

Do People Perceive Juvenile Sex Offenders Who Are Gay and Christian as Hypocrites?

Social Identity Theory and Dual Identity Defendants

by

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ABSTRACT

This study investigates the presence of a dual identity defendant, and how sharing an in-group can create a judgment bias. A sample of 256 participants was used to test whether there was a relationship between judgment punitiveness, perceptions of shared identity, hypocrisy and the social identities (religion and sexual orientation) of the participants and a defendant charges with a sexual offence. Results suggest that Christian participants selected more punitive outcomes for the defendant compared to non-Christian participants. Further, participants were more punitive when the defendant was gay compared to when the defendant was heterosexual. Also, when the defendant was straight there was a stronger feeling of similarity between the participants and defendant compared to when the defendant was gay, and non-Christian participants had a stronger feeling of closeness to the defendant compared to Christian participants. There was a significant interaction found, suggesting that when the defendant was Christian and gay he was seen as more hypocritical compared to when he was Christian and straight; there was no interaction when the defendant was not Christian. These findings should aid in future research and a better understanding of how dual identity defendants are perceived in the courtroom.

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INTRODUCTION

Overview

In juvenile sex offender cases judges or juries make decisions that could change a young life forever. There are many extralegal factors about the defendant that can affect a legal decision maker's judgment. If the judge or juror is Christian and the defendant is also Christian, this shared identity might affect the legal decision maker's punitiveness relative to if this shared identity did not exist. I will test two competing hypotheses about the direction of this shared identity effect based on the Black Sheep Effect and Similarity-Leniency Hypothesis. The Black Sheep Effect would predict that Christian jurors might judge a Christian defendant who was charged as a sex offender more severely than a non-Christian defendant, because the Christian defendant is performing acts that are against the in-group norms and is making the entire group look bad. In contrast, the Similarity-Leniency Effect would predict that Christian jurors might judge a Christian defendant less severely than a non-Christian defendant because people tend to see their in-group members as like-minded and are less punitive as a result. Further, I investigate whether Christians would be even more punitive when a Christian defendant is also gay and therefore also belongs to a group that, by definition, violates Christian values. I tested whether this contradictory dual identity (being Christian and gay) would make people perceive the defendant as more of a hypocrite, relative to when the defendant belongs to only one of these groups, and be more punitive as a result. To support these hypotheses I will review Social Identity Theory and the two competing theories that I will test: the Black Sheep Effect and the Similarity-Leniency Hypothesis. Next, I will review legal

psychology literature regarding the effects of defendant sexual orientation and religiosity on legal judgments. Finally, I will propose two potential mediators of the hypothesized social categorization effects: perception of shared identity and hypocrisy.

Social Identity Theory

Social categorization processes can affect an individual's punitiveness toward individuals with shared and conflicting identities. Social Identity Theory (Tajfel, 1982) explains that a personal and social identity is created when an individual experiences the processes of becoming part of an in-group. A social identity is created as a person becomes more comfortable with the groups they associate with, and they begin to see more commonalities between themselves and other group members in regards to beliefs, norms, and practices (Baumeister & Leary, 1995; Tajfel, 1982). Tajfel (1982) suggests that there are three processes an individual may experience during the early stages of in-group membership. A person may determine that they feel comfortable with a certain group and as long as there is minimal to no conflict, membership is accepted and social categorization is present. Social identification occurs when an individual notices overt similarities between themselves and members of a social group (e.g., behaviors, beliefs, and norms), creating a stronger bond with that group leading to in-group membership and acceptance. Additionally, social comparison begins once an individual's behavior and beliefs are seen as closely related in in-group members. At this point, comparison of self to out-groups creates possible prejudice and discrimination toward out-group members (Tajfel, 1982). As group members experience more positive interactions within an in-group a sense of loyalty, oneness, and an increase in self-esteem occur (Tajfel, 1982).

Along with an increase in esteem and oneness with the in-group, an increase in distrust and negative attitudes towards out-group members occur (De Tezanos-Pinto, Bratt, & Brown, 2010; Bizman & Yinon, 2004; LaBouff, Rowatt, Johnson, & Finkle, 2012). An individual's attitude towards an out-group is negatively affected by in-group norms leading to negative interactions and perceptions about out-group members (De Tezanos-Pinto et al., 2010). Thus, people might judge an in-group defendant more positively than an out-group defendant.

Dual Identities

As multiple identities are formed within an individual a conflict of intergroup rules and norms may occur (LeBoeuf, Shafir, & Bayuk, 2010; Jaspal & Cinnirella, 2010). Lewis (2009) suggests that individuals who have conflicting social identities experience a higher risk of depression, anxiety, and suicide compared to those with similar or only one, primary social identity. Further, these individuals may choose to withdraw from one of the groups if they feel chastised or they may start conflict among the group if they are treated like an outcast (Lewis, 2009). In the courtroom, the social norms and beliefs of a juror's in-group may lead to biased judgments of a defendant based on whether the defendant belongs to a salient in-group or out-group (Kerr, Hymes, Anderson, & Weathers, 1995; Marques, Yzerbyt, & Leyens, 1988). More specifically, the first goal of the current research investigates whether a Christian juror's punitiveness would increase or decrease toward a Christian versus non-Christian defendant. The second goal is to investigate whether the presence of an additional conflicting defendant identity affects jurors' punitiveness toward that defendant. Next, I draw from the Similarity-Leniency

Hypothesis (Kerr et al., 1995) and Black Sheep Effect (Marques et al., 1988) to inform my hypotheses.

