

The Effects Of Perspective Taking, Victim Impact
Statements And Race Of The Victim On Jury
Sentencing

The Effects of Perspective Taking, Victim Impact Statements and Race of the Victim on Jury Sentencing

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Abstract

Aristotle once said that “law is reason, free from passion” but previous research has shown that perspective taking and racial stereotyping can play a major role in legal decision-making. Past studies have also demonstrated that victim impact statements made during the trial may bring in jury bias and personal prejudice into sentencing decisions, as they may make jurors more aware of the victim rather than the defendant and its crime. This is of particular importance in capital sentencing cases where the life or death of the defendant is dependent on the decision made by the jury. We therefore looked into how perspective taking with the defendant, the emotional content of the victim impact statements, and the race of the victim will influence the jury sentencing.

The Effects of Perspective Taking, Victim Impact Statements and Race of the Victim on Jury Decision-making

Aristotle once said that “law is reason, free from passion” but past research has shown that many factors other than reason or law itself can play a pivotal role in legal decision-making. The assumption in the United States Constitution and the legal system is that jury trials are unbiased and objective. Many legal professionals have often contested this perceived objectiveness of the legal system (Fein, Morgan, Norton, & Sommers, 1997; Johnson, Whitestone, Jackson, & Gatto, 1995).

Many factors could come into play during a trial, such as how much a juror thinks about a case from a particular perspective—such as the perspective of the victim or the perspective of the defendant and jurors thus might feel more empathy towards one side than another. Attorneys may try to manipulate how much jurors are understand their client’s perspective or emotions. For instance, in *Brown v. Board of Education* (Brown, 1954), the Supreme Court heard a case deliberating the legality of the segregation of public schools based on the color of students. In this pivotal court case, segregation was overruled because the justices were presented with evidence (by two social scientists, the Clarks) that enabled the justices to empathize with Blacks and the effects of segregation on their lives and especially the development of self-esteem in Black children.

In addition, as also evidenced by *Brown v. Board of Education*, the race of the defendants and victims may play a role. The current research aims to look further into the role of perspective taking and victim impact statements on juror sentencing by expanding previous work to investigate whether extralegal factors, like the

victim's race, influences juror decision-making.

Role Of Emotions In Decision-Making

Bell (1982) and Loomes and Sugden (1982) in their regret theory model have proposed that we as individuals make decisions to minimize feeling regret or disappointment as we are motivated to avoid feeling these emotions. Traditionally, moral judgments have been thought to be purely cognitive processes, independent of emotions. Recent literature, however suggests that moral reasoning is, in fact, based on intuitive, emotion-based judgments, rather than more conscious deductive reasoning.

Prior psychological research also suggests that emotions alert individuals about how they are feeling about someone or something (Schwartz, 1990). Bower (1981) in his study suggests that jurors will evaluate the case positively if positive emotions are present and negatively if negative emotions are present. Therefore an individual may have happy thoughts and memories if their mood is originally happy and vice-versa if their mood is unhappy. All these viewpoints suggest that emotions can influence legal judgments.

Perspective Taking, Empathy, and Victim Impact Statements in the Courtroom

The present legal system demands that, "a capital defendant's punishment depends in part on the amount of harm caused by his actions" (Payne, 1991). However, it is possible that other factors as seen in past studies, like perspective taking, empathy for the victim due to victim impact statements, or the juror's stereotyping towards the defendant or victim, may influence the perceptions of the

amount of harm, and this may influence sentencing decisions made by the jury.

Perspective taking is the act of placing oneself in the mindset of another (Kurdek, 1978). Empathy, on the other hand, is an “other-oriented emotional response congruent with another's perceived welfare; if the other is oppressed or in need” (Batson, 1991, p. 105). Perspective taking either focused on the participant’s feelings, imagine-other perspective taking, or on own feelings, imagine-self perspective taking, in previous research has been shown to produce higher levels of empathic concern, as well as other emotional reactions (Batson, Turk, Shaw & Klien, 1995; Davis, Conklin, Smith & Luce, 1996; Batson, Early & Salvarani, 1997; Davis, Soderlund, Cole, Gadol, Kute, Myers, & Wiehing, 2004).

