

Aversive racism in Britain: The use of inadmissible evidence in legal decisions

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Abstract

The aversive racism framework (S. L. Gaertner & J. F. Dovidio, 1986) suggests that bias against Blacks is most likely to be expressed by Whites when it can be explained or justified along non-racial grounds. The present experiment adopted a 2 (Evidence: admissible vs. inadmissible) × 2 (Defendant Race: White vs. Black) between subjects design, asking White participants, whose self-reported prejudice was assessed, to judge a legal case. As predicted, increased guilt ratings and longer sentencing recommendations were forwarded for the Black (vs. White) defendant only when DNA evidence linking the defendant to the crime had previously been ruled inadmissible. This result was not qualified by self-report racial attitudes. The implications for evidence inadmissibility in interracial contexts are considered, along with the repercussions of finding experimental evidence of aversive racism outside of North America. Copyright © 2005 John Wiley & Sons, Ltd.

In Western societies, prejudice and discrimination have become less overt and obvious, with contemporary forms of bias becoming increasingly covert, subtle, and difficult to detect (Gaertner & Dovidio, 1986; Kinder & Sears, 1981; McConahay, Hardee, & Batts, 1981). This indirect expression of prejudice coincides with the emergence of societal norms in North America and Europe that promote the endorsement of egalitarian values (Dovidio & Gaertner, 1998; Schuman, Steeh, Bobo, & Krysan, 1997) and with personal motivations to avoid being prejudiced (Monteith, 1993; Plant & Devine, 1998).

Despite these good intentions, racial disparities persist throughout several key stages in the legal system. In the US, Blacks comprise 7% of the general population in California yet 32% of the prison population there (Schiraldi, Kuyper, & Hewitt, 1996), and two-thirds of Black men in the state have been arrested at least once between the ages of 18 and 30 (Tillman, 1987). In Britain, Blacks are

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overrepresented in prison by 800–900% based on general population levels (Hood & Cordovil, 1992), and they are more likely to be stopped by police, questioned, and searched than are Whites (Skogan, 1990; Smith & Gray, 1985). The present paper examines how a contemporary form of prejudice, aversive racism, can contribute to racial disparities in the legal system. Specifically, we investigated how jurors' decisions can be subtly influenced by defendant race even when following procedural recommendations designed to reduce the negative impact of inadmissible evidence.

The aversive racism framework (Dovidio & Gaertner, 1998, 2004; Gaertner & Dovidio, 1986; Kovel, 1970) views prejudice as the result of normal and basic cognitive processes that predispose individuals to be biased against other groups. Aversive racists are typically well-educated, liberal, and well-intentioned, yet nonetheless succumb to cognitive processes (e.g. ingroup vs. outgroup categorizations) and negative feelings (e.g. disgust, unease) that are largely unconscious or unrecognized. The combined result of good intentions and negative intergroup biases represents a form of prejudice that expresses itself in a relatively subtle, indirect manner. These biases, which are not predicted by measures of self-reported prejudice, are typically expressed when actions can be attributed to non-racial factors. For instance, Whites are more likely to weigh the weaker aspects of college applicants' credentials more heavily when the candidates are Black than when they are White, which provides the justification for recommending Blacks for admission less often than Whites (Hodson, Dovidio, & Gaertner, 2002). Support for this framework comes from a variety of sources (e.g. Nail, Harton, & Decker, 2003; see Dovidio & Gaertner, 2004).

AVERSIVE RACISM IN LEGAL DECISIONS

Evidence presented within the courtroom may sometimes be ruled inadmissible, with jurors instructed to disregard the information if it is not properly obtained or presented. However, jurors do not always follow these instructions; inadmissible evidence can affect jurors' decision making. Research shows that jurors often successfully obey a judge's order to dismiss evidence (Carretta & Moreland, 1983; Schul & Manzury, 1990; Sue, Smith, & Caldwell, 1973), but also that sometimes jurors do not and instead show substantial influence of this disallowed evidence (Pickel, 1995; Wolf & Montgomery, 1977). For example, Kassin and Sommers (1997) found that people tend to dismiss inadmissible evidence that they view as unreliable, but they are likely to be influenced by inadmissible evidence that was perceived as reliable but was obtained improperly. Thus, jurors seem more motivated to make a decision that they believe is correct than to comply with a judge's instructions (see also Sommers & Kassin, 2001).