Similarity-Leniency Hypothesis

The Similarity-Leniency Hypothesis (Kerr et al., 1995) suggests that a juror will make less punitive judgments towards a defendant if they share group membership, compared to when a defendant is an out-group member. Kerr et al. (1995) suggest that a feeling of empathy towards the defendant or a sense of oneness creates the need to positively evaluate and not punish an in-group member. For example, defendants were evaluated more positively if they shared religious beliefs with a juror compared to those with a different religious affiliation (Kerr et al., 1995). Galen, Smith, Knapp, and Wyngarden (2011) found that participants high in religious fundamentalism perceived in-group members as more moral and more favorable on social dimensions compared to non-religious individuals. Mock jurors were less likely to convict a defendant if they saw themselves as similar to the defendant both pre- and post-deliberation (Miller, Maskaly, Green, & Peoples, 2011). Additionally, men mock jurors delivered less votes for a guilty verdict, perceived a father/defendant as less responsible for the death of an infant, and felt more similar to the male defendant compared to female mock-jurors, supporting the Similarity-Leniency Hypothesis (Bottoms et al., 2011). Thus, people may be more lenient toward a defendant who belongs to their in-group compared to a defendant who belongs to an out-group.

Black Sheep Effect

In contrast, the Black Sheep Effect suggests that a juror will make a *more* punitive

judgment toward a defendant if they share group membership compared to when the defendant is an out-group member. This theory finds that people respond more negatively to in-group deviant behavior because they perceive it as an act that makes the entire group look bad (Marques et al., 1988). According to the Black Sheep Effect, if in the courtroom a defendant and a juror belong to the same in-group the juror may be more punitive as they may perceive the actions of a defendant as offensive to the norms of the group (Marques et al., 1988). Kerr et al. (1995) found supporting evidence that when race or religion was shared between a defendant and a mock juror, the likelihood of a conviction increased compared to when the defendant did not share a social identity. More recently, Gollwitzer and Keller (2010) also found that in-group members were punished more severely than out-group members, and repeat offenders who were part of the in-group were given the most severe punishment compared to all other offenders. Thus, jurors may be *more* punitive in judgment towards individuals who are part of the juror's in-group compared to defendants who are out-group members. This theory would also suggest that a juror would be even *more* punitive to an in-group defendant if the defendant also has a conflicting social identity. The justification for this being that the presence of a conflicting, second social identity could threaten the norms and beliefs of an entire in-group and this could make the entire in-group look bad. For example, a Christian juror may see a defendant who is Christian but also gay as a hypocrite for being Christian but also taking part in a group that goes against Christian norms.

Sexual Orientation and Religion in the Courtroom

Recent research finds an implicit, negative connotation with identifying as gay

compared to heterosexual in lay people (Breen & Karpinski, 2013). However, across the spectrum of discrimination and prejudice, explicit responses about attitudes towards gay people were more positive compared to the past (Breen & Karpinski, 2013). This supports the common conclusion that America is demonstrating a decrease in overt discrimination and prejudice while subtler, covert discrimination persists (Morrison, Kenny, & Harrington, 2005; Wolf & Spencer, 1996). This bias has also been evident in legal contexts. More than one-third of all participants supported higher punitiveness and mandatory sex offender registration if the offender was involved in a same-sex encounter; compared to the less than one-quarter that supported registration for heterosexual offenders (Comartin, Kernsmith, & Kernsmith, 2013). In 2009, Wiley and Bottoms found that compared to straight defendants, gay defendants were more likely to be convicted. Gay defendants were also assigned a higher degree of guilt, were rated as less credible, and more responsibility was attributed to gay defendants (Wiley & Bottoms, 2009). Jurors were also more morally outraged and more likely to believe sexual contact occurred in cases involving gay versus straight defendants (Wiley & Bottoms, 2009).

Along with legal contexts, discrimination against gays might be more rampant among religious individuals as it goes against certain religious practices, especially in people of the Christian faith. As religiosity and spirituality increase, attitudes towards gay men become more negative (Johnson, Rowatt, & LaBouff, 2012). Although Catholic, Protestant, Jewish, and Muslim religious groups all oppose being gay and the LGBT community, the Christian Right has been the most organized and best-funded source of opposition for the Lesbian, Gay, Bisexual, Transgender (LGBT) community (Green,

2000). I will investigate whether Christian jurors' discrimination against a gay defendant compared to a heterosexual defendant will be even stronger when the defendant is also Christian, relative to when the defendant is not Christian.