Empathy has been shown to influence mock juror’s decisions as demonstrated in Archer, Foushee, Davis & Ademan’s study that found that mock jurors who empathized with a criminal perceived the criminal's behavior as more lawful and placed less responsibility on the criminal for the act (Archer, Foushee, Davis & Aderman, 1979).

However, empathy does not work alone. Recent research by Skorinko and colleagues has shown that whether the juror decides to take the perspective of the defendant or not impacts the amount empathy felt for the victim or the defendant by the juror (Skorinko, Laurent, Bountress, Nyein, & Kuckuck, in press). This research has also suggested that the jury’s perspective taking with the defendant increases the defendant’s favorability by curbing the empathy felt by the jury towards the victim. Thus, perspective taking and empathy are both important components in jury sentencing.

Another factor that can influence empathy felt, especially towards the victim

in a trial is the presence of victim impact statements. The criminal justice in the past often neglected the crime victims and victims significant others also affected by the crime (Henderson, 1985). With the rise of the Victim's Law and Order Movement in 1970's there was a call nationwide for getting the victims more involved in the decision making process in criminal cases.

Payne v. Tennessee (1991) was the Supreme court decision that upheld the use of victim impact statements during sentencing, overruling its two earlier precedents, Booth v. Maryland, and South Carolina v. Gathers. Both, Booth v. Maryland and South Carolina v. Gathers had ruled that use of victim impact statements in criminal trials as unconstitutional, citing the eighth amendment to the Constitution (Payne, 1991) that prohibited the federal government from imposing excessive bails, excessive fines or cruel and unusual punishments.” (Booth, 1987; South Carolina, 1989) Past research on victim impact statements suggests victim impact statements may bring in jury bias and personal prejudice into sentencing decisions, as they make the jurors more aware of the victim than the defendant and its crime, which might lead to harsher sentencing based on emotions rather than pure reason.

In addition, recent research (Alexander & Paris, 2013) observed that the non-perspective taking participants that read emotionally charged victim impact statements displayed more empathy towards the victim and held the defendant more responsible compared to those who viewed neutral victim impact statements. Thus, this research suggests both perspective taking with the defendant and the emotional content of victim impact statements influences juror's perceptions and the amount of empathy they feel towards defendant or victim in the courtroom. Based on all this research, we predict that the juror empathy towards the defendant will increase if they

are primed to perspective take with the defendant leading to lenient punishments and the juror empathy towards victims will increase through victim impact statements with high emotionality leading to harsher punishments.

Role Of Race Of The Victim In Influencing The Jury Decision

One of the most robust phenomena in psychology is ingroup/outgroup bias. Past research has shown that while people empathize with almost anyone in distress they empathize more with their in-group - family, friends, their gender or their own ethnic group (Society Of Neuroscience, 2009). Previous studies have also shown that encountering or even thinking about the ingroup and/or outgroup members automatically activates our stereotypes about that group (Scott, 2005).

Many researchers have observed that while participants try and resist such stereotyping, the initial stereotyping process is still activated (Devine et al., 2002; Dunton & Fazio, 1997). According to Scott (2005), this process is often coupled up with another process to suppress this type of stereotyping thus reducing its impact on decision-making.

Racial Bias in jury outcomes may also have its roots in empathy for the ingroup and/or outgroup. Past studies have observed that the ingroup/outgroup bias and stereotyping can negatively affect non-white defendants who murder white victims, because of the jury's positive bias towards the victim if the jury is white. The bias will enhance the harm of the crime perceived by the jury, therefore holding the defendant more accountable and leading to harsher punishments and sentencing disparities based on race. (Levinson, Smith & Young, 2013).