To the extent that racial associations affect people's perceptions of the criminality of Blacks in general and of particular Blacks (Eberhardt, Goff, Purdie, & Davies, 2004), the race of the defendant would be expected to influence the degree to which Whites would disregard inadmissible evidence incriminating a Black defendant. Johnson, Whitestone, Jackson, and Gatto (1995) obtained results consistent with this hypothesis and with the aversive racism framework. They asked predominantly White participants to serve as jurors and evaluate a legal case involving a robbery. The researchers manipulated defendant race (White vs. Black) and whether or not wire-tap information suggesting defendant guilt was deemed admissible or inadmissible. In the Inadmissible condition, participants were asked to disregard the information *after* its exposure, whereas in the Admissible condition all information was allowed to be considered. In the Admissible condition, no bias against Blacks emerged, as expected. In keeping with aversive racism predictions, participants in the information Inadmissible condition rated the Black defendant more guilty than the White defendant, suggesting that 'discriminatory behavior will occur only when it can be justified on non-racial grounds' (Johnson

et al., 1995, p. 896), such as not wanting to let a guilty person go free. Although participants were able to disregard the incriminating information for White defendants when later informed that the evidence was inadmissible, they apparently weighed and utilized the inadmissible incriminating evidence in their decisions for Black defendants.

The present research further examined the robustness of the effects of aversive racism on juridic decisions. In particular, the present study incorporates three principal procedural aspects that differ from the previous work, and are recommended by researchers in this area. First, the aversive racism framework proposes that bias against Blacks may be moderated either by ambiguity about the socially appropriate response or by weighing negative information more heavily in decisions involving Blacks than Whites (e.g. Hodson et al., 2002). To eliminate any confusion about what was being instructed, and to isolate the effects of exposure to negative information (incriminating inadmissible evidence) directly, participants were informed both verbally and in writing that the incriminating evidence was inadmissible. This procedural consideration also addresses concerns by legal scholars who note that jurors often do not follow judges' instructions because they do not fully understand them (e.g. Wegener, Kerr, Fleming, & Petty, 2000), with juror comprehension of legal instruction generally around 50% or less (Kagehiro, 1990). To reduce confusion and ambiguity, we followed suggestions that instructions to jury members should be made in writing, as opposed to their typical oral form, in order to increase comprehension and, potentially, compliance (Ellsworth & Reifman, 2000; Kagehiro, 1990; Wegener et al., 2000; for review see Lieberman & Sales, 1997).

A second procedural aspect of the present research that differed from previous research is that we warned participants about possibly having to disregard inadmissible evidence *before* they were presented with the evidence, instead of introducing the instructions after the damaging information had been presented (Johnson et al., 1995). Introducing information to disregard evidence only after hearing the inadmissible evidence, the procedure used in past research, may make jurors particularly susceptible to this information. That is, the incriminating evidence is already fully encoded, and then participants must try to ignore the evidence that has already been processed. In contrast, forewarning jurors about the possibility of inadmissible evidence and then instructing them to disregard the particular information in their legal decision, the procedure that has been recently recommended by legal scholars (Devine, Clayton, Dunford, Searing, & Pryce, 2001) and that is used in the present study, may enhance people's ability to engage in flexible correction and adjust for the biasing effects of incoming information (Wegener et al., 2000). According to correction theory (Wegener et al., 2000), when people are aware of factors that could bias their response, they consciously attempt to adjust their responses to compensate for the perceived influence. Thus, when people are forewarned about the possibility of inadmissible evidence, they may be more effective in making their decisions only on the admissible evidence (Kassin & Wrightsman, 1979; see also FosterLee, Horowitz, & Bourgeois, 1993; Smith, 1991), potentially reducing the impact of aversive racism. However, because, as with other types of thought suppression (Macrae, Bodenhausen, Milne, & Jetten, 1994; Wegner, 1994), attempts to suppress racial responses can enhance the impact of stereotypes and bias on subsequent decisions (Hodson & Dovidio, 2001; Monteith, Spicer, & Tooman, 1998), we hypothesized that the effects of aversive racism would still be observed under these conditions.

