced not only discrimination and elevated identification,” but also “reduced uncertainty ...under conditions where subjective uncertainty was relatively high” (Hogg & Grieve, 1999, p. 79). These results are especially relevant for people whose knowledge of the criminal justice system is steeped in mythology and media propelled inaccuracies. Indeed, it is a truism that most people in the U.S., absent

legal training or specialized familiarity with the legal system, perceive the law to be cryptic and inaccessible---in other words, the law is steeped in uncertainty.

Such uncertainty is further exasperated by the chasm between the “law on the books” and what ordinary citizens and potential jurors think is just and fair (see Finkel, 1995). Whether this uncertainty manifests itself in curiosity or outright fear, policy-makers and media corporations capitalize on the public’s uncertainties about legal outcomes. As such, the role of the media in this phenomenon must be underscored. Normative sensationalism in crime reporting has created the impression that “criminals” often “get away with” unlawful acts, even though the data and daily experience inside U.S. courtrooms belie such an assessment. Consequently, members of the public may identify very strongly with prosecutorial objectives and the legal institution generally, as a type of de-identification with the “criminal class”.

The degree to which people identify with the “law-abider” in-group status also has an impact on subsequent levels of social identification (Doosje, Spears, & Ellemers, 2002). Therefore, people who identify with the criminal justice system as an institution weakly express solidarity to the institutional group only to the degree that they perceive anticipated changes in the intergroup status hierarchy. In contrast, those who initially identify highly with the group categorization of “law abider” are likely to remain high identifiers despite an uncertain set of personal outcomes. (Doosje, Spears, & Ellemers, 2002.). Given this phenomenon, the state clearly has an interest in promoting “law abider” identity and employing rhetoric revolving around the concept of victims’ rights. The more that the state can foster an identity that is

“anti-criminal”, the easier it will be to maintain, as the California legislature has explicitly set forth, “the moral duty” of the public to cooperate with the prosecution (see Cal. Penal Code § 679 (2006)).

e. Intersecting Identities and the Formation of the “Law Abider”

So far, we have examined the application of SIT to mere “law abiders”, regardless of their level of identification with the legal institution itself. However, theories of collective identity are equally applicable to those that are closely aligned with the justice system, often operating on the assumption that by furthering the goals of the institution, they are also helping victims and society at large. People who live their daily lives with little legal contact see that “legal” status as normative and based upon individual choice or negative “character” traits (Peffley & Hurwitz, 2002). Here, gender and racial identity intersect with the “law abider”. In the United States, African Americans and Latinos are more likely to experience poverty and political disenfranchisement than whites (McKernan, Ratcliffe, Stuerle & Zhang, 2013); Dobard, Engie, Ramakrishnan & Shah, 2016). The relationship between poverty-infused structural risk factors and the experience of racial minorities in the U.S., coupled with racialized representations of crime, have in certain contexts discursively constructed people of color as emblematic of criminality (e.g., Hurwitz. & Peffley, 2005; Johnson, Dolan, & Sonnett, 2011; Shah, 2009; Spratt, Bullock & Baldasty, 2007; Noakes, 2003, Beckett, 1997). While representations of race and crime are neither simple nor straightforward, the inclusion of racial cues in discursive and

media infused “‘interpretive packages’ that make sense of and give meaning to social issues like crime” (Beckett, 1997, p. 65) likely effects whites’ assumptions about crime. Therefore, those that identify as “law abider” who are also white are likely to use racial heuristics to further embolden their “law abider” status against a backdrop of unrepresentative incarceration for people of color and discursive representations of behavior that that rely upon racial codes (Peffley & Hurwitz, 2002). For example, while “lawful immigration” or “citizenship” is a legally prescribed status articulated in terms of race-neutral behavior, the material affect is to punish Latinos for “illegality” because of the way in which economic structures and material needs have determined who is migrating.

At this point, it is easy to see how the corollary elements of SIT apply to people who possess, even to a relative degree, power and status in society (see e.g., Tajfel & Turner, 1986). Criminality is perceived as a threat to the distinctively superior position of “law abiders”; as such, negative comparisons result. Viewed in purely individualistic terms (see Haney, 1999), people who experience a higher degree of comfort and social agency fail to see the way in which poverty, racism, and exposure to traumatic experiences lead to unlawful behavior. Indeed, this limited subjective experience filters the messages that are received from the media regarding this “other world” of crime. Therefore, “law abiders” frequently see crime as an individual and moral failing rather than a structural social problem. Moreover, because law enforcement efforts against crime are characterized in bellicose terms as a “war” against criminals, the perception of group conflict between “law abiders” and

“law breakers” is an important factor in forming inter-group attitudes toward criminals (see Jackson, 2002; Martinot & Sexton, 2003).

Beyond the categorical out-grouping of criminals themselves, the overarching institutional and media framing of crime is likely to make it more difficult for someone to speak out against the status quo. Results from minimal group paradigm experiments suggest “that a group member who undermines the in-group’s quest for positive status will be perceived as ‘deviant’” (Scheeper, Branscome, Spears & Doosje 2002, p. 611). More specifically, group members challenge the law’s traditional construction of the criminal class will be perceived as less valuable to the high status group (see Scheeper, Branscome, Spears & Doosje 2002). In other words, a person who engages in social judgments that negate the dominant characterization of criminality become “deviant” as well---a status that is likely to reduce self-esteem and perceptions of social power for that person in absence of a conscious re-formulation of one’s group.

f. Moral Exclusion

The individualistic assumptions that people often make about “criminals” and the attendant desire to punish those accused highlight the importance of moral exclusion theory. According to Opatow, moral exclusion “occurs when individuals or groups are perceived as outside the boundary in which moral values, rules, and considerations of fairness apply” (1990, p. 1). Clearly, alleged criminals experience moral exclusion at the hands of the media and public when criminality is viewed as

simply and individualistic “choice”, unfettered by contextual forces and conditions. Likewise, when civic “law abiders” deviate from the goals of punishment they can also be perceived as non-entities, expendable or undeserving of political attention. Thus, decision-makers focus their attention on *who* is deserving of institutional “validation”, not *what* this validation actually entails (Opotow, 1997). Of course those viewed as deserving are those people who agree with institutional objectives. Moreover, moral exclusion, according to Opotow, does not have to result in overt enmity; it can take the form of “milder instances of exclusion” (as cited in Leets, 2001, p. 1866) such as passive unconcern (Opotow, 1990, p. 13). This aspect of moral exclusion theory is especially important given the public’s interest in maintaining the legal status quo.

Similarly, Lott has discussed cognitive and behavioral distancing from the poor and the moral exclusion of “stigmatized others” in the context of “responses to poor people and poverty by those who are not poor” (2002). Public policymakers, in both communication and legislative preferences, often demonstrate the view that people in poverty, especially poor women, need “coercive behavioral measures to ensure their cooperation in moving from welfare to work” (Lott, 2002, p. 102). According to Bullock, research indicates that “the poor are perceived as failing to seize opportunities because they lack diligence and initiative” (Lott, 2002, p. 102). Not surprisingly, a similar class-based stereotype exists within the legal system, not only for those accused of crimes, but for victims as well. This type of classism is closely related to the psychological individualism that, according to Haney, is

embedded in our legal system (e.g., 2002). The law generally assumes that that people should actively be able to improve their situation, and if they cannot, this is a product of individual choice. Such assumptions lead to an institutional distancing from the poor within in the legal system. More specifically, while poor victims generally receive less attention, low income defendants and defendants of color are more likely to be convicted and incarcerated (Lott, 2002; Matravers & Tonry, 2003).

A critical analysis of the convergence of race, class, and gender in forming multiple social identities has been an important development in the application of SIT to social justice concerns (e.g., Hurtado, et al, 1994). While rich in its complexity of theoretical implications, critics have argued that SIT does not specifically attend to larger social imbalances in power and individual differences, particularly with respect to racism (e.g., Rubin & Hewstone, 2004; Huddy, 2004). However, the elements of SIT accommodate power roles if we acknowledge that self-esteem and bias are inexorably related to social power. As such, the tendency to engage in “system justification” can be seen as an outcome of the social identity processes outlined above given the human tendency to identify with group-based categories (cf. Huddy, 2004). Similarly, even the pathologized personality construct of “authoritarianism” can be thought of as a group-based phenomenon that comports with social identity processes (Stellmacher & Petzel, 2005). Other experimental findings support this contention as people who identify strongly as “in-group” members were more likely to categorize photographs of unknown people as “out-group” members than those with less in-group identification (Castano, Yzerbyt, Bourguignon, & Seron, 2002).