A study of death-row jury sentencing in southern states indicated that the race

of the defendant had a direct impact on the jury sentence (Baldus & Woodworth 2004). Data collected from 1976 to 1999 by Baldus and Woodworth (2004) indicated that 81% of the death-row eligible defendants were executed from 51% to 56% of the defendants that had a white victim during that time period.

Another similar report of the Maryland capital punishment system also found that amongst all defendants, those who killed white victims were at least twice more likely to be sentenced to death than the defendants who killed black victims.

(Paternoster & Brame, 2004)

Present Study

Present study plans to investigate the influence that perspective taking with the defendant, varying emotionality of victim impact statements, and the race of the victim will have on jury sentencing, juror empathy, and who the juror holds more responsible.

Looking back at past studies, we believe that perspective-taking participants that read victim impact statements with low emotionality will pass more lenient sentences towards the defendant and hold the defendant less responsible for the crime. (Alexander & Paris, 2013). However this may change, if the victim belongs to an outgroup race. We predict based on prior research that the participant will favor its ingroup race (the race the participant belongs to) more than the outgroup race and therefore pass a harsher sentence if the victim belongs to the ingroup race.

On the other hand, non-perspective taking participants that viewed highly emotional victim impact statements will empathize more with the victim, thus holding the defendant more responsible and finally passing a harsher sentence for the defendant. However, they may show some leniency towards the defendant if the victim belongs to the outgroup race.

Method

Participants

A total of 133 participants (57 males, 73 females; 2 unreported) participated in this study. Participants were recruited from two online databases (SocialSci and MechanicalTurk) and students from a private northeastern college. All participants provided informed consent. The data from 8 participants that reported being Non-United States citizens and data from 10 participants who took less than 10 minutes or more than 2 hours was removed. Thus, the results were based on the data from 115 participants (48 male, 66 female). The mean age was 31.12 years, and most participants identified as Caucasian/White (79%). The remaining participants identified with a mix of racial backgrounds (3.5% Latino/Hispanic, 7% Asian/Pacific Islander/South Asian, 5% African American and 5% Biracial/Mixed Race).

Design and Materials

For this study a 2 (Perspective Taking: Perspective Taking vs No Perspective Taking) x 2 (Victim Impact Statements: High Emotionality vs. Neutral Emotionality) x 2 (Race Of The Victim: Black vs. White) design was implemented. Perspective taking, victim impact statements, and race of the victim were the independent variables manipulated to test what effect they had on jury sentencing, who did the jury hold responsible, juror empathy towards the defendant, towards the victim and towards the victim's significant others, also taking into account jury's attitudes towards death row, and racial stereotyping. The participants read a transcript of a court trial where the defendant was found guilty.

Perspective Taking. Prior to reading the trial, participants completed a test that ostensibly measured their cognitive skills. This task was a sentence-unscrambling task where participants would see words and have to create a sentence with all but one of the listed words (adapted from Alexander and Paris, 2013). The purpose of this task was to prime some participants to perspective take with the defendant of the case. Half of the participants unscrambled fifteen sentences that were related to perspective taking with the defendant or with perspective taking in general. While the remaining participants, unscrambled fifteen neutral sentences that were unrelated to perspective taking. This served as our perspective taking prime condition.

Victim Impact Statements. After reading through the trial, participants read two victim impact statements, one from the victim's father and one from the victim's fiancée. The emotionality in these two victim impact statements was manipulated to be either high or neutral. In the high emotionality condition, the victim impact statements by the father and the fiancée were emotionally charged and highly detailed describing the effect the death of the victim had on their lives. In the neutral condition, the statements were less detailed and more neutral in their tone. The purpose of this manipulation was to examine the effects that the emotionality of these statements have on decisions, perceptions, and empathy.

Race Of The Victim. To measure the effect that the race of the victim would have on the jury decision-making, the victim's race was manipulated using manipulation adapted from Bodenhausen & Wyer (1985). Half the participants read about a victim who had a stereotypically black name, Tyrone. The other half of the participants read about a victim whose name was a common name in both the races,

Matthew.

Sentencing. Participants were informed in the beginning of the trial transcript that the defendant had been found guilty of the murder. After reading the trial summary, participants were asked to determine a sentence for the guilty defendant be it either, death penalty or life in prison without the possibility of parole.

Empathy towards the Defendant and Victim. Next, participant's empathy towards the defendant, the victim, and the victim's father and fiancée who had given the victim impact statement, were measured on a 7-point likert-type scale using six adjectives related to empathy: sympathetic, compassionate, soft-hearted, warmth, tenderness and moved (adapted from Batson, 1991).

Interpersonal Reactivity Index: Participant's individual empathetic concerns and perspective taking were also tested using Interpersonal Reactivity Index (adapted from Davis, 1980) on a 5-point scale.

Attitudes towards Death Row. Participant's attitude towards death-sentence criminals was also measured (Batson, Early & Salvarani, 1997) on a 9-point scale with 1 being strongly disagree and 9 being strongly agree to examine whether any extreme attitudes towards Death Row influenced decisions, perceptions, and empathy.

Racial Stereotyping. To measure racial stereotyping, we administered an explicit and implicit measure of stereotyping. To measure explicit attitudes toward blacks, participants completed the Pro Anti black scale (Katz & Haas, 1988). Additionally, to measure implicit racial attitudes, participants also completed a racial Implicit Association Test (adapted from Greenwald, McGhee & Schwartz, 1998). As Levinson (2007) explain in his study, "an implicit association test pairs an attitude

object (like the race in this case) with an evaluative dimension, good or bad in this case and tests the accuracy and speed of the participant's response to indicate implicit attitudes regarding that attitude object." (p. 355) We counterbalanced the order of the explicit and implicit measures.

Procedure

All experiments were conducted online using survey sites called SocialSci and Mechanical Turk. After submitting informed consent, participants learned that they would read about a murder trial and make a sentencing decision. Before reading the trial summary, all participants participated in what was informed to them as a cognitive task. This served as our perspective taking manipulation. Half the participants were randomly assigned to complete a sentence unscrambling task where the sentences referred to perspective taking with the defendant, and the remaining half of participants were randomly assigned to complete a sentence unscrambling task unrelated to perspective taking (adopted from Alexander & Paris, 2013).

After completing the cognitive task, participants read the summary of a recent capital murder trial where the defendant was guilty for first-degree murder of the victim. We manipulated the race of the victim by the giving the victim a stereotypical black or stereotypical white name. Half of the participants read about a victim who had a stereotypically black name, Tyrone; whereas, the remaining half of participants read about a victim whose name was common amongst Whites and Blacks, Matthew (adapted from Bodenhausen & Wyer, 1985). The case summary included testimony presented in the guilt phase, the penalty phase, and two statements made by the victim's family. Half the participants were randomly assigned the court trial summary with high emotionally charged victim impact statements by the victim's father and fiancée on the profound impact of the death of the victim. The other half read victim impact statements that were neutral in the emotional content.

After reading the trial materials including the victim impact statements, participants propose their sentence for the defendant. Participants then completed a

series of questionnaires that measured their empathy towards the defendant and victim, their attitude towards death penalty and their implicit and explicit racial attitudes. Lastly, we assessed a few manipulation checks and the participant's demographic information, such as gender, age, and ethnicity. Finally, after completing all the questionnaires, participants were thanked for their time and effort and debriefed online.

Results

The collected data were assessed for statistical significance at $\alpha = .05$. Jury sentencing was tested using Chi-square analyses. Most of the analyses except for jury sentencing were performed using Analysis of Variance (ANOVA). Perspective taking, Victim Impact Statements and Race of the Victim were the independent factors. We predicted that perspective taking with the defendant and the race of the victim being black would limit the effect that victim impact statements with high emotionality would have on sentencing by the jury and the empathy felt towards the defendant and victims.

Sentencing

A Chi Square analysis was used to understand the interaction between the sentence the participants submitted and perspective taking, victim impact statements and the race of the victim. The Chi-square analyses between the perspective taking manipulation with the jury sentencing showed no statistically significant interaction between the two with $p > .10$. No significant observation was observed either with victim impact statements and jury sentencing with $p > .97$ or victim impact statements and jury sentencing with $p > .74$.

Responsibility

A 2 x 2 x 2 ANOVA was carried out to examine whether perspective taking, victim impact statements and the race of the victim would influence participant's perceptions on how responsible the defendant and the victim were for the crime.

Responsibility of Defendant. There was a statistically significant main effect between the victim impact statements and the responsibility of the defendant with $F(1, 106) = 3.297, p = 0.016$. Contrary to our hypothesis, we observed that perceptions of the responsibility of the defendant were higher when the emotionality of the victim impact statements was low ($M=6.757, SD = 0.095$) compared to when the emotionality of the victim impact statements was high ($M=6.403, SD=0.109$). There were no other main effects of either perspective taking, victim impact statements or victim race on perceptions of responsibility of the defendant, $p > .55$. There were no statistically significant two-way interactions between the variables, with $p > .60$. Lastly, there was no statistically significant three-way interaction either between perspective taking, victim impact statements and victim's race on perceived responsibility of the defendant, $p = 0.287$.

Responsibility of Victim. We found no main effects for perspective taking, victim impact statements or victim's race on perceived responsibility of the victim, $ps > 0.07$. There were no statistically significant two-way interactions between the three independent variables with $ps > .37$. Again, there was no significant three-way interaction either between perspective taking, victim impact statements and race of the victim on perceived responsibility of the victim, $p = 0.345$.

Empathy

Next, we examined the amount of empathy participants expressed towards the defendant, the victim, and the victim's father and fiancée who made the victim impact statements.

Empathy for the Defendant. We found no main effects for perspective taking, victim impact statements or race of the victim on the empathy felt towards the defendant, $ps > .27$. There was also no significant three-way or two-way interactions between perspective taking, victim impact statements and race of the victim on the empathy felt towards the defendant, $ps > .999$.

Empathy for the Victim. Contradicting many of our earlier assumptions, we found no main effects for perspective taking, victim impact statements, or victim race on empathy felt towards the victim, $ps > .16$. There were no statistically significant two-way or three-way interactions either between the variables when the race of the victim was white with $ps > 0.06$.

Empathy for the Victim's significant others. We wanted to subsequently study if perspective taking, the victim impact statements and the race of the victim also influenced the empathy felt towards the victim's significant others, namely, victim's father and victim's fiancée who had both submitted their victim impact statements to the court. For empathy with the victim's significant others, there was no main effect for perspective taking, victim impact statements and race of the victim on empathy felt towards the victim's significant others, $ps > .47$.

There was, however, a significant interaction between the race of the victim and the victim impact statements on the empathy felt towards the victim's significant

others, $F(1,107) = 4.138, p = .044$. When the participants were not perspective taking and viewed high emotionality victim impact statements with the victim's race being white ($M=5.503, SD = 0.230$) they reported feeling more empathy towards the victim's significant others than the participants who were not perspective taking and viewed flat emotionality victim impact statements with the victim's race being white ($M=5.125, SD = 0.236$). However when the victim's race was black, the empathy for the significant others went down when the victim impact statements went from flat emotionality ($M=5.693, SD = 0.211$) to high emotionality ($M=5.024, SD = 0.287$) with perspective taking being neutral.