People who identify as both Christian and gay exist, despite the conflicting aspects of their identities. Sherry, Adelman, Whilde, and Quick (2010) performed a study investigating the intersecting social identities of religion and being gay, and found that almost half (46%) of all participants had questioned their religious beliefs due to their identification as gay. Further, 11% of gay participants had experienced feelings of oppression from the religious group they most strongly affiliated with. Seamless integration occurs when multiple, mutually exclusive groups are blended together creating a positive gay and religious identity (Ganzevoort et al., 2011; Rodriguez & Ouellette, 2000); however, research and evidence of seamless integration in gay, Christian men is sparse. It is commonplace for members of both the Christian and LGBT communities to deal with discrimination in both their private and public life; including the workplace, the housing market, and throughout the criminal justice system (Noga-Styron, Reasons, & Peacock, 2012). Approximately two-thirds of lesbian, gay, and bisexual adults reported feeling conflict between their religious beliefs and sexuality (Schuck & Liddle, 2001). Coupled with discrimination, the conflicting social identity of being Christian and gay can create the perception that a Christian who is also gay is a hypocrite because Christian norms and beliefs dictate that a person cannot be a good Christian and gay. Research suggests that the rejection of sexual orientation can lead to internalized heterosexism, which increases the negative stigmas and prejudice about men

who are gay and the LGBT community (Meyer, 1995).

The finding that religious people might exhibit more anti-gay discrimination than non-religious individuals has also been demonstrated in legal contexts. Men and mock jurors who reported high levels of religiosity were the most likely to endorse the stereotype of gay men as child abusers (Wiley & Bottoms, 2013). Further, mock jurors who attended religious services more often than not were more likely to find gay men guilty, provide a higher degree of guilt ratings, were more likely to believe sexual contact happened, and rate defendants as less credible compared to when the defendant was heterosexual (Wiley & Bottoms, 2013).

Proposed Mediators

Jurors' perceptions of shared identity from the defendant and defendant hypocrisy are two possible factors that might explain the proposed interactive effects of juror religion, defendant religion, and defendant sexual orientation on jurors' punitiveness.

Perception of Shared Identity. The Inclusion of Other in the Self Scale (IOS-Q; Aron, Aron, Smollen, 1992) assesses the level of closeness one person feels towards another. The more similar one individual feels when comparing their interests, characteristics, or behavior to another person, the higher the level of closeness or self-other inclusion there is between the two (Agnew, Loving, Le, & Goodfriend, 2004). It is possible that the level of closeness a person feels to another person mediates the relationship between defendant sexual orientation and judgment punitiveness. Specifically, in this study for example, Christian participants should have a closer perception of shared identity to the defendant when he is Christian compared to when he

is non-Christian, as they share the same in-group. Participants should also have a further perception of shared identity to the defendant when he is gay, as Christians do not see being gay as part of the in-group norms.

Perceived Hypocrisy. Another factor that could mediate the relationship between defendant sexual orientation, religiosity, and punitiveness is perceived hypocrisy. Heterosexual Christians might perceive Christians who identify as gay as being hypocritical because their behaviors associated with being gay directly conflict with the Christian beliefs that gay relationships desecrate the institution of marriage and that gays are a contamination to society (Burdette, Ellison, & Hill, 2005). The negative views of gay men and the LGBT community by Christians does suggest that a gay defendant would be perceived as a hypocrite, since they identify with an out-group that they go against their strict moral and religious beliefs.

Study Overview and Hypotheses

In the present study, we assessed people's reactions to a 16-year-old defendant who was charged with a sexual offense. Participants were asked about their perceptions of the defendant and whether he should have to register as a sex offender. My study aims to build on prior research by providing insight into how a defendant's shared and dual identities might affect jurors' punitiveness. I tested whether the extent of a Christian juror's punitiveness might be depends on whether the defendant is also Christian (i.e., a shared identity) or also Christian and gay (i.e., dual identity). I compared jurors' punitiveness when a) the juror was Christian versus non-Christian, b) the defendant was Christian versus non-Christian, and c) the defendant was gay versus straight. More

specifically, I tested the following hypotheses.

1. Because Christians are more punitive in judgments and more supportive of the death penalty compared to non-Christians (Wozniak & Lewis, 2010), I hypothesized that Christian jurors would be more punitive than non-Christian jurors overall (i.e., a main effect of juror Christianity).
2. Because mock jurors were less likely to convict Christian defendants compared to non-Christian defendants based on beliefs that individuals who practice their religion are good people (Miller et al., 2011), I hypothesized that Christian defendants will receive less punitive judgments compared to non-Christian defendants (i.e., a main effect of defendant Christianity).
3. Because gay men are stereotyped as child molesters (Wiley & Bottoms, 2013) and previous evidence of discrimination against gay defendants (Noga-Styron et al., 2012; Wiley & Bottoms, 2013; Wiley & Bottoms, 2009), I hypothesized that when the defendant is gay, he will receive a more punitive judgment compared to when the defendant is heterosexual overall (i.e., a main effect of defendant sexual orientation).
4. Based on the Black Sheep Effect I predