



Juries and Social Influence

Part 2



Risky Shift OR Group polarisation?

- Stoner (1961) decisions are more daring when made as a group ([risky shift](#)).
- The tendency for groups to move towards even stronger positions/ opinions when the majority favour one side.
- However, the reality is much more complex in a jury situation.
- Discussion increases the strength of feeling in the original direction (Myers & Kaeplin 1976): [group polarisation](#).



Conformity and Majority Influence

- Many people hold the view that if most people think something is correct then it probably is...
- (ask the audience lifeline!!)
- Recall Asch's 1955 research, which showed that majority influence can lead people to deny the evidence of their own eyes on a simple task through conformity.

Conformity – recap of key terms

Conformity:

- Behaving in a way that fits in with a particular group.

Group norms:

- A group's expectations about what behaviour is appropriate.
- These businessmen are conforming to group norms about appropriate dress.
- And so are these punks.

Group pressure:

- How a group influences its members to adhere to group norms.



Factors affecting conformity-relating to the court scenario

- Group size- *what do we know?*
- Group cohesion
- Defectors/dissenters
- Task importance- *severity of the crime/strength of the evidence*
- Diversity of backgrounds
- Experts versus novices
- Cultural influences- *race, ethnocentrism*



Conformity & juries

- Juries operate quite differently than in Asch's study. They deliberate and discuss the evidence.
- Smith & Mackie 1995 suggest that in juries majorities exert their influence through a number of factors -

Smith & Mackie (1995)

- The majority view is more likely than the minority one to be accepted because:
 - 1. this view is expressed **more often in a variety of ways** and arguments.
 - 2. this view is **discussed more and in greater depth**.
 - 3. this view seems more compelling and is **expressed more persuasively** than the opinions of the minority.





Groupthink is a phenomenon where people tend to confirm with group decisions to avoid feeling outcast, leading to errors in decision making.

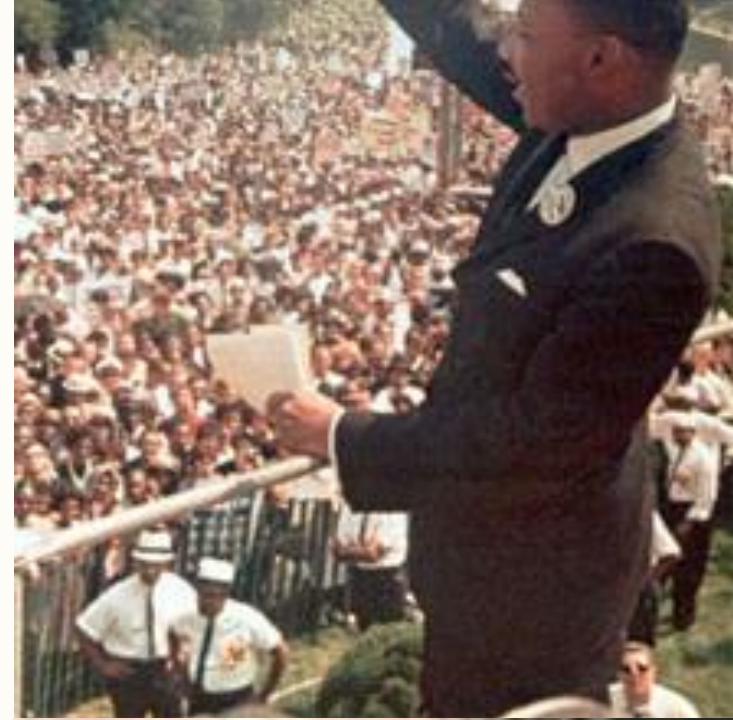


Group think & Hindsight bias

- Groupthink is a psychological phenomenon that occurs within a group of people in which the desire for harmony or conformity in the group results in an irrational or dysfunctional decision-making outcome. Cohesiveness, or the desire for cohesiveness, in a group may produce a tendency among its members to agree at all costs.
- This causes the group to minimize conflict and reach a consensus decision without critical evaluation.
- Hindsight bias occurs when looking back on an uncertain event, with the clouded judgement that at the time, it would have been easily predictable. Also known as the 'knew-it-all-along-effect'; it focuses on the inherent human tendency to exaggerate in hindsight, what was known in foresight.
- Fundamentally, the belief that one 'knew it all along' can be detrimental to decision-making as this bias distorts our view of our own judgement and can therefore prevents learning from experience.

Interpersonal influence - Minority influence

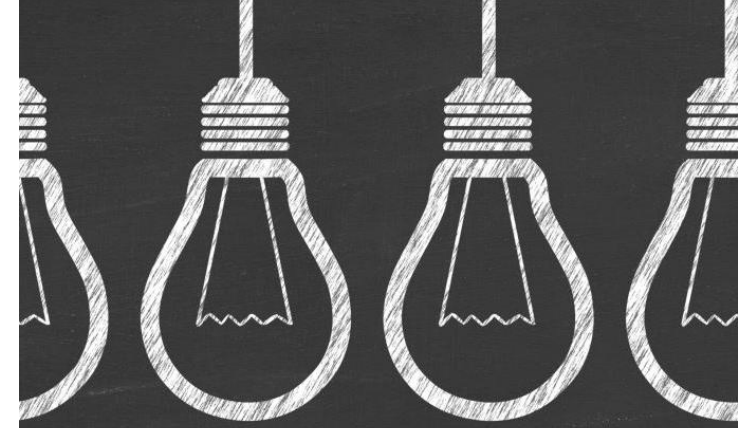
- **Moscovici** argued that American research on conformity ignored the influence that minorities can have on society's attitudes.
- Studies such as Asch's reflect compliance.
- Minorities can effect real change: E.g. suffragettes changed attitudes to women's rights.
- Campaigners like Martin Luther King changed attitudes to racial discrimination.
- How does this apply to the judicial system?



Moscovici's research

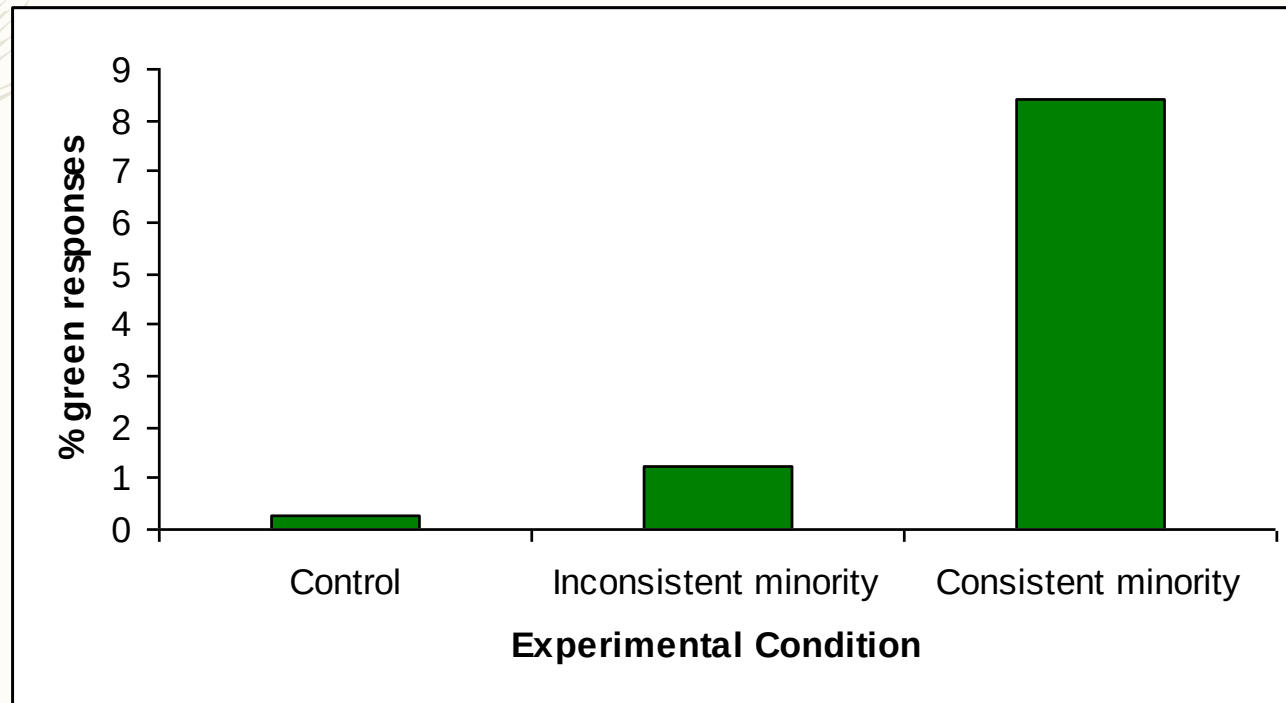
The influence of a minority depends on behavioural style of individuals involved. The minority which is:

- **Consistent** – most crucial. A consistent minority can make people rethink their views. An inconsistent minority has almost no influence
- **Flexible**
- **Has relevant arguments**
 - Will have most impact on the majority.



Moscovici's research (1969)

Results:



- 8 times as many participants responded “green” in the “Consistent minority” condition as in the “Inconsistent minority” condition

Moscovici's research (1969)

Conclusions:

The minority which is **consistent** will have most impact on the majority.

- 15-17 and 30-34 minutes





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- Pressure to conform increases with the severity of crime.
 - The more serious; the less likely a conviction.
 - Secondly, where there is a need for a majority as opposed to a unanimous, the jury deliberate less, and resort to pressure. (But remember Risky Shift/Group Polarisation).
 - So... whether a unanimous or majority verdict is required will determine which psychological processes are at work.



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- Baldwin (1980) argues that the **chances of acquittal doubles** if deliberation is longer than **three** hours.
 - Kalven & Zeisel (1966) found that out of 250 juries, where the initial majority was consistent, the final outcome was the same as the initial verdict.
 - Remember group polarisation and risky shift...

Role of the Foreperson



- Remember that whilst 50% of jurors are women, 90% of spokespersons are male.
- Reasons proposed for this were, men tend to speak first, they tend to occupy the seat at the head of table, and they often appear confident and take charge.
- This is in contrast to other individuals, who are less likely to contribute and prefer to sit back and listen; a term referred to as **social loafing**. Again recall that 20% of jurors never speak at all!



Evaluation - Are juries really effective?

- **Kalven and Zeisel** (1966) found that jurors have usually decided on their verdict before they retire to the jury room.
- They use jury deliberation time to try and persuade others of their opinion.
- [40-44, 52-60, 1.12-1.15, 1.20.](#)

Recall: Unanimous or majority verdict?

- Researchers have also explored whether a unanimous or majority verdict is likely to make any difference to proceedings.
- In Britain a majority of 10 to 12 is enough to secure a conviction
- In America few states allow a less than unanimous verdict for criminal trials.
- What are the implications for the interaction of the jury?



Unanimous or majority verdict?

Nemeth (1977):

Studied mock juries.

Some required to reach a unanimous decision.

Others allowed to reach a decision with a 2/3 majority.

Findings:

Those required to reach a **unanimous** decision debated for **longer**, were more likely to take account of minority views and were more confident in their decision. They were also more likely to change from their original verdict.

So... what does this mean in psychological terms?



Unanimous or majority verdict?

Hastie & Pennington (1983).

The **mean total deliberation time for the 12/12 juries was 138 minutes** (two hours, 18 minutes).

- The **mean total deliberation time for the 8/12 juries was 75 minutes** (one hour, 15 minutes). They spent less time debating once the required majority had been reached.
- But they were less confident & less satisfied with verdict reached.