Most importantly, as predicted there was also a significant interaction between all the three independent variables and the empathy felt towards the victim's significant others, $F(1,107) = 9.915, p = .002$. Participants who were not perspective taking with the defendant and read high emotionality victim impact statements with the race of the victim being white demonstrated the highest empathy for the victim's significant others. ($M=5.698, SD = 0.346$).

Jury Bias

With jury bias we examined that the perspective taking, victim impact statements and race of the victim had no main effects with $ps > 0.26$ and no significant interactions either with $ps > 0.64$.

Jury Race

The race of the jury was divided into white and non-white participants. An ANOVA was then run with perspective taking, victim impact statements, and race of the victim

as the between-participants factors to test against empathy felt for the defendant, for the victim, for the victim's significant others.

White participants. We observed that there was a main effect with the race of the jury and the empathy felt by the jury for the victim. The empathy felt by the jury for the white victim when the jury was white ($M = 5.781, SD = 0.243$) was significantly higher than the empathy felt by the jury when the jury non-white ($M = 4.676, SD = 0.449$) with $F(1,49) = 6.256, p = 0.016$. No other main effects or significant two way or three way interaction were observed between the factors, $ps > 0.08$.

Non-White participants. A similar result was not replicated when the empathy of the victim was black. There were no main effects with $ps > 0.20$ or significant interactions observed with $ps > 0.06$. One of the possible explanations for this is that most of the participants in the participant pool were white and from the non-white participant pool only some percentage was black.

Racial Attitude

Explicit Racial Attitude. No main effects or significant two way or three way interactions in the explicit anti-black racial attitude of a participant were observed. A significant interaction was observed between the victim impact statements and the race of the victims on the pro-black explicit racial attitude with $F(1,107) = 4.916, p = 0.029$. With perspective taking being neutral, when the participants were given high emotionality victim impact statements and the race of the victim was white their attitudes towards blacks was the highest on the pro black scale ($M=4.102, SD =0.236$) while it was much lower when the victim impact statements were of low emotionality

($M=3.321$, $SD = 0.242$).

Other Factors: Gender and Political Attitude

Lastly, we examined the effects of the participant's gender and political attitudes on jury sentencing. Each factor was treated as a fourth independent variable in an ANOVA.

There were no main effects but a significant interaction was observed between the independent variables being jury gender, the race of the victim, perspective taking and victim impact statements and the dependent variable being the empathy for the defendant with $F(1,107) = 6.879$, $p = 0.010$. This demonstrates that the participant felt the highest empathy when the perspective taking was neutral, the victim impact statement had high emotionality, and the race of the victim was white and the jury's gender female ($M=3.571$, $SD = 0.655$). Another significant interaction between the victim impact statement, the gender of the jury and the empathy for the victim was observed with $F(1, 44) = 6.411$, $p = 0.015$.

No significant two-way or three-way interactions between jury bias and the independent variables being political affiliation, the race of the victim, perspective taking and victim impact statements were observed with $p > 0.06$. No main effects were observed with political affiliation and the jury bias with $p > 0.23$.

General Discussion

In the above study, we observed that none of the three variables, perspective taking with the defendant, victim impact statements and race of the victim had any effect whatsoever on the jury sentencing. While perspective taking had no effect on the jury emotions either, we did notice race of the victim and victim impact statements significantly impacted the juror's empathy for the victim and victim's significant others.

Past studies have shown that the participants will experience higher empathy for the victims and pass harsher sentences for the defendants if emotionally charged victim impact statements are used in the absence of perspective taking with the defendant. (Alexander & Paris, 2013; Myers, Lynn & Arbuthnot, 2002; Myers & Greene, 2004). However, contradictory to these studies, we found that participants that were not perspective taking with the defendant and who had viewed high emotionality victim impact statements showed no significant higher punishment for the defendant neither felt higher empathy for the victim.

However, we did observe that participants did feel higher empathy for the victim's significant others, when the victim's race was white and they read victim impact statements with high emotionality. This wasn't the case though when the race of the victim was black. One possible explanation for this would be that most of the participants were white. Earlier research has shown that participants are more likely to empathize with their in-group, which in this case is the white racial group than their outgroup, that here is black racial group. (Scott, 2005).

Furthermore, the study demonstrated, consistent with our above hypothesis, empathy for the victim when the victim was white and the race of the jury was also

white was higher than the empathy felt by the jury for the white victim when the jury non-white. A huge percentage of the participants was white, further research could be carried out with more participants being non-white to see if the in-group/out-group analysis still holds true.

We manipulated the race of the victim within the trial transcript that the participants were asked to read. Future research could consider a different format for the race manipulation, possibly making the racial prompt more obvious to see its effect on the jury sentencing and juror empathy. Past research has shown that the intergroup prejudice can be undermined using perspective taking (Batson et al., 1997; Galinsky & Ku, 2004). However we observed no significant interaction between the race of the victim and perspective taking in our study. One possible reason for this may be the form of perspective taking prime.

Past study by Batson, Early & Salvarani (1997) has shown that participants tend to feel empathetic for the other person when imagine how the other person would feel. However, while our perspective-taking manipulation, consistent with past research (Alexander & Paris, 2013) was imagine-other focused, it failed to influence the juror's empathy for the defendant.

One likely area for future research could be employing imagine-self perspective taking. Evidence from neuroimaging studies provides evidence of distinguishableness of the effects of the two types of perspective taking in terms of neural activity (Jackson, Brunet, Melzoff & Decety, 2006). The same study mentioned above by Batson, Early and Salvarani (1997) also observed that when participants put themselves in the place of the other person in a situation, that is they imagine-self perspective take, it not only evoked their empathy but also their personal

distress. Davis and colleagues (2004) had also observed different types of cognitions between imagine-self and imagine-other perspective taking.

Future research could consider a different way of manipulating the perspective taking, perhaps a manipulation that would employ imagine-self perspective taking or a manipulation that is combination of both imagine-self and imagine-other perspective taking to examine the effect of perspective taking.

Other demographic variables such as gender, age and social status, that are not related to the crime whatsoever, have also been shown in the past to have influenced jury sentencing (Gebotys & Roberts, 1987). It is therefore necessary we study further what effect such extra-legal factors can have on the jury. When we looked further in our data we found that when the jury's gender was female the empathy felt for the defendant was high with no perspective taking, race of the jury being white and the victim impact statements being highly emotional. Many past studies show that men and women displayed comparably more leniency towards defendants that belonged to their ingroup gender. (ForsterLee, Horowitz, Ho, ForsterLee, & McGovern, 1999).

Contradictorily, other studies by Abwender & Hough (2001) and Hyme, Foley & Pigott (1999) have reported that women are more inclined to pass harsher punishments for other women. Further research can be carried out into the effect of gender of the jury, the gender of the victim and the gender of the defendant on jury sentencing and jury decision making.

Conversely, internal motivations of the jurors themselves, such as belief in a just world, or their political attitude may also affect the severity of the sentence they recommend (Freeman, 2006). We didn't notice any relation with the political affiliation of the juror's and their sentencing or decision making in our study but

further research could be carried out solely into how political attitude could also influence the jury-decision making.

In conclusion, we have seen that the race of the victim and the emotionality of the victim impact statements highly affected the jury's empathy and therefore might influence the process of jury sentencing. Understanding these interactions between the racial in-group/out-group, victim impact statements and empathy may allow defense attorneys to manipulate the jurors to give out harsher punishments for out-group racial groups and lenient punishments for in-groups by playing on juror empathy and thus putting emotions before law and reason. Law should not be governed by emotions but only by reason and therefore it is important to take into consideration the effect empathy generated through victim impact statements and the effect that implicit racial bias for the defendant or the victim can have on the juror sentencing to understand how to limit the effect of such factors especially when deciding over the defendant's life or death.

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