Power and positionality with respect to salient groups, therefore, appear to be fundamental to the social identity process. Even physical markers of stress and arousal demonstrate the role of power in social identity. For example, while “low status” group members (i.e., groups with comparatively less power) show physiological signs of threat (e.g., blood pressure) when evaluating a situation on the basis of the status quo, “high status” group members show similar physiological symptoms when confronted with *changes* to the status quo (Scheepers & Ellemers, 2004).

g. Race and the Complex Identity Formation of Legality

Incorporating a critical epistemology to social identification processes is fundamental to the application of SIT to heuristics, group categories, and beliefs about the U.S. prison system. While minimal group paradigm experiments have well-demonstrated the micro-processes of identity and group classification, the *meaning* associated with groups as they are portrayed in the real world is deeply contextual, historical, and subjectively based upon the positionality of the perceiver. Sociologists have come to update theories of criminalization to account for complex demographic changes, the status of politically defined groups, and the material effects of economic globalization (Jenness, 2004). In other words, the growing institutionalization and homogenous criminalization of behavior across jurisdictional borders has developed in congruence with the system pressures of the global economy, albeit in numerous local contexts (Jennes, 2004). In accordance with the historically political role of

race (Davis, 2003), however, punishment for crimes has disproportionately impacted people of color and the poor (e.g., Glaze, 2009). Therefore, in order to understand the contextual implications for social identity processes and heuristics for crime that deploy racial (and gendered) assumptions, racial representations and perceptions of crime must be addressed.

h. Critical Race Theory: Race, Power & Social Relations

While encompassing a wide range of epistemological approaches, critical race theory (CRT) is focused on “studying and transforming the relationship among race, racism, and power” (Delgado & Stefancic, 2001, p. 2). CRT scholars highlight the everyday experience of racism in the lives of people of Color; CRT likewise provides a platform for examining how “white elites shape racial relations to serve their own interests” (Limbert & Bullock, 2005, p. 254). Contemporary assumptions by many in the U.S. that the country has entered a “post-racial” era makes critical race theory all the more important. The application of this assumption has given rise to the “penology of racial innocence” which “begins with the presumption that criminal justice is innocent of racial power until proven otherwise” (Murakawa & Beckett, 2010, p. 695). This presumption, however, is not new to U.S. jurisprudence. It simply reflects the psychological individualism (Haney, 1999) that is applied to legal and common sense notions of “discrimination” and “equal protection” (e.g., Haney & Hurtado, 1994; Haney, 1991).

i. The Discursive Construction of Race

Critical theorists from multiple disciplines have highlighted that race, far from being a biological truth, is an inherently discursive concept---subject at all times to a system representation (Hall, 1989). More particularly, race can be viewed as “a set of performative representations shaped in those spaces where language, gender, ideology, media, and experience meet” (Denzin, 2001, p. 243). Blumer’s foundational understanding of the sociology of race is instructional: racial groups form images of themselves and others through a collective process that “operates chiefly through the public media in which individuals who are accepted as the spokesman of the racial group characterize publicly another racial group” (1958, pp. 3-4). Political psychology and communication research has further underscored the relationship between media representations and racial perceptions, especially when tied to individual beliefs about social policy (e.g., Domke, McCoy, & Torres, 1999; Domke, 2001a; Domke, 2001b; Johnson, Dolan, & Sonnet, 2011; Shah, H., 2009; Limbert & Bullock, 2005).

While political rhetoric and news reporting on crime experienced a dramatic upturn during the political changes of the early 1970s (Beckett, 1997), news reporting in the U.S. has long played an intricate role in framing legally relevant behavior along racial lines (e.g., Spratt, Bullock, & Baldasty, 2007). Researchers have noted that “[i]n public discourse about race relations, social and political actors interact with the press with the goal of shaping the picture of social reality accepted by policymakers and citizens” (Domke, 2000, p. 115). Thus, race works discursively to ignite

heuristics and influence people's policy choices on a wide range of issues, including welfare and crime (e.g., Gilens, 1996; Nielson, Bonn & Wilson, 2010; Unnever & Cullen, 2010a, 2010b, 2010c). Both race and gender operate in hidden ways to influence public perceptions and policy preferences on many issues which seem unrelated to these group categories (Winter, 2008). The infamous "Willie Horton" campaign ad that was used in the 1988 presidential election is an example of how racially coded messages about crime impact support for punitive crime policies; likewise, researchers have found that discursively salient code words for race, such as "inner city", succeed in igniting racial stereotypes and punitive policies among white participants (Hurwitz & Peffley, 2005). Other code words have appeared in policy debates, for example surrounding the 1994 Crime Bill. Here, use of the term "midnight basketball" by policy elites created a discursive framing of the bill which served to "heighten fears of crime and produce images of criminals that appear misguided" (Wheelock & Hartman, 2007, p. 315).

Later, researchers demonstrated that news coverage of the Hurricane Katrina's aftermath misleadingly presented African Americans in a negative and criminal light and featured a disproportionate number of whites in speaking roles (Kirk, Dolan, & Sonnett, 2011; Shah, 2009). Likewise, media attention to the so-called "Jena Six", a group of black high school students accused of beating up a white student, created a differential lens through which racially charged attitudes influenced policy preferences in that case (Goidel, Parent & Mann, 2011).

Given the role of racial cues in political rhetoric, and in light of our understanding of heuristics, an application of Social Identity Theory (SIT) to the ways in which people perceive and interpret media messages is crucial to understanding the role of racial discourse on crime policy. While stereotypical media messages regarding race and criminality significantly affect social judgments among whites, the role of group identification also plays a role in these judgments (Mastro, 2003). Sociologists have outlined the role of “white habitus”, which results from the residential and social segregation of blacks and whites, in shaping cognition and attitudes about race (Bonilla-Silva & Embrick, 2007). However, the more important question for a critical inquiry into social identity processes must further account for segregation in power, regardless of residential and social integration. For example, in certain contexts, studies have suggested that inter-racial contact increases concern about crime among whites (Mears, Mancini & Stewart, 2009). This result, while counter-intuitive to theories that contact alleviates racism, coalesces with the notion that whites often view their own racially grouped identity as “universal”. As such, whites’ racial attitudes often react to perceived “threats” to that universal position (Perry, 2007).

Even the notion of racism itself, much like the element of intention in criminality, is more often perceived by whites as a problem of individual behavior rather than institutionally embedded. This belief, of course, frees whites from the burden of systemic complicity and low self-image (Unzueta & Lowery, 2008). Likewise, when racial inequity is framed as advantage for whites, the desire for

positive group identity increases support for redistributive policies insofar as they are framed to reduce opportunities for whites. However, when such policies are framed as increasing minority opportunities, support for these policies among whites does not increase (Lowery, Chow, Knowles, & Unzueta, 2012; Lowery, Knowles & Unzueta, 2007). As such, we see that whites typically adopt policy frames that provide a psychological benefit related to identity and self-esteem. For example, studies have suggested that white men maintain positive identity image from equating affirmative action policies to “racial quotas” despite the inaccuracy of this belief (Unzueta, Lowery, & Knowles, 2008).

F. Media Framing & Political Psychology

Political and communication psychologists have long analyzed the relationship between media framing of issues and public opinion (e.g., Iyengar, 1987; Iyengar, 1991; Iyengar, Peters & Kinder, 1991; Berinsky & Kinder, 2006; Price, Tewksbury, & Powers, 1997). While the intricacies of public discourse make a direct “top down” finding elusive in the laboratory, the role of power, position, and self esteem as it relates to discourse (i.e. social identity) may mediate this relationship. Still, researchers have found direct results when applying cognitive frames, which are coded in “policy metaphors” frequently seen in the media. Such frames predict support for certain policies---especially among the least politically aware (Lau & Schlesinger, 2005). Likewise, even subtle linguistic differences in the way newspapers describe violence in Iraq leads participants to perceive this violence as

“terrorism” or “patriotism”, which in turn affects attitudes toward the phenomena (Dunn, Moore, & Nosek, 2005).

Given what we know about social cognition and identity, the role of issue framing can be “conceptualized in terms of the process by which textual features in news stories set limits on knowledge use in the construction of a discourse model---a mental model constructed through the interaction between news frames and the interpreter’s social knowledge” (Rhee, 1997, p. 26). Framing, therefore, serves as a prime that leads to the accessibility of particular cognitions, further highlighting the role of heuristics on social judgment (Domke, Shah & Wackman, 1998). News frames also interact to form differential levels of cognitive complexity among experiment participants (Shah, Kwak, Schmierbach, & Zubric, 2004). Moreover, the contemporary ways in which entertainment and advertising media mimic news and documentary filmmaking may play a role in the heuristic relationship between media framing and social judgments because of the perceive realism of such messages (see Busselle, 2001). One’s level of experience and direct knowledge with particular issues may also impact the role of media framing on cognition. Just as “uncertainty” has been linked to identity-based attitudes towards other groups (e.g., Hogg & Grieve, 1999) and reliance on cognitive heuristics in decision makers, uncertainty has been linked to media framing and political judgments in particular. Uncertainty exists in the receiver of information, the nature of the information provided is strongly related to political judgments about particular candidates (Ansolabehere & Iyengar, 1993).

Although most people in the United States have witnessed enough sensational media representations of crime in their lifetime to develop a firm understanding of the mythology of crime and the law's focus on psychological individualism (Haney, 2006), the law's substance and mechanics remain obscured by misinformation and shrouded by professional gatekeepers (Banakar, 2000; Zacharias, 2002). Perhaps even more crucially, it is the lack of certain experience with and direct knowledge of the lives of those affected by crime that is the true measure of any uncertainty associated with politically framed and inaccurate representations of crime.

Chapter IV: Empirical Research in Understanding Media Framing of Crime and its Impact on Attitudes and Behavior

The broad theoretical and empirical framework which suggests that the construction of the “criminal other” involves social psychological processes of categorization situated in a historical context of racism, must be better understood in light of the discursive power of the media, and its ever-increasing role in people’s daily life. In order to achieve a better and more nuanced understanding of how media framing, and the discursive power therein, contributes to social psychological processes of cognition and attitude formation in relationship to the construction of crime and the criminal “other,” it is essential to empirically test the effect, if any, variations in framing will have on attitude formation and cognitive heuristics about crime, and more particularly *sex* crime.

As discussed above, the label of “sex offender” has achieved a special status in the discursively negative categorization of the criminal (e.g., Federoff & Moran, 1997). Both voter behavior and empirical studies alike confirm what we may take as common knowledge: that the public is hostile attitude toward the sex offender. What clearly accompanies this view, however, is a mythologized and frequently misrepresented media portrayal of the sex offender to the public. Research demonstrates the role that media consumption has in increasing fear about crime (e.g., Chiricos, Padgett, & Gertz, 2000; Dowler, 2003). In light of the way in which category perception is a function of both cues and clues (Bruner, 1956; 2005), and the structural properties of cognitive stereotypes on social construal (Wittenbrink, Gist, &

Hilton, 1996), the representation of sex offenders in the news media is of particular importance to adequately addressing the real roots of sex crimes, as well as encouraging a cultural re-thinking of a prison system built upon erroneous attributions about crime and behavior. Just as Hall recognized the role of media discourse in the creation of the social phenomenon of “muggings” and the “mugger” in its impact on early 1970s British culture (Hall, et al, 1978), so too a relationship exists between a systematically distorted portrayal of crime, and the way in which society chooses to address it.

Far from the contextual complexities surrounding the reality of sex crimes, the media’s unidimensional and statistically “false” cues that the most extreme forms of “predatory” sex crimes are on the rise have created an ideological and social psychological phenomenon akin to a “moral panic” (Horton, 1979). The logical connection between such a discursive panic and publicly supported policies that seek to punish sex offenders, perhaps the most easily “morally excluded” of socio-legally constructed groups invites social psychologists to test this social cognitive link. As such, the analysis of thematic framing contained in news accounts about sex offenders, and the potential effects that such framing has on viewer perception of offender and attitudes toward punishment is pivotal to understanding how to achieve a more just and effective set of policies to address the social problem of sex crimes, in light of the discursive relationship between media exposure and public attitudes.

A. Research Questions and Hypotheses

The connections between cognitive heuristics and sensational, but unrepresentative, portrayals of crime in the media underscore the question of how, and under what circumstances, the media induce certain beliefs about crime and, more specifically from a social psychological lens, “criminals”. As discussed above, it is the image of the “sex offender” that presents researchers with one of the most glaring crime stereotypes that dominates both public discourse and policies that simply increase punishment for anyone who fits the currently broad label of “sex offender”. In order better understand the relationship between media framing and the public’s attitudes toward punishment of sex crimes, and, more particularly, and beliefs about those identified as sex offenders themselves.

B. General Method

To assess the complex relationship between media framing and public attitudes toward sex offenders, I employed a multi-method approach, attempting to capture the thematic presentation of sex offender issues in the context of real newspaper presentations over time, and subsequently presenting such themes to experiment participants in a controlled setting. As such, my research relies upon both qualitative and quantitative analysis, consistent with a more contextually based program of research that seeks to understand the discursive media forces that drive public opinion about crime. After previewing the manner in which news stories portrayed sex offenders---especially during the election year in 2006 where Jessica’s

law was under consideration by the voters of California, I proposed four hypotheses that attempt to capture media framing, biasing heuristic processes, and subjects' attitudes toward sex offenders: 1) That newspaper articles discussing sex crimes or sex offender policy would overwhelmingly present sex offenders in terms of a minority of sensational cases, applying common stereotypes such as the notion of the "sex predator" to those legally defined as sex offenders; 2) That these newspaper articles would overwhelmingly present increased "punishment" as a solution to the social problem of sex crimes; 3) That video news exemplars which present thematic frames similar to those in found in the newspaper content analysis would cause experiment participants to label all sex offenders as "predators."; and 4) That these same video news exemplars would lead participants to favor increased punishment of sex offenders.

1. Study 1

To test Hypotheses 1 and 2, I conducted Study 1, a content analysis of news media outlets' framing of sex offenses, offenders, and sex crime policy.

a. Method

Using the grounded theory approach to qualitative content analysis (Strauss & Corbin, 1998), I developed specific thematic categories conveying media framing of sex offender news coverage and, based on these categories, created a 24-item coding system. Table 1 delineates coding variable categories, protocol, and parameters.

Table 1. Coding variables and definitions for framing themes.

CODE #	VARIABLE NAME	VARIABLE DESCRIPTION	DEFINITION PARAMETERS
1	TYPE	Type of Article	This is a nominal variable with three possibilities: 1 = policy article; 2 = article about case(s) only (either specific events or persons); 3 = article that addresses <i>both</i> policy <i>and</i> cases.
2	OTHER	Otherness	Any thematic representation of a sex offender as being fundamentally other, non-human, monster-like, or morally vacant. Such examples would include de-contextualized descriptions of emotionless defendants in court.
3	HUMAN	Human-ness	Any thematic representation of a sex offender as having human qualities with which a reader can relate.
4	STRANG	Sex offenders as “Strangers”	Any representation that states or implies that sex offenders = strangers who abduct children; code only one per case, but code each instance that this is suggested in the policy context.
5	POSE	Sex offenders as persons posing in positions of trust	Any representation that states or implies that sex offenders = people who pose in positions of trust and lurk waiting to take advantage of victims (e.g., coaches, clergy, teachers); code only one per case, but code each instance that this is suggested in the policy context.
6	REL	Sex offenders as persons with some closer relationship (well-known) to victim	Any representation that states or implies that sex offenders = people who have some previous relationship, either family or friends, with their victim; code only one per case, but code each instance that this is suggested in the policy context.
7	DANGER	Sex offenders present a danger to society regardless of policy	Any thematic representation that “No one is safe” from sex offenders. This can often appear in policy articles which have disparate opinions about policies such as Proposition 83 (e.g., articles decrying Prop. 83 often lament

			that sex offenders will be pushed to rural areas, thereby making everyone less safe).
8	SAFE	Policies such as proposition 83 = safety	Any thematic statement, direct or implied, that policies such as those in Proposition 83 mean greater public safety.
9	NONSAFE	Policies such as proposition 83 ≠ safety	Any thematic statement, direct or implied, that policies such as those in Proposition 83 DO NOT mean greater public safety.
10	PUNJUST	Punishment = justice	Any thematic statement, direct or implied, that suggests that punishment of sex offenders itself = justice (for victims or society).
11	PREDAT	Focus on sex offenders as “predators”	Any mention of the word predator (**code each time it is used) with respect to sex offenders/cases.
12	OPPTUN	Focus on sex offenders as “opportunistic”	Any mention of NON-PREDATORY sex offenders/cases (**code each time it is mentioned).
13	CONXTXO	Focus on elements of social context for sex offenders	Any representation of the greater social context (social history) of an offender prior to their crimes OR representation of the post-conviction context for offenders (e.g., difficulty complying with registration requirements).
14	CONXTXV	Focus on elements of social context for victims	Any representation of the greater social context (social history) of a victim prior to their victimization.
15	TREATY	Treatment as a viable rehabilitation option	Any representation of sex offender treatment as viable or possible working to help offenders rehabilitate or re-integrate (e.g., treatment works).
16	TREATN	Treatment as a non-viable rehabilitation option	Any representation of sex offender treatment as NOT a viable possibility working to help offenders rehabilitate or re-integrate (e.g., treatment DOESN’T work).
17	PATH	Focus on individual pathological	Any representation of sex offenders that focuses on clinical or pathological aspects (e.g., impulsivity, pedophilia as

		aspects of sex offenders	a mental disease, etc.).
18	RECID	Focus on recidivism	Any mention of recidivism by sex offenders; this includes previous sex crimes (allegations, arrests, convictions) or re-arrest without the context of other post-conviction crimes or parole/probation violations mentioned (i.e., lack of parsimony regarding offense type).
19	INADEQ	Current laws are not adequately tough	Any representation of current sex offender laws being inadequate, lenient, or inappropriately allowing release. This includes representations of legal loopholes or lenient judges.
20	ASIS	Current laws are adequately tough	Any representation of current sex offender laws being already adequate, tough, and restrictive.
21	VIOSENS	Focus on violent and sensational aspects of sex crimes	Any thematic representation which focuses on extreme aspects of a crime or an offender (e.g., violence; sensational representations; extreme cases; gory details of the crime; many victims). For many victims, code if there are 4 or more.
22	CRMMOL	Mention of sex offense as child molestation	Any mention of a sex offense as an act of child molestation (or an offender as a child molester); this includes any act on a child under 14; code once for each case mentioned, but every instance of offender description.*
23	CRMRAPE	Mention of sex offense as rape	Any mention of a sex offense as an act of forcible rape (or an offender as a rapist); this includes any act of penetration or sodomy which is forcible; code once for each case mentioned, but every instance of offender description.*
24	CRMOTH	Mention of sex offense as a less serious crime	Any mention of a sex offense as a “less serious” crime such as statutory (technical age-based) crimes or things like indecent exposure, sexual battery, etc. Also code this for even the

			acknowledgment of lesser sex crimes.
25	BOY	Mention of males as child molestation victims	Any reference, direct or implied, to a sex crime against a boy, that is 14 years or younger.
26	GIRL	Mention of females as child molestation victims	Any reference, direct or implied, to a sex crime against a girl, that is 14 years or younger.

*Any mention of “child rape” was coded as both 22 and 23.