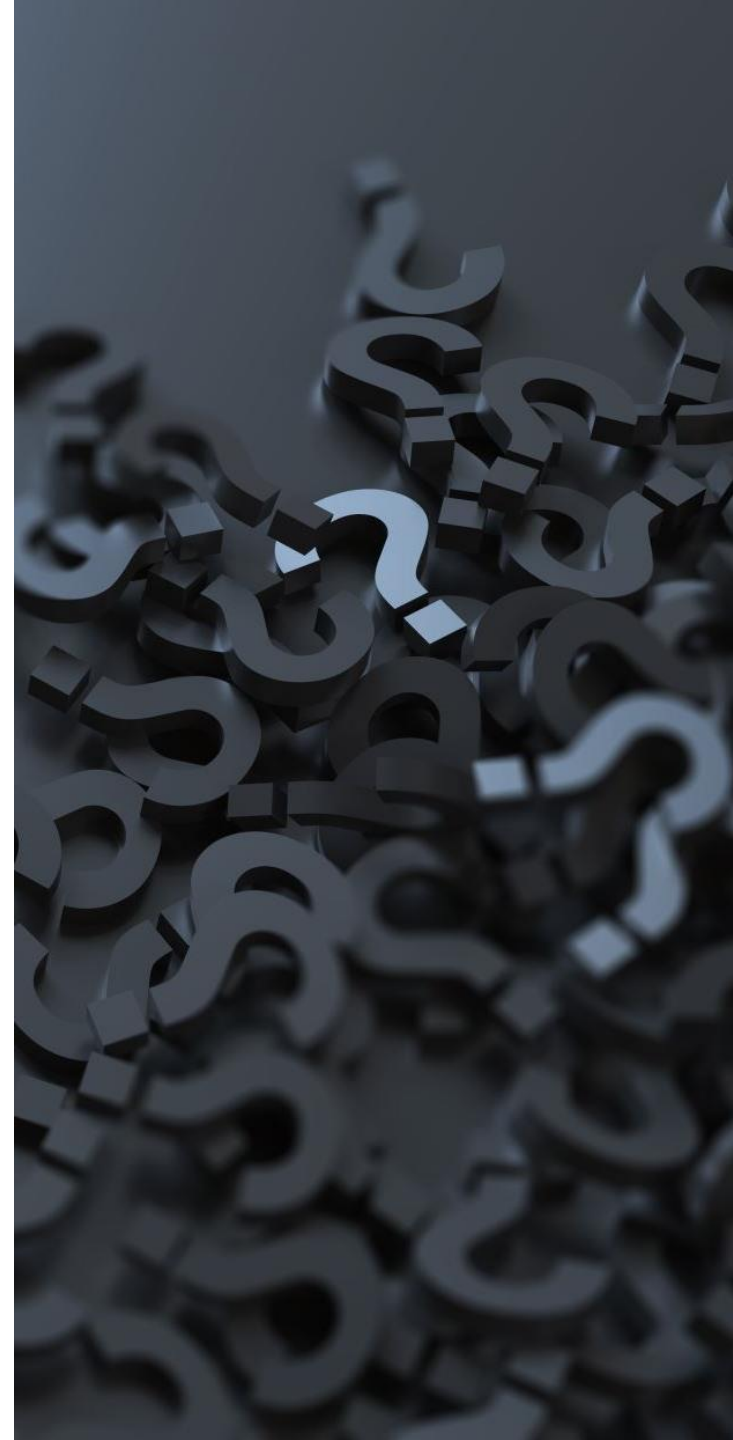


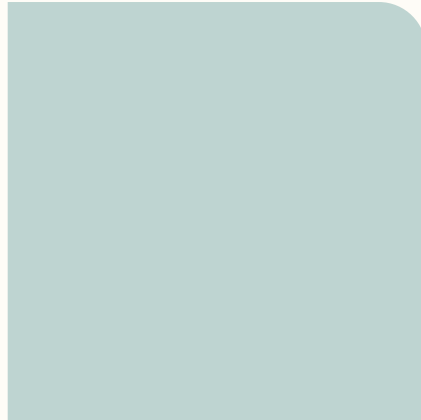
Effectiveness of juries

- Social psychologists generally agree that a majority verdict reduces the effectiveness of juries.

Brehm & Kassim (1996)

- *‘it is clear that this procedure (majority verdict rather than unanimous) weakens the minority, breeds close mindedness, inhibits discussion and leaves many jurors uncertain about decisions.’*





Characteristics of the defendant and interactions with the victim

- Attractiveness
- Identification
- Ethnicity/Race
- Age



Attractiveness

- More attractive defendants will receive less harsh sentences (**DeSantis and Kayson, 1997**)
- **However**, if attractiveness is **part of the crime**, more attractive defendants will receive harsher sentences (**Sigall and Ostrove, 1975**).
 - Pp`s shown either an attractive or unattractive photo of a burglar.
 - Jurors recommended a sentence that was **half of the length** of the sentence for the **unattractive** photo.

Physical attractiveness of Defendant

- Baron & Byrne (1997) Attractive defendants receive a lighter sentence: 'beautiful is good?'
- Jurors assume that attractive people are good and unattractive people are bad, due to the stereotypes held about criminals.
- Micheline & Snodgrass (1980) found that physically attractive people are more likely to be acquitted.
- Stewart (1980) observed American judges and found that the attractive defendants had lighter sentences than those who were less attractive.
- Downs & Lyons (1991) found similar effect when setting bail: The less attractive individuals had higher bail terms set.

Identification

- Jurors will be more sympathetic towards people with whom they can identify.
- E.g. ethnic background.
- People do take ethnicity into consideration when returning a guilty verdict.
- Some crimes are associated with different races. Examples of this?...



Ethnicity/Race

- Black defendants are given longer sentences, and sentenced to the death penalty more often, than White defendants (Austin & Allen, 2000).
- Pfeiffer (1991) reported that white university students were more likely to rate black defendants as guilty than white.
- Black defendants are given much longer sentences than White defendants when the victim is White (Baldus et al., 2002).
- Mustard (2001) found that Black and Hispanic defendants were given longer sentences than White defendants, even after controlling for crime seriousness
- **Implications here...**





Age

- The age of the defendant can affect jury decision making, based on the crime.
- E.g. a teenager vs. a pensioner in an act of vandalism.



In conclusion-

- Juries are complex and difficult to study.
- Ignores many factors such as victim, Judge and Lawyer characteristics.
- Difficulties with studying accurately.
- Many jurors do not know what to expect or do (Thomas, 2010).