The third aspect of the present study differing from previous research involved employing a British sample to determine whether aversive racism can be demonstrated experimentally outside of North America. Pettigrew and Meertens (1995) argue that new egalitarian norms in Europe have resulted in the emergence of subtle prejudice that is distinct from blatant prejudice (see also Hamberger & Hewstone, 1997; Jackson, Brown, & Kirby, 1998). Given strong egalitarian norms in Britain (Home Office, 2004) and the existence of this subtle form of prejudice in the UK (Leach, Peng, & Volkens, 2000), evidence of aversive racism may emerge in Britain as in the US. A comparison of Black stereotype endorsement between Devine's (1989) US sample and Lepore and Brown's (1997) UK

sample reveals that, although the UK stereotypes are somewhat different and less negative, characteristics such as 'criminal' are common to both samples. However, Britain's association with Black slavery is more distant and remote compared to the US; thus, one cannot simply assume that aversive racism will find systematic expression in Britain. This remains an empirical question to be addressed in the present study.

In the present study, White participants were randomly assigned to a 2 (Evidence: admissible vs. inadmissible) $\times$ 2 (Defendant Race: White vs. Black) between subjects design. Before exposure to the legal information, those in the Inadmissible condition were told verbally and in writing to ignore information previously declared inadmissible by a judge. All participants read a legal scenario concerning a White or Black defendant, complete with DNA evidence suggesting guilt, and afterwards provided ratings such as guilt and sentencing recommendations. Given that self-reported attitudes have not been tested as a moderator previously in this context (e.g. Johnson et al., 1995), that they are hypothesized to reflect a bias distinct from aversive racism (Gaertner & Dovidio, 1986), and that this topic is under-researched (Shaffer & Wheatman, 2000), participants then completed the Modern Racism Scale for exploratory purposes.

We predicted that in the relatively straightforward DNA Admissible condition, no bias against Blacks would emerge. In the Inadmissible DNA condition, however, bias against Blacks was expected to emerge, with higher guilt ratings and longer sentencing recommendations prescribed, as bias here could be attributed to non-racial concerns such as not wanting to let a guilty defendant to go free (see Johnson et al., 1995). Whites, we predicted, would be afforded the benefit of the doubt (Dovidio & Gaertner, 2000; Hodson et al., 2002). We introduced the self-report Modern Racism Scale for exploratory purposes, given that this scale increasingly represents direct expressions of reactive attitudes (Fazio, Jackson, Dunton, & Williams, 1995; Fiske, 2004) of the sort aversive racists avoid.

METHOD

Participants

White introductory psychology students (35 men, 55 women) participated in the experiment in exchange for research credit. Participants ranged in age from 18 to 25 years ($M = 19.84$, $SD = 1.32$).

Procedure and Materials

Participants were tested individually for a study on the interpretation of legal scenarios. After signing a consent form, participants were told that they would read legal documents based on an actual legal case and then answer some law-related questions (e.g. recommended sentencing), along with some personal information.

Unlike past studies (e.g. Johnson et al., 1995; Thompson, Fong, & Rosenhan, 1981), the admissibility of evidence was manipulated *prior to* exposure to the incriminating evidence. Those in the Inadmissible evidence condition ($n = 44$) were told the following: 'In the documents there may be evidence that has been ruled to be inadmissible by the judge. In the interest of ensuring realism/validity, please disregard the information that has been ruled inadmissible (i.e., information that has been crossed out).' These instructions to disregard information were presented both verbally and in writing. The inadmissible information, when presented, was crossed out using the 'double-strikethrough' feature in Microsoft Word, leaving the text legible to those who deliberately chose

to read it. Those in the Admissible evidence condition ($n = 46$) were given no such disregard evidence instructions. With the evidence manipulation presented before the legal information, we reasoned that racial biases could impinge on decision making processes. That is, White participants could deliberately opt to examine information damning to a Black (vs. White) defendant despite disregard instructions.

Independent of the evidence manipulation, participants were exposed to information that the defendant was White ($n = 41$) or Black ($n = 49$). Specifically, the defendant's ethnicity was described as White or Black, was named Andrew Meadows or Denzil Lawrence, and in a signed written statement an eye witness reported said: 'I can't be sure, but I think he was perhaps [White/Black].'

The legal documentation itself was based loosely on material initially employed in research by Thompson et al. (1981) and Johnson et al. (1995), with some notable modifications (e.g. introduction of DNA evidence as opposed to wire-tapping). The materials were formatted in a manner similar to actual documents used in the UK legal system. Participants were first exposed to a form allegedly signed by the defendant stipulating the charge of robbery and acknowledgment that he had been informed of his legal rights. Next was presented a sworn statement by a female witness stipulating that she observed the robbery at her bank, including the possible use of a gun, plus descriptions of the getaway car, the perpetrator's clothing, height, and probable racial identity (White or Black).

Next came a sworn statement by a male detective constable stipulating that he answered a radio call regarding a robbery in progress, but that he arrived too late and instead interviewed a witness (see above). Acting on this information, he proceeded to the address of a 'known troublemaker' matching the witness' description. The suspect reluctantly agreed to be searched, where approximately £1500 was found on him, the amount from the robbery. The suspect claimed to be on his way to the bank to deposit earnings from his odd jobs, but provided no alibi for the interval during the robbery. The videocameras at the bank were broken, producing no images of the perpetrator. In the Inadmissible condition the following information was crossed out of the document: 'When we brought him in both fingerprints and DNA were taken to help with the investigation', and '... DNA taken from the scene was later matched with a swab provided by [Andrew Meadows (White Defendant condition)/Mr. Lawrence (Black Defendant condition)], with a 98.5% accuracy.' We presented the DNA evidence as very reliable so that participants would use the information (Kassin & Sommers, 1997) in making decisions generally.

The DNA evidence was confirmed (and again crossed out for those in the Inadmissible condition) on the next page, complete with a doctor's signature from a medical lab, presented on business letterhead. The final two pages comprised an interview transcript in which the defendant repeats his earlier testimony concerning his whereabouts and the origins of the money. Participants then completed information concerning their age, sex, race/ethnicity, and working class. These materials were taken from the participant, and a new booklet was administered.

In this booklet, participants were asked 'In your opinion how guilty is the defendant?' on a 9-point rating scale (1 = *not at all guilty* to 9 = *very guilty*), followed by 'What sentence do you recommend for the defendant?' with possible responses ranging from 0 (*no years in prison*) to 25 (*25 years in prison*). The following three questions asked: 'What is the likelihood that this defendant will re-offend?', 'What is the likelihood of successful rehabilitation of the defendant, if the defendant is found to be guilty and treatment is offered?', and 'If sentenced do you think he should have his sentence reduced for later good behavior?', along on 9-point scales (1 = *not at all* to 9 = *very much so*). Manipulation checks asking participants about defendant race and whether information was considered inadmissible or not confirmed the manipulations were successful.

At the end, participants completed the Modern Racism Scale (McConahay et al., 1981), adapted for a UK sample. The scale consists of seven items rated along a 5-point rating scale (0 = *strongly disagree* to 4 = *strongly agree*). A sample item reads: 'Discrimination against Blacks is no longer a

problem in the United Kingdom.' The scale demonstrated good internal reliability ($\alpha = 0.82$). For multivariate analyses, participants were classified as high or low in prejudice based on a median split (median = 1.00); for the univariate analyses, prejudice was treated as a continuous measure. Upon completion, participants were debriefed and thanked for their time.

Design

For tests of the primary hypothesis, the study employed a 2 (Evidence: admissible vs. inadmissible) $\times$ 2 (Defendant Race: White vs. Black) between subjects design, with Modern Racism added as a categorical independent variable in the multivariate analysis and a continuous variable in the univariate analyses for exploratory purposes. The following dependent variables were tested: guilt ratings, sentencing recommendations, perceived likelihood of re-offending, likelihood of successful rehabilitation, and recommended reduced sentencing for good behaviour. Participants were randomly assigned to experimental conditions.

RESULTS

As expected, and as indicated in Table 1, the dependent measures were systematically intercorrelated. Thus, in a test of the overall predicted pattern, controlling for Type 1 error, multivariate analyses were employed for tests across the five dependent measures: guilt ratings, recommended sentence, likelihood of re-offending, likelihood of successful rehabilitation, and reduced sentencing for good behaviour. Preliminary analyses revealed no main effects or interactions for sex of the participant and this factor was excluded from subsequent analyses. In addition, because it was measured at the end of the study, we conducted a 2 (Evidence) $\times$ 2 (Defendant Race) analysis of variance with Modern Racism as a dependent measure. Consistent with our assumption that Modern Racism scores would be unaffected by assignment to experimental conditions, the analysis revealed no significant effects.

The primary analysis was a 2 (Evidence: admissible vs. inadmissible) $\times$ 2 (Defendant Race: White vs. Black) $\times$ 2 (Modern Racism: low vs. high) between-subjects multivariate analysis of variance on the five dependent variables. This multivariate analysis revealed no main effects for Evidence, Pillai's = 0.050, $F(5, 78) = 0.83$, $p = 0.533$, or for Defendant Race, Pillai's = 0.069, $F(5, 78) = 1.15$, $p = 0.340$. However, as predicted, a significant Evidence $\times$ Defendant Race multivariate interaction was found, Pillai's = 0.152, $F(5, 78) = 2.81$, $p = 0.022$. This interaction was not moderated by participants' level of Modern Racism; the three-way interaction did not approach significance ($p = 0.512$).

Table 1. Intercorrelations among dependent variables

	1.	2.	3.	4.	5.
1. Guilt	—	0.51***	0.62***	0.01	− 0.15
2. Sentencing		—	0.43***	− 0.20 [‡]	− 0.36***
3. Re-offending			—	− 0.21*	− 0.34**
4. Successful rehabilitation				—	0.24*
5. Reduced sentence for good behavior					—

Note: [‡] $p < 0.06$; * $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$

Table 2. Tests of the Evidence $\times$ Defendant Race interaction pattern

	Inadmissible evidence				Admissible evidence				Evidence $\times$ Defendant Race		Contrast (+3 vs. -1, -1, -1)	
	Black mean	White mean	<i>t</i> (42)	<i>p</i>	Black mean	White mean	<i>t</i> (44)	<i>p</i>	<i>F</i> (1, 86)	<i>p</i>	<i>t</i> (86)	<i>p</i>
Guilt	7.38	6.15	3.18	0.003	6.32	6.86	1.04	0.304	7.37	0.008	2.55	0.013
Sentencing ¹	7.25	3.00	3.33	0.002	4.66	4.86	0.21	0.833	8.04	0.006	3.48	0.001
Re-offending	6.71	5.70	2.21	0.032	5.62	6.24	1.06	0.293	4.80	0.031	2.04	0.044
Rehabilitation	3.58	4.70	2.18	0.035	5.24	4.57	1.26	0.215	5.84	0.018	3.01	0.003
Reduced sentence	4.04	4.90	1.06	0.294	4.48	4.33	0.20	0.839	0.87	0.354	0.87	0.386