The coding scheme was applied to a representative sample of newspaper articles that addressed sex offense cases, sex offense policy, or a combination of the two. The articles were taken from one primary news source: the paper of record for the capital city of California, the *Sacramento Bee*. This source was chosen because of its geographical location in the state capitol, politically diverse readership, relationship to California state policy analysis, and the attention it gives to the legislative process in the State of California. The sample of newspaper articles ranged in dates from January 1, 2006 to November 7, 2006. The time frame was chosen to reflect news coverage of sex offender stories during the 2006 election year, prior to the November 7, 2006 election in which Proposition 83 was on the California statewide ballot. The sample was obtained by searching for articles within the above-referenced time frame that contained the Boolean search term “sex! offen!” and addressed sex offender cases and/or policies. A total of 33 articles were found to contain the required search terms during that ten-month period.

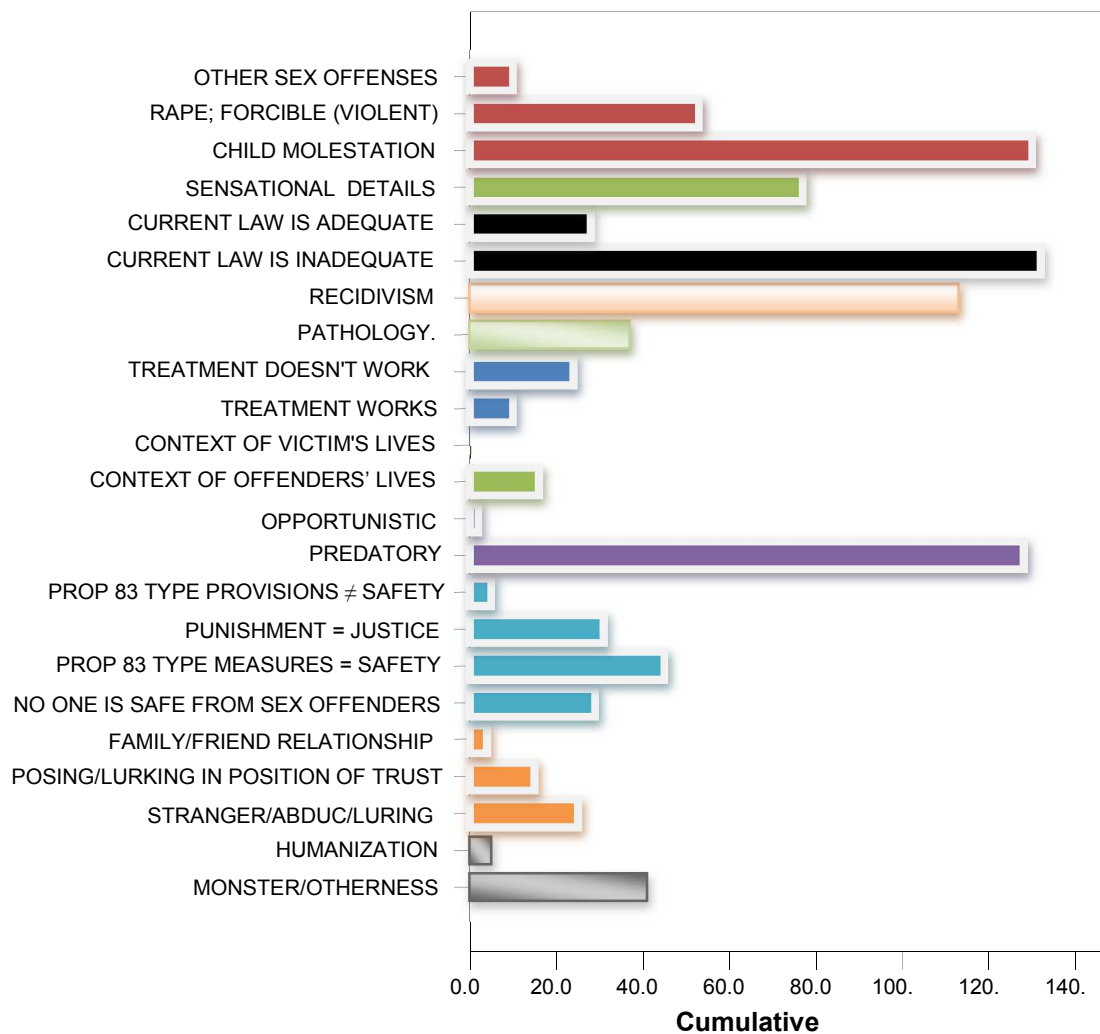
b. Study 1 Results: Cumulative Instances

Descriptive statistics of the analysis of articles from the *Sacramento Bee* (n=33) that contained the Boolean search term “sex! offen!” and addressed sex offender cases and/or policies are depicted in Table 2, showing the number of instances that each of the coding categories was found in the overall sample of articles. As predicted, the sample demonstrated an overwhelming emphasis on sex offenders as predators with a total of 128 instances of the use of the terms “predator” or “predatory” among the 33 articles (m=3.9 instances per article). In contrast, opportunistic sex offenses/offenders were underscored only twice (m=.06 instances). Likewise, sensational representations of sex offenders as fundamentally “other” appeared 41 times (m=1.24 instances per article), whereas humanized representations of offenders appeared only 5 times (m=.15 instances).

The manner in which the sample of articles overemphasized sex crimes committed by strangers, perpetuating the myth of “stranger danger,” also suggests that media framing fails to comport with statistical fact (total instances = 25; M = .76). The California State Attorney General’s Office has stated definitively that “90% of child [sexual] victims know their offender, with almost half of the offenders being a family member.” Additionally, among “sexual assaults against people age 12 and up, approximately 80% of the victims know the offender” (Office of the Attorney General, State of California, Dept. of Justice, May 12, 2006). Among the 33 articles, however, only 4 instances of victimization by close friends or relatives were reported (M = .12). While sensational crime details and exemplars were mentioned a total of

77 times ($m = 2.33$), contextual information about an offender, either in the form of a pre-offense social history or an account of the limiting effect of post-conviction statutory restrictions, was mentioned only 16 times ($m = .48$). A notable distinction in the types of cases emphasized was also present. Child molestation was mentioned 130 times ($m = 3.94$), in contrast to forcible rape, which was mentioned 53 times ($m = 1.6$). Other less serious sex offenses were mentioned 10 times ($m = .30$) in the sample of articles. Overall, the pilot sample indicates that, at least for this particular news outlet, media framing promulgates a distorted view of the overall characteristics of sex offenders and offenses.

Table 2. Frequency of Coding Categories.



* Bars that represent contrasting subcategories within thematic domains are color coded for comparison purposes.

c. Study 1 Results: Correlated Themes

Given the theoretical basis for my hypothesis about the manner in which newspapers tend to portray sex offenders and the pattern of thematic representations depicted in Table 2, I expected that articles containing more violence and sensationalism would elevate the likelihood of “monsterizing” alleged perpetrators. This expectation was confirmed. For example, as demonstrated in Table 3, instances where articles portrayed sex offenders as monsters or fundamentally “other” were significantly correlated with instances of violence, sensational details, and/or extreme cases mentioned ($r = .763$; $p < .01$). In addition, several other correlations reinforced a distorted view of the “typical” sex offender in ways may shape heuristic processing and have implications for public, and voter, opinion. For example, Table 4 indicates a high correlation existed between representations that no one is safe from sex offenders and emphasis on stranger/abduction crimes ($r = .997$; $p = .001$).

Table 3. Correlation between “Monster/Otherness” representations and emphasis on sensational details and extreme cases.

		No one is safe from sex offenders	Stranger/abduction/luring
Monster/Otherness	Pearson r Sig. N	1 . 16	.892** .001 9
Violence/Sensational Details/Extreme Cases	Pearson r Sig. N	.892** .001 9	1 . 14

**Correlation is significant at $p < .01$

Table 4. Correlation between representations that “no one is safe” from sex offenders and emphasis on stranger/abduction crimes.

		Monster/ Otherness	Violence/ Sensational Details; Extreme Cases
No One Safe	Pearson <i>r</i> Sig. N	1 . 14	.763** .008 9
Emphasis on Stranger/Abduction Crimes	Pearson <i>r</i> Sig. N	.763** .008 9	1 . 18

** . Correlation is significant at $p < .01$

Beyond such hypothesized relationships, however, there were several correlated coding variables that were unexpected, even surprising, given the presence of *Sacramento Bee* articles that overtly urged voters to reject Proposition 83 (e.g., Furillo, *Sacramento Bee*, October 24, 2006). For example, as indicated in Table 5, instances where articles suggested that provisions such as the ones set forth in Proposition 83 would *not* increase public safety were highly correlated, in the very same articles, with instances where articles implied that no one is safe from sex offenders in the community ($r = .914$; $p = .001$). Demonstrating a similar paradox, instances where it was suggested that current laws and punishment were adequate were highly and significantly correlated with instances where recidivism was emphasized ($r = .997$; $p = .002$). Table 6 outlines this relationship.

Table 5. Correlation between representations that policies such as those in Proposition 83 do not achieve public safety and representations that no one is safe from sex offenders.

		Proposition 83 Provisions ≠ safety	No one is safe from sex offenders
Proposition 83 Pearson <i>r</i> Provisions ≠ Safety	Sig. N	1 . 14	.914** .001 8
No one is Pearson <i>r</i> safe from sex offenders	Sig. N	.914** .001 8	1 . 16

**. Correlation is significant at $p < .01$

Table 6: Correlation between representations that emphasize recidivism of sex offenders and argue that current sex offender laws and punishment are inadequate.

		Recidivism emphasized	Current laws/punishment adequate
Recidivism Pearson <i>r</i> emphasized	Sig. N	1 . 17	.977** .001 5
Current laws/ Pearson <i>r</i> punishment Adequate	Sig. N	.977** .002 5	1 . 9

**. Correlation is significant at $p < .01$

d. Discussion of Study 1 Results

In light of the overall framing of sex offenders and offenses and some seemingly paradoxical correlations among themes contained in this sample of *Sacramento Bee* newspaper articles, it seems clear that the same media source, while attempting to employ a “central route of persuasion” (Chaiken, Liberman & Eagly, 1989), can repeatedly and overtly subject readers to exemplars which may counteract otherwise rational policy arguments (e.g., Furillo, *Sacramento Bee* October 24, 2006). In this manner, even media sources that directly opposed Proposition 83, such as the *Sacramento Bee* claimed to be, consistently used language which implied that: 1) all sex offenders are predatory; all sex offenders are child molesters (even forcible rape is de-emphasized unless it is in conjunction with descriptions of child victimization); and 3) sex crimes are primarily committed by strangers.

This thematic analysis of *Sacramento Bee* articles is especially instructive because of the editorial staff’s stated opposition to Jessica’s law. Despite such opposition, the newspaper’s framing of sex offender issues throughout the year demonstrated a number of themes that not only represented sex offenders in an extremely negative light but also in a manner that could potentially fuel fervor against them. This framing also sheds light on why Jessica’s law was so successful, despite many reasoned arguments that the measure would not facilitate public safety. Arguably, the consistent and repeated inclusion of the horrific circumstances of Jessica Lundford’s victimization and death in a policy articles was likely to skew

reader judgment, based on heuristic formulae, to equate this extreme case with the overall social problem of sex crimes. Additionally, the role of emotional processing of social stimuli, based upon fear and anger, for example, would be expected exacerbate this bias in judgment (Mineka, Rafaeli & Yovel, 2003; Mathews & McLeod, 1994).

e. Future Research: Content Coding of News Articles

Future studies could examine the many additional possible heuristics involved in the media's depiction of sex crimes. For example, the media appears to emphasize male victims sex crimes, usually in the form of child molestation cases, versus female victims overall. However, according to the Bureau of Justice Statistics, female victims of sex crimes greatly outnumber male victims (2000). Moreover, only 18% of juvenile sexual assault victims were male according to this 2000 analysis. As such, a gender analysis of newspaper exemplars could shed further light on heuristic social judgment bias from a critical perspective, and further place the dominant narrative regarding sex crimes within the context of sexism and patriarchal norms present in the prison system, and our socio-cultural understanding of crime itself.

2. Study 2

Having identified key thematic frames in a sample of news media articles, it was important to examine whether and how such frames might influence people's attitudes and beliefs. Accordingly, Study #2 was designed to determine the social

judgment and heuristic effects, if any, of the thematic framing categories. More specifically, in Study #2 I used a controlled experimental design to present alternative frames (independent variable) to participants and then measured their attitudinal responses. Based on the media's prominent thematic frame labelling sex offenders as "predators," I hypothesized (Hypothesis 3) that video news clips emphasizing sensational facts and predatory behavior would lead participants to classify all sex offenders as "predators," in contrast to video news clips that did not emphasize such sensational framing themes. Similarly, in order to better understand how thematic framing influences decisions about punishment (such as the provisions of Proposition 83), I hypothesized (Hypothesis 4) that video news clips emphasizing sensational facts and predatory behavior would lead experiment participants to endorse greater *punishment* of sex offenders, in contrast to participants who viewed less sensational news segments.

In order to maximize the experimental realism (Aronson, Ellsworth, Carlsmith & Gonzales, 1990) of Study #2, it was important utilize stimuli that presented thematic frames as realistically as possible and consistent with the media content analyses in Study #1. I employed actual professionally produced news clips from regional television news broadcasts in order to accomplish this. The use of short video stimuli, rather than newspaper articles analyzed in Study #1, was done to heighten the impact of the independent variable on participants' attitudes toward sex offenders (see Aronson, et al, 1990).

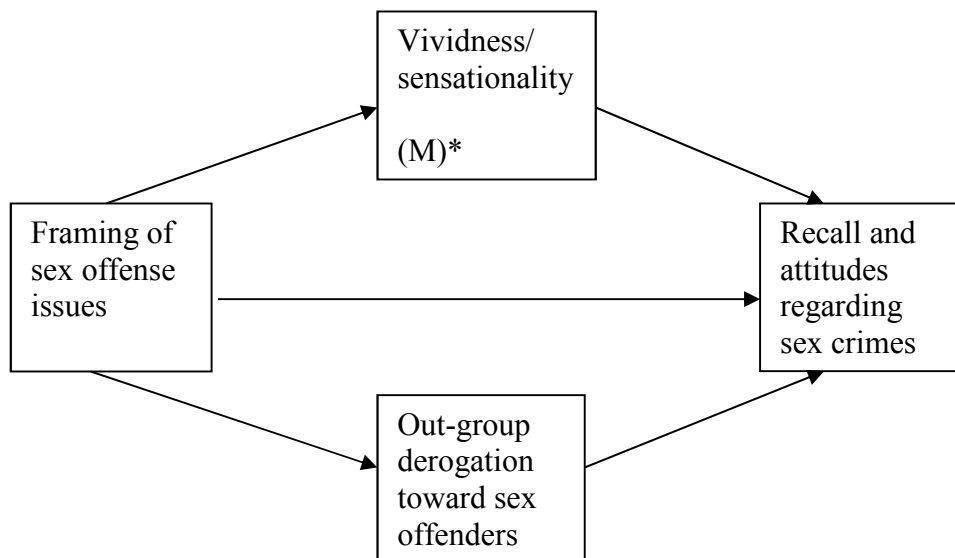
a. Method

In Study 2, participants were randomly assigned to one of four different treatments. The sample size ($N=183$) (Shadish, Cook & Campbell, 2002) was large enough to adequately assess the impact of the video stimuli on participant attitudes toward sex offender punishment. In order to examine what if any role social identity characteristics in influencing participants' attitudes toward sex offender punishment, participants were asked to provide background information, including their race, gender, sexual orientation, as well as previous experiences with the criminal justice system. These data provided the basis for possible internal analyses of both within- and between-group responses. To replicate the ways in which availability and representativeness heuristics are formed and stored in the memory and the ways in which those heuristics are evoked by vivid exemplars, the completion of detailed background information also allowed participants to insert a more mundane "distraction task" between viewing the dependent variable video and answering substantive questions regarding the "predatory" nature of most sex crimes and views on punishment of sex offenders.

The experimental design to test Hypotheses 3 and 4 closely reflects the approaches of Hamill, Wilson, and Nisbett (1980), Shedler and Manis (1986) to isolate heuristic processes as applied to sex offenders as predators, and Stalans (1997) to show how such heuristics relate to punishment preferences. The comprehensive model incorporating all four hypotheses is represented in the path diagram in Figure 3. Moreover, the video stimuli (i.e., independent variables) contain virtually the same

thematic framing schemes as the ones developed from the newspaper articles on sex offenders in Study #1, allowing for a broader interpretation and overarching model of the application of framing and social judgment processes to public attitudes regarding sex offender policy.

Figure 3. Integrated model of Hypotheses 1, 2, 3 & 4.



(*Note: Although mediators are included in the theoretical hypothesis, and included in the qualitative analyses of news articles and the choice of experimental stimuli, these were not measured in the current study; see Future Research for Study 2).

b. Independent Variables

In order to test the hypothesis that fear-based heuristics regarding “sexual predators” influence people’s attitudes and beliefs, and punishment preferences for sex offenders, two contrasting video clips were used. Both were taken from

www.youtube.com, but produced by commercial television news networks. These video segments were part of network affiliate news evening news broadcasts from two local television stations.

Despite the variations in thematic frames that distinguished the videos from one another, both shared formatting characteristics to protect against potential confounds: (1) both video stimuli were approximately the same time length of time (2:21 for Video “A”, and 2:25 minutes for Video “B”); (2) both videos were recordings of actual newscasts from local television stations; (3) although the television stations were different, both videos were from television stations in the same region (i.e., Cincinnati, Ohio); and (4) both videos feature interviews regarding sex offenders with the *same* police detective from the region (serving as an “expert,” albeit with very different thematic frames and messages).

c. Variation in Framing

Although the videos have similar formats, the variations in themes and the contrasting manner in which sex offenders and sex offender policy are framed, (which in turn should present alternative heuristics regarding sex offender characteristics and punishment), were crucial to Study #2’s hypotheses. The use of real-world stimuli enhanced experimental and mundane realism but this came at the expense of complete control over the message and thematic framing. In other words, although there were clear differences in their portrayals of sex crime, the more

rational and fact-based news broadcast still incorporated overarching elements of the larger social discourse that imply that more dangerous sex predators are lurking.

In light of the correlation between contrasting, even opposing thematic frames in the newspaper content analysis in Study #1, Study #2 a third condition was employed in which participants (n=46) were shown both Video A and Video B. This condition addressed the effect of exposure to mixed messages regarding sex offender policy.

Finally, a “control” condition was created in which a separate stimulus—Video “C”, of similar length and format—was employed whose content was unrelated to the topic of sex offenders or crime in general. The use of this generally light-hearted news clip of similar length and from the same region as both of the sex crime videos provided an opportunity to assess participants’ (n=45) predator heuristic and punishment attitudes, without having seen either of the two content-relevant videos. The specific characteristics of the different videos are described below.

a. Video “A”

Video “A” (2:21 minutes) was the sensational fear-based exemplar. At the opening of the news broadcast clip, the television station played music and emphatically introduced a piece called “Most Wanted Sex Offender #4.” Newscasters highlighted the case of David Gold, a man who failed to check in as a registered sex offender. Mr. Gold is black, and, according to a police detective who was interviewed, was described as having left his last known address. Mr. Gold was

reported to have twice been convicted as a sex offender with one of his victims having allegedly been five years old. No further information about Mr. Gold's crime (such as the level of the crime, the date it was committed, or the relationship to the victim) was presented. In other words, enough information was given to perhaps ignite predatory assumptions, without any further contextual details included. Without further information, the newscaster warned that "David Gold struck not once, but twice" and "detectives say that David Gold's failure to register could be putting you and your family at risk." Moreover, there was no information to indicate that Mr. Gold had committed any new crimes; he simply failed to comply with registration requirements. The video then inexplicably and abruptly turned to highlight the case of a completely different sex offender, a white man named Dean Allen Strunk, who was convicted of several counts of forcible rape kidnapping and was sentenced to what amounts to a life term in prison. In contrast to Mr. Gold's situation, the sensational and extreme details of Mr. Strunk's crimes were presented to the viewer by the prosecuting attorney in that case, including several clips of him in court. Specifically, Mr. Strunk was convicted of taking multiple victims (strangers) to a wooded area, raping them, tying them up, and leaving them there. The video continued by quoting one of the victims in Mr. Strunk's case at sentencing, and then abruptly turned back to Mr. Gold, requesting that the audience come forward with any information on the whereabouts of Mr. Gold.

The lack of connection between the two cases suggests that the news clip was intended to conflate them and use the "stranger rape" scenario in one to heighten

concern over the other less serious one, thereby creating a more vivid, albeit mythical, depiction of the “sex offender.” Of course, notwithstanding the horrible and extreme nature of the stranger rape scenario, it is highly unrepresentative of sex crimes in general (RAINN, 2006). Yet the perpetrator, Mr. Strunk, represents the perfect stereotype of the sex predator and serves as a much more vivid exemplar of the sex “predator” than Mr. Gold.

ii. Video “B”

The second video is an alternative television news broadcast segment regarding sex offenders. In this piece, the newscasters highlighted the “unintended” procedural and practical problems of a new Ohio law that requires law enforcement to notify neighbors every time a registered sex offender has moves his or her residence. The newscaster, together with the *same* police detective who was interviewed in Video A, pointed out that because so many “low level sex crimes” are registerable, and the newly enacted notification law applies to all registered offenders, then the voluminous number of notification letters that must go out will become unwieldy. The same police detective, who appeared in Video A entreating the audience for assistance in “tracking down” David Gold, the program’s “Most Wanted Sex Offender #4,” because he had failed to register, was shown in Video B decrying the effects of over-registration and notification for every registerable sex crime. The detective balanced the low level of danger that such minor offense registrants present

against the extreme increase in public cost, bureaucratic labor, and the opportunity cost with respect to the “investigation” of other crimes.

Although it contained some elements of the dominant discourse and pervasive mythology regarding sex crimes, Video B represented a stark thematic contrast to Video A in the way that it framed sex crimes. Unlike Video A, the newscasters in Video B noted the widespread prevalence of low-level sex offenders—the ones whose cases triggered the presumably unwieldy new notification requirement. Most importantly, Video B’s report on the sex offender “bureaucracy” lacked the type of sensationalistic case-specific details that conjured the frightening sexual “predator” imagery in Video A. In addition, Video B left viewers with at least a partial image of the many “low level” sex offenders and more “mundane” sex cases that are brought into the prison system, and the problems that over-reaching sex offender notification laws can create. Aside from the contrasting themes and ways of framing this social issue of sex crime, Video B also represented an analog to the more rationally based newspaper articles regarding California’s Proposition 83 in Study #1, which argued that increased punishment in the form of registration and residency prohibitions were not a targeted solution to sex crimes.

iii. Video “C”

Video “C” was used as a control video in Study #2. It was chosen for its overall similarity in length, format, and production realism to Videos A and B. Like the two other videos, Video C is a news segment from the same region (Cincinnati,

Ohio area), and is approximately 2:20 in length. While the video is a “news” segment, it presents a light-hearted presentation by the weather announcer of animals available for adoption by the local animal shelter. The news segment contained no references to crime (or human tragedy of any sort) and instead included the weather announcer interacting with a puppy on the set.

iv. Video “D”

An additional condition was created in which participants were randomly assigned to view what might be considered contrasting or even conflicting media framing of sex crimes and sex offender policy. Thus one group of participants viewed a compilation of both Video A and Video B that was labeled Video D. Based upon the belief that unrepresentative and sensational exemplars of sex offenders would override the effect of more fact-based and rational arguments about policy it was hypothesized that participants who viewed Video D would answer dependent variable questions regarding sex offenders similarly to those who only saw Video A. In other words, the presence of Video B in the Video D treatment would have little or no effect in overriding participants’ heuristic reliance on Video A’s sensationalistic tone and content. The sequence in which Videos A and B were shown was alternated to minimize order effects.

d. Dependent Measures

Dependent measures were administered in a post-treatment questionnaire. Participants answered questions relating to memory, beliefs and attitudes about the “typical” characteristics of sex offenders, most specifically, the notion of the sex offender as “predator”, and punishment preferences relating to the social problem of sex crimes. The questions constituting the variables were measured using Likert scale items (1-7), although open-ended questions were also asked for further content coding analyses. Attitudinal questions focused on themes similar to those presented in the media framing analysis discussed above. Likewise, policy related questions highlighted specific approaches akin to those in Proposition 83, alternative approaches, and general orientation toward severe punishment of sex offenders. Items relating to gender and the typical characteristics of sex crime victims were also included.

i. Questionnaire

An 80-item questionnaire was used to measure participants’ heuristics related to the types of media frames from Study 1, as well as the overarching heuristic of the “sex predator.” The first portion of the questionnaire asked participants to provide extensive background information that was used to conduct internal analyses. The background information included: age, racial background, gender identity, family income, place of residence, measures of religious background and activity, criminal justice involvement, political affiliation, and educational/academic experience. These

questions also served to distract participants from the content of the video for several minutes before they answered substantive questions about sex offenders and sex crimes. Because cognitive heuristics are essentially a function of both memory and cognitive displays of frequent exemplar exposure in the social discourse, the presence of those heuristics even after some other short distraction has taken place strengthens the notion that biased heuristics are an endurable source of attitude formation.

The second section of the questionnaire contained a set of items designed to assess attitudes and beliefs about the problem of crime generally and policy responses to crime overall. This portion of the survey contained no specific references to sex crimes, sex offenders, or sex offender policy, but rather was intended to gather general information about criminal justice attitudes. Once that section was completed, participants then answered questions about the more specific target domain: opinions, beliefs, and attitudes about sex offender characteristics, the typicalities of sex crimes, and sex offender policy preferences. The items were structured according to a seven point Likert scale format, with a particular target statement as a prompt. Each set of response choices contained graduated statements of agreement or disagreement. No middle or “neutral” response (e.g., a choice indicating “neither agree or disagree”) was included, as the goal of the study is to approximate forced decisions of the sort that are made by voters and jurors when assessing criminal justice policies. In other words, most jurors and voters, while always technically “able” to abstain from decision-making, are placed in situations where they are told to make a social judgment, regardless of their understanding of the issues, or their access to complete

information. This is especially true for jurors, who are pressured by the court and their fellow jurors to make a decision---even if they are uncomfortable making a decision one way or another.

Finally, the end of the questionnaire contained open-ended questions asking respondents to describe a typical sex offense case and the last actual sex crime case they had heard about. Although these were not coded for the purpose of this study, such qualitative measures could provide further insight into the beliefs and opinions given on the Likert scale items.

Notably, the structure of the questionnaire was crucial in terms of assessing general criminal justice attitudes prior to attitudes regarding sex offenses. Because of the generalization that UCSC students and other members of the UCSC community tend to be fairly young and “liberal,” an expectation arises that general responses regarding the criminal justice system reflect a more “progressive” and less punitive approach to crime overall. However, because of the unique status of sex crimes as a policy domain that defies political ideologies---indeed the sex offender has become the ultimate out-group member---the ways in which views on crime policy and attributions of criminal behavior differed from that of the specific subset of sex crimes and offenders was of particular interest. Study #1’s grounded theory analysis suggested that political affiliation may not be highly correlated with views on offenses that are sexual in nature, as policy preferences regarding sex offenders often defy the “liberal/conservative” dichotomy that correlates with many other policy choices. Given the hypothesized connection between public attitudes and the way

that media sources tend to represent issues surrounding sex crime, the type and extent of media exposure, as well as the qualitative nature of cases that respondents can recall, was also a potentially important variable of interest in the background of the participants.

As a final consideration, the post-treatment questionnaire also assessed the degree to which respondents racialized and gendered the prototypical sex offense victim. While United States government statistics reveal that African Americans and other persons of color are victims of sex crimes at a higher rate than whites (Masten & Klaus, 2006), the emphasis by both media and policymakers on middle class white suburban girls (e.g., “Megan’s” Law and “Jessica’s” Law) and boys seems likely to lead respondents to inaccurately assume that white children are victimized at higher rates. Although this particular dependent variable was not analyzed for the purpose of Study #2, the collection of such data could allow for additional data analysis involving beliefs about victimization and gender.

ii. Key Dependent Measure 1: The “Predator” Scale

Because so many of the particular themes developed in the results of Study 1 relate to the overarching heuristic of the sex offender as “predator,” the three items on the questionnaire that measured participants’ heuristic of the sexual predator were of special interest. By examining the recurring cumulative themes in Study 1, a scale of questions intended to revive the media induced heuristic of the predator was devised. This “predator” scale consists of Likert statements that frames that highlight both the

label and the behavior of the predator heuristic, especially as it is presented in the coded articles from Study #1, as well as contained in Video A. Included in the “predator” endorsement scale are: #53 “Most sex offenders are obsessed with finding new victims”; #65 “Sex offenders generally must find new people to victimize”; and #67 “Sex offenders generally use lures or tactics to gain a child’s trust in order to have access to victims.” In keeping with the other scales and the structure of the questionnaire overall, the items comprising the predator scale were imbedded among other items on the questionnaire.

In addition to the substantive relationship between items in the predator scale based upon the thematic presentation of newspaper frames, an initial correlation measure found that responses to these dependent variable items, labeled “PRED1, PRED2, and PRED3” were significantly correlated with each other regardless of independent variable condition (see Figure 8, below).

Table 7. Correlations between Predator Scale items.

	PRED1	PRED2	PRED3
PRED1	1	.508**	.426**
PRED2	.508**	1	.327**
PRED3	.426**	.327**	1

**p < .01

iii. Dependent Variable #2: The “Punishment” Scale

If sex offenders are framed in terms that make them seem monstrous, then it follows that people’s preferences for the punishment of sex offenders will be high.

Contrary to research generally that contextual and situational forces contribute greatly to crime (e.g., Sanghara & Wilson, 2006; Kruttschnitt, McLeod, & Dornfeld, 1994); the popular presentation of sex offenders as irredeemable predators, some otherworldly criminal presence with whom nothing can be done other than incarcerate. For this reason, a second set of dependent variable questionnaire items regarding punishment of sex offenders was created. This set of questions was combined into a larger scale to summarize participants' desire to "punish" sex offenders. Likert statements included in this scale were: #49 "Sex offenders should be sent to prison"; #58 "In general, sex crimes are not punished severely enough"; and # 79 "Most sex offenders deserve severe punishment". Like the "predator" scale, the "punishment" questions were imbedded among other items on the questionnaire.

In addition to the substantive relationship between items in the punishment scale based upon the thematic presentation of newspaper frames, an initial correlation measure found that responses to these dependent variable items, labeled "PUN1, PUN2, and PUN3" were significantly correlated with each other regardless of independent variable condition (see Table 8, below).

Table 8: Correlations between Punishment Scale items

	PUN1	PUN2	PUN3
PUN 1	1	.508**	.426**
PUN 2	.508**	1	.327**
PUN 3	.426**	.327**	1

**p < .01

e. Sample

The experiment in Study #2 drew participants (N=183) from the University of California, Santa Cruz (UCSC) undergraduate research pool, maintained and implemented by the UCSC psychology department. From this pool, participants were randomly assigned to one of the five experimental conditions detailed below.

f. Procedure

The experiment was held in a closed lab room in the UCSC building where the psychology department is housed. Participants were told that this is a study on “public policy attitudes” generally, and that they would be asked to view a two to three minute video, and then answer a series of questions on a questionnaire to the best of their ability. Participants sat at a desk and viewed video segments of “news stories” regarding sex offenders and/or sex cases; subsequent to receiving the framing treatment, participants then received and completed a post-condition questionnaire to assess the variables of interest. Approximately $\frac{1}{4}$ of participants were assigned to each of the four dependent variable groups, including the control group assigned to Video C. Video D participants were further divided through random assignment into groups where the order of Videos A and B, both shown to participants of group D, was rotated in order to avoid any order effects on the participants’ responses (Shadish, Cook & Campbell, 2002).

g. Study 2 Results

Data analysis focused on the dependent variables regarding punishment and predator endorsement, outlined above. Participant responses to these items were measured according to condition to determine what effect, if any, the change in video stimulus would have on participant attitudes and beliefs regarding sex offenders. First, an analysis of a variance was conducted to measure the difference in Likert responses for the “Predator items”. While no significant difference was found between the A (sensational) and B (mundane) videos, a second T-test, in which the treatment groups were collapsed into 2 groups, the control group versus any group that viewed videos A or B (including Group D, which viewed both videos A and B), was conducted. This T-Test revealed a significant difference in whether participants endorsed the “predator” characterization, depending on whether or not they viewed a video focusing on sex offenders at all (with the control group significantly less likely to endorse the predator Likert scale), $t(180) = 3.96, p = .048$ (see Table 9, below). Although the variation in independent variables sought to prompt different formations of the “predator” heuristic among participants, it is clear that *any* mention by the news segments of the topic of sex offenders was enough to cause participants to more strongly endorse the heuristic. In contrast, the heuristic did not appear to be activated in the absence of any mention of the topics of sex offenders (control group C).

Table 9. “Predator Scale”: T-test between Groups A, B & D (any sex offender video) and Group C (control)

Condition	N	<i>M</i> (<i>SD</i>)
Video A, B or D	137	11.5(2.49)
Video C	43	10.6(2.78)

$$t(180) = 3.96, *p < .05$$

In terms of policy attitudes and preferences toward the desire to increase punishment via incarceration of sex offenders, the results show a clear difference between those who viewed video A versus B. A T-test between those who viewed Videos A and B showed a significant difference in the degree to which participants endorsed greater punishment (both generally and in terms of prison sentences), with the Video A group, as hypothesized, demonstrating greater punishment preferences, $t(1, 86) = 2.25, p = .027$ (see Table 10, below). Similarly, significant differences in other dependent variable regarding policy items (not included among the punishment items) on the questionnaire were noted. For example, Video A group was significantly more likely to endorse GPS monitoring of sex offenders, $p = .022$. Likewise, the A group was more likely to endorse sex offender registration, $p = .006$. These differences make sense in light of the content of Video B, which focused on administrative waste in monitoring low-level offenders---especially with the registrations notifications that were the focus of the Video B news segment.

Table 10. “Punishment Scale”: T-Test for Groups A & B (sensational versus mundane video)

Condition	N	<i>M</i> (<i>SD</i>)
Video A	46	16.2(3.42)
Video B	42	14.43(2.93)

$$t(86) = 2.25, *p < .05$$

In keeping with the grounded theory newspaper content analysis (wherein contradictory messages regarding Proposition 83’s sex offender policy were present in the same issue), an additional analysis of a variance showed no significant difference between those watching only Video A versus those watching Videos A and B (group D). As hypothesized, this suggests that exposure to Video B did little to curtail the heuristic effect of the sensational Video A. Because the content of Video B focused on the administrative burdens of monitoring low-level sex offenders, there was still the strong implicit suggestion that this would hinder law enforcement from focusing on more serious offenders---indicating that serious sexual predators are, in fact, still lurking out there without adequate law enforcement. The focus on punishment was not affected by the order in which the videos were sequenced.

Based on this initial punishment analysis, a separate analysis of a variance (3x1) showed significant differences in punishment endorsement between groups B, C, and all of the participants who viewed video A (including both groups A and D). Video A viewers, therefore, were significantly more likely to endorse punishment than those who watched videos B and C, $F(2, 175) = 4.69, p = .010$. As expected, the group B endorsed punishment ($M = 14.43$) significantly less than groups A and D

($M = 16.3$). In contrast to the predator analysis, however control, group C, while still demonstrating significant differences from the B and A, endorsed punishment somewhere in the middle ($M = 15.24$) (see Table 11, below). These results support the initial hypothesis that the presentation of a mundane and practical policy critique would lower punishment preferences among participants in contrast to the more sensational heuristic presentation regarding sex offenders. Moreover, the results suggest that the video B framing resulted in lower punishment endorsement than the control group, who were not presented with any sex offender video heuristic. Potential reasons for this outcome, and the way in which the results, while still significant, slightly differed between the predator and punishment dependent variables are discussed below.

Table 11. “Punishment Scale”: ANOVA for Groups A & D (sensational video), Groups B (mundane video) & C (control)

Condition	N	<i>M</i> (SD)
Video A or D	94	<i>16.3</i> (3.17)
Video B	42	<i>14.43</i> (3.93)
Video C	42	<i>15.24</i> (3.41)

$$F(1, 178)=4.69, *p=.01$$

h. Discussion of Study 2

As previously outlined, experiment participants differed in the ways in which they endorsed the “predator” heuristic of the hypothetical sex offender, depending upon which video treatment they received. As expected, those who viewed Video A,

which sensationalized Mr. Gold’s “failure to register” case by implicitly conflating it with the horrific details of Mr. Strunk’s crime, endorsed the predator heuristic more highly than those that did not. Just as was observed in Study #1’s newspaper content coding analysis, the treatment of both Videos A and B had no significant affect when compared to Video A alone. These results suggest that the presence of the vivid and sensational exemplar involving the disturbing details of a horrible crime, overrides the more mundane and administrative presentation that focuses on “low-level” sex offenders. This result comports with past research and also mirrors public support of Proposition 83 given the media’s contradictory messages regarding “predators” and policy. The limitations in control over the independent variable Video B (which in turn heighten the realism of the treatment---arguably more important in this grounded theory based study) are likely to have bolstered this affect as well. More specifically, while Video B highlighted the administrative costs with notification requirements for low-level offenders, it still contained the suggestion that predators are lurking and that notification for everyone made enforcement against the “worst of the worst” more difficult. As such, the mere presence of the common cultural discourse regarding sex offenders, which was present in *both* videos albeit to very different degrees, was sufficient to quash any difference in the predator heuristic by the mere addition of Video B.