For the univariate analyses we treated Modern Racism as a continuous variable (after centring, see Aiken & West, 1991) to increase the power of the analysis and provide more sensitive tests of the racism variable. As expected, no three-way interactions were significant for any of the dependent measures: guilt, $\beta = -0.09$, $t < 1$, $p = 0.434$; sentencing, $\beta = 0.11$, $t = 1.12$, $p = 0.267$; re-offending, $\beta = -0.16$, $t = 1.48$, $p = 0.14$; rehabilitation, $\beta = 0.12$, $t = 1.15$, $p = 0.254$; or reduced sentencing, $\beta = 0.05$, $t < 1$, $p = 0.685$. Thus, self-report racism did not moderate the Evidence $\times$ Defendant Race interaction, and consideration of this variable is excluded in the following analyses.²

As reflected in the significant Evidence $\times$ Defendant Race multivariate interaction, significant univariate interactions were found for four of the five dependent measures (see Table 2). Ratings of guilt, sentencing recommendations, and likelihood of re-offending showed essentially the same Evidence (admissible vs. inadmissible) $\times$ Defendant Race (White vs. Black) interaction pattern (see Table 2). When the evidence was ruled inadmissible, participants in the Black defendant condition rated the defendant as more guilty, recommended longer sentences, and perceived the likelihood of re-offending to be significantly greater than did those in the White defendant condition. When evidence was ruled admissible, there were no significant differences as a function of defendant race. Moreover, participants in the Admissible evidence-Black defendant condition tended to rate the defendant as less guilty, recommended somewhat shorter sentences, and tended to perceive the likelihood of re-offending to be lower than those in the Admissible evidence-White defendant condition. This basic pattern is illustrated in Figure 1 for ratings of guilt. Additionally, for each measure, ratings were significantly harsher in the Inadmissible evidence-Black defendant condition than in the combination of the other three conditions (see Table 2; contrast weights = +3 vs. -1, -1, -1). Tests of the differences among the other three conditions revealed that they did not differ significantly from each other.

Ratings of the likelihood of successful rehabilitation, which was inversely correlated with sentencing recommendations and likelihood of re-offending (see Table 1), demonstrated a mirror image interaction pattern. As expected, the Black defendant was considered less likely to be successfully rehabilitated in the Inadmissible evidence condition than was the White defendant; there was a non-significant tendency to rate the Black defendant as more likely to be rehabilitated than the White

¹This pattern is not due to extreme outliers in the Black-Inadmissible cell. The maximum sentence in Inadmissible evidence conditions is 10 years for White defendants and 20 years for Blacks, with 38% of those rating the Black defendant recommending 10 years or more. Given that sentences in Britain tend to be lower than in the US generally, this high level of sentencing in this experimental cell is particularly revealing about the racial bias present.

²A Modern Racism main effect for sentencing revealed that those higher in prejudice recommended longer sentences in general, $\beta = 0.35$, $t = 3.77$, $p < 0.001$. Additionally, the Modern Racism $\times$ Defendant Race interaction approached significance for recommended sentencing, $\beta = -0.185$, $t = 1.97$, $p = 0.053$. Modern Racism showed no other effects for other variables.