In contrast, however, the comparison between the control group (C) and *any* video that highlighted the sex offender heuristic (despite the differences in the “dose” of predator framing between Videos A & B) showed significant differences in the

degree to which participants endorsed the predator heuristic. This finding suggests that any “ignition” of the commonly presented notion of the “sex predator” is enough to cause the cognitive heuristic of the predator in participants. Without such ignition, the control group showed a significantly lower tendency to demonstrate the predator heuristic.

When examining the relationship between sex offender framing and punishment preferences, the results support Study #2’s hypothesis more directly. The more mundane policy based Video B, when viewed by itself, caused participants to endorse a lower level of support for punishment and incarceration of sex offenders than any inclusion of the vivid and sensational Video A, whether or not Video A was accompanied by Video B. Video B’s focus on counter-productive policies directed toward low-level sex offenders predictably led participants to soften their stance on the assumption that sex offenders deserve greater punishment and/or incarceration. Beyond this hypothesized result, the relationship between Video A and B viewers and those in the control group is perhaps more interesting. In light of the analysis of the predator dependent variable, and given the understanding that Video B still contained some suggestion of the predator heuristic, one might expect that Video B would cause a higher degree of punishment endorsement than the control Video C.

As reported above, however, the control group reported a higher punishment preference than did Video B viewers. This was unexpected and requires some additional explanation. Although Video A led to a greater level of punishment preference than the control group, these effects also demonstrate that the more

rational based policy argument in Video B (perhaps enhanced by the presence of the police officer interviewed) caused a lower level of punishment endorsement than those who had not been primed by a sex offender framing at all (i.e., those who simply watched a “cute” news segment on pets available for adoption at the local animal shelter. This result in particular, therefore, suggests that the presence of the common discourse surrounding sex offenders remained “in the air”, so to speak, when the control group was confronted with dependent variable items, although less so than those had this discursive heuristic ignited by Video A. In contrast, Video B’s more rational policy approach actually caused a decrease level of punishment endorsement than the control group. This result has broad implications for the greater inclusion of rational policy critiques, which certainly appear to diminish commonly held assumptions about sex offenders and punishment and the notion that lengthier prison sentences are the automatic response to the social problems of sex crimes.

The results of both Studies #1 and #2, suggest that theoretical relationship between the predator heuristic itself and punishment policy based on this heuristic is complex. As such, while correlated, the causation between media framing and heuristic formation does not fit the exact pattern of the effects of media framing on punishment preferences. This difference in pattern can perhaps be explained by the truly discursive and nature of the label “sex predator.” This heuristic, which is demonstrated in the literature, is likely to endure regardless of the more concrete policy-based arguments in Video B. In contrast, those same practical policy arguments have an arguably greater connection to punishment preferences; the results

of Study #2 support this causal connection. Despite the differences in causal patterns based on the variation on experimental treatments, however, Study #2 does show that any framing of sex offender issues that even hints at the purported predatory nature of offenders (versus a more public health oriented analysis to this social problem) will sufficiently cause people to form the a greater degree of the predator heuristic than those who are not primed with such a framing. This result, despite the presence of the discursive predator stereotype “in the air”, clearly shows the cognitive results which exposure to framing can have on heuristic formation, attitudes toward this subset of criminal offenders, and social judgment formation.

i. Limitations of the Present Study

While the use of university undergraduate participants often presents challenges to the true generalizability of experimental findings, there are aspects of this research that mitigate this limitation. First, it is imperative that this experiment be viewed in conjunction with the media content coding analysis described above. This multi-method approach provides multiple perspectives on the discursive nature of framing phenomena and the impact that such phenomena has on individual heuristics, attitudes, and judgments. Second, because of the public policy issues that are the focus of this overall analysis, the use of a UCSC student sample that may be unrepresentative in terms of a politically “left-leaning” bias provide a more stringent test of the hypotheses that would seem to strengthen the study’s findings. In other words, one might expect a more “liberal” sample to be more uniformly sympathetic

and supportive of rehabilitative approaches to crime. However, the independent variables still impacted participants in the predicted ways.

Chapter V: Conclusion and Future Research on the Experimental Effect of Framing on Heuristics of “The Criminal”

This research combined qualitative and experimental data to provide the basis for a nuanced and policy-related understanding of the ways in which news outlets (and by extension, policy makers and policy advocates) frame the social problem of sex crimes. The results suggest that not only does the media’s framing of this issue present a sensational, unrepresentative, and inaccurate view of sex offenders and crimes but also that this framing distorts the public’s understanding of the problem and leads to the support of more punitive responses. The use of an experimental method to assess the impact of media framing on socio-cognitive heuristics provided an important causal link between the way in which the media portrays crime, and people’s beliefs and attitudes, both about the particular crime and what is perceived as the necessary response.

From a theoretical standpoint, the complex nature of discourse on any public policy issue includes a dialectic of concepts and a reverberation of meaning that is not only framed by the original message sender, but is, in turn, also influenced by the meaning made by message receivers. In other words, the nuances of meaning likely involve a discursive exchange or relationship, rather than a simple “top down” approach to the impacts of media framing (see Bruner, 2005; 1990). However, by using a realistic experimental stimulus that carefully incorporates the qualitative nature of the messages imbedded in news stories over a period of time, as identified

in Study 1, Study 2 demonstrated the power of the media to influence people's way of thinking about sex crimes and sex offenders.

The social and cultural nature of criminal justice opinions, distilled over time in the context of history and power, makes for a multi-layered interplay of attitudes, beliefs, and ways of framing criminal behavior. However, Study 2 demonstrates that even within this discursive relationship, the power of broadcast news media and its use of vivid production formats and repeated exposure to audiences can lead viewers to think very differently about the nature of sex offenders (i.e., whether or not to classify all sex offenders as “predators”) as well as the policies that they believe should be applied to them (i.e., whether punishment is the most reasonable response to the social problem of sex crimes). In other words, Study 2 captures a causal relationship between news framing and public attitudes, at least as far as the concepts of “predator” and “punishment” are applied to sex offenders.

Given the power of framing to change heuristics, the implications of this study in a world where “news” is almost always conflated with opinion, perspective, and bias are significant. Writers and broadcasters are given access to powerful media outlets and a mass audience; they have the ability to influence opinions and attitudes from people who may not have a great deal of information about certain subjects. With this in mind, social justice advocates can construct and calibrate meaningful and fact-based messages to counteract the ways in which dominant cultural assumptions and fears regarding sex crimes, and crime in general, influence opinion and, ultimately, public policy. The awareness of linguistic choices and framing, and their

impact on beliefs and attitudes, may also be useful in case-specific settings where lawyers can develop frames to counteract the dominant media narratives which may have already influenced the heuristics of legal decision makers such as prosecutors, judges, and jurors.

Although there appears to be a clear causal relationship between media framing and beliefs about sex offenders, there are many more empirical questions that arise from this program of study, most specifically, the quantitative impact of social identity on frame-based heuristics. Given the relationship of identity formation to opinions about “others” (see, e.g., Foels, 2006), the construction of a “law abiding citizen” scale mediator could also help more precisely demonstrate the relationship between political identities that incorporate “lawful behavior” and the likeliness to invoke media-based heuristics that are not representative or grounded in fact. More importantly, further data analyses should also include carefully assessing the role of racial identity on the part of the participants in light of the relationship between race, racism, and views toward crime. While certain crimes tend to be coded in racial terms (e.g., gang related activity), the relationship between race and opinions about sex offenders is not as clear. Indeed, by changing the independent variable to alter the race of a perpetrator and/or victim in an otherwise identical vignette, the role of race could be assessed.

Likewise, given the over-representation of both males and children in sex crime reporting, understanding how the participant’s gender impacts their beliefs about sex crimes could also be extremely important. Such an inquiry could look at

the ways in which framing of sex offender policy in the United States suffers from patriarchal assumptions (regarding victimhood, treatment, and the nature of the behavior itself), and whether those frames tend to be adopted more by men. In order to have a more nuanced critique of media frames that would serve to guide writers and editors in reporting sex crimes more accurately, assessing the role of sensational details as an experimental mediator could also be an important step toward creating a more accurate discourse.

Importantly, the theoretical implications of the present findings suggest a more broad approach to social and political psychology research that could be used to identify biased or unrepresentative frames for a number of criminal justice and legal categories. For example, interrogating the ways in which the media frames “gang members” and in turn, how those frames affect public opinion would also provide insight in counteracting the dominant mythology of gang membership. Likewise, the socially and legally constructed category of the “illegal immigrant” is also an area ripe for inquiry and in desperate need of interrogation in light of contemporary politics and the use of immigration framing as a political tool to divide opinion.

By further developing an empirical approach similar to those used Study 1 and Study 2, social and legal reformers might form a fact-based, nuanced, yet persuasive response to powerful media portrayals of those in society who are deemed “problematic”, researchers and advocates can more effectively address the contextual and psychological needs of those involved in the criminal justice system. As such, countering the messages accompanying policies such as Proposition 83, which

arguably diminish public safety, is an important step in increasing the effectiveness of the criminal justice system and suggesting more valid alternatives of successful crime control. At the same time, such messaging would be crucial for both the defendants and crime victims who find themselves under the power of the court and prison system, in promoting an environment where justice, empowerment, and maximum well-being (including psychological treatment) are a desirable and achievable legal outcome---a radical discursive contrast to the social, cultural, and cognitive default of punishment for its own sake.

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