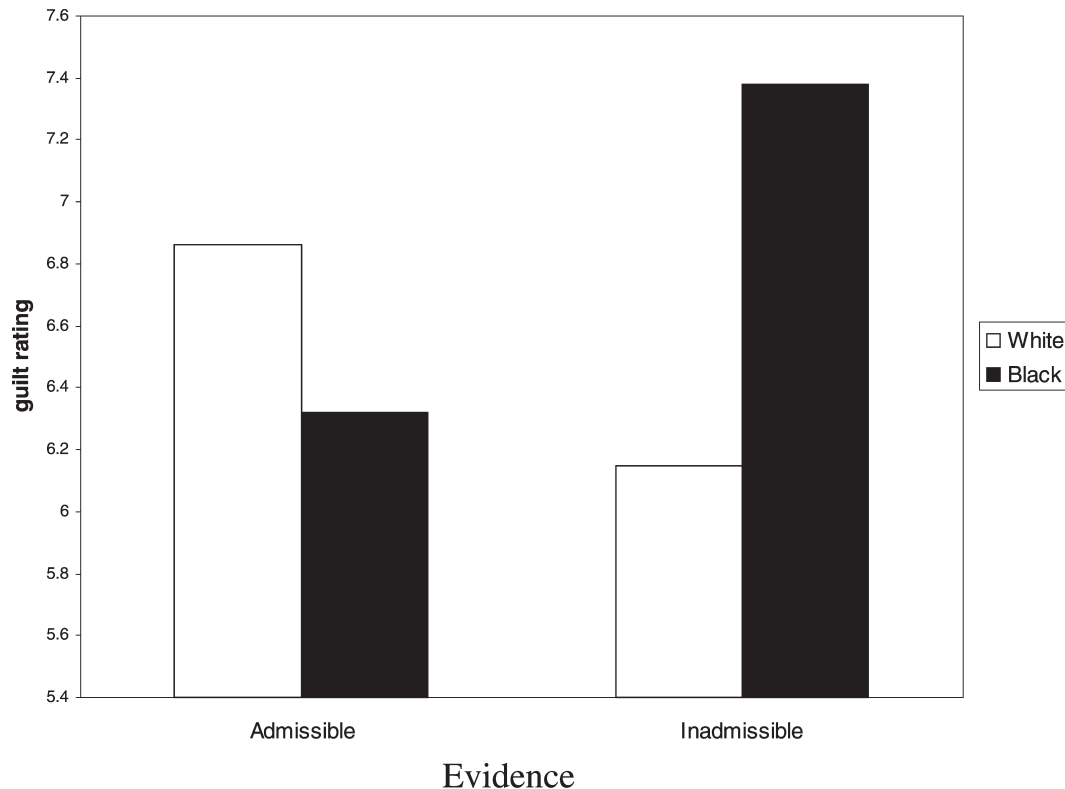


Figure 1. Guilt ratings of defendant as a function of evidence admissibility and defendant race

defendant in the Admissible evidence condition (see Table 2). The *a priori* contrast confirmed significantly higher scores in this cell than the other three.

In contrast to the consistent results for the other four dependent measures, ratings of reduced sentencing for good behaviour showed no significant effects in the comparable analyses. Consistent with the general pattern of subtle racial bias, however, Blacks in the Inadmissible condition ($M = 4.04$) tended to be recommended for relatively less time off for good behaviour in prison than those in other conditions ($M_{\text{White Inadmissible}} = 4.90$, $M_{\text{Black Admissible}} = 4.48$, $M_{\text{White Admissible}} = 4.33$).

DISCUSSION

The present study demonstrated that, despite the incorporation of procedural elements recommended by legal scholars to increase jurors' understanding of the legal process and thus the appropriateness of their decisions, subtle racial biases in perceptions and decisions were observed. In particular, to reduce juror confusion we provided written as well as oral instructions (Lieberman & Sales, 1997) and forewarned jurors of the importance of disregarding inadmissible evidence (Devine et al., 2001). Nevertheless, consistent with research on aversive racism, we found that after receiving orders from a judge stipulating that incriminating DNA evidence should not be utilized in making upcoming decisions, the Black defendant, compared to the White defendant, was considered to be more guilty (Figure 1), given longer sentence recommendations, seen as more likely to re-offend, and rated less

likely to be rehabilitated (Table 2). To our knowledge the present investigation is the first *experiment* to uncover aversive racism in Britain, a country with strong egalitarian values yet a substantially different racial history from the US.

As we have argued, the Inadmissible evidence condition presents a situation that allows presumably non-racial motives to account for a decision, such as the desire to avoid letting a guilty person go unpunished (see also Johnson et al., 1995). This finding also supports Kassin and Sommers' (1997) general conclusion that jurors are primarily motivated to make the correct decision and thus may still consider inadmissible evidence that they perceive as valid. In the present study, the incriminating DNA evidence was described as 98.5% accurate. Little research has examined the impact of scientific evidence such as DNA on legal decisions, particularly in the context of judges' instructions to disregard information (Devine et al., 2001), and the present research suggests it can have a substantial (albeit selective) influence even when it is ruled inadmissible.

We note that, as illustrated in Table 2, the incriminating evidence had a more damaging impact on participants' judgments of Black defendants, not only when compared to the condition when the evidence was inadmissible for a White defendant but also compared to when it was presented as admissible evidence for a Black defendant. The finding that people are able to correct for this influence for White defendants, eliminating the influence of an important piece of incriminating evidence in their judgments of Whites and thus leading to weaker perceptions of guilt, is consistent with previous research showing that Whites are inclined to 'give the benefit of the doubt' to other Whites (Hodson et al., 2002). As indicated by the difference in response to White and Black defendants in the inadmissible evidence conditions, they did not extend this same benefit and correct for the possible influence of the inadmissible evidence for Black defendants. In fact, they tended to judge Black defendants more harshly when the incriminating evidence was inadmissible than when it was admissible.

As we proposed earlier, one reason why the evidence incriminating the Black defendant appeared somewhat more influential when it was inadmissible than when it was admissible could relate to increased accessibility of these thoughts as a consequence of trying to suppress them. Previous research, for example, has demonstrated that people who have been instructed to suppress stereotypic thoughts about Blacks subsequently exhibited a 'rebound effect' (Macrae et al., 1994), making more stereotypic attributions of Blacks than those who had not previously tried to suppress stereotypes of Blacks (Hodson & Dovidio, 2001; see also Monteith et al., 1998). A more direct test of this explanation, which could be pursued in future research, would involve assessing the cognitive accessibility of this information (e.g. using response latency techniques) after the information has been introduced. Presumably, this information would be uniquely accessible in the Black defendant-Inadmissible evidence condition (i.e. relative to the Black defendant-Admissible evidence condition, as well as the White defendant conditions, for whom criminality is not associated with the group stereotype; Eberhardt et al., 2004). Also, future research might examine the effect of inadmissible evidence that potentially exonerates the defendant. If our explanation is correct, then this information may be particularly influential for White defendants but effectively corrected and dismissed for Black defendants.

In contrast to the evidence of the operation of aversive racism in the pattern of participants' responses, our experiment revealed little evidence of direct, overt racism in the UK, consistent with recent survey research (e.g. Leach et al., 2000). Participants did not respond more harshly to Black defendants than to White defendants overall; there were no main effects for Defendant Race on any of the dependent measures. To the extent that the Modern Racism Scale may be recognized, at least by some researchers, as an increasingly direct (vs. subtle) measure of prejudice (e.g. Fazio et al., 1995), the results for Modern Racism also do not provide strong evidence of direct racial discrimination in this context. The multivariate Defendant Race $\times$ Modern Racism interaction was not significant. More

revealing is the finding that there were no significant differences in White versus Black ratings for any of the dependent measures in the straightforward Admissible evidence condition; if anything, participants here exhibited non-significant tendencies to favour the Black defendant on ratings of guilt, re-offending, and successful rehabilitation perceptions. This is consistent with past research on aversive racism (Dovidio & Gaertner, 2000; Hodson et al., 2002) and contrasts with traditional perspectives on racism that suggest that general and consistent biases against Blacks would emerge.

The fact that the Evidence $\times$ Defendant Race interaction pattern was not moderated by Modern Racism provides further evidence of the independent operation of subtle and blatant biases (Pettigrew & Meertens, 1995). Nonetheless, we recognize the importance of studying self-reported racial attitudes, particularly in the context of evidence admissibility, where these variables remain under-examined (Shaffer & Wheatman, 2000). Our experiment indicates that racial attitudes, as expressed by the Modern Racism Scale at least, are not important moderators of these decisions. Future research might include subtle and direct measures developed in a European context (e.g. Pettigrew & Meertens, 1995).

In conclusion, the present experiment continues to show the subtlety of contemporary racism, its persistent effect in the courtroom even when procedures to help ensure comprehension and fairness are implemented, and its pervasiveness beyond North America. Thus, although social norms and personal egalitarian standards may effectively be reducing the impact of blatant racism in the legal system generally, and despite efforts to ensure fair treatment for all, subtle biases may still be contributing in significant ways to racial disparities in the legal system.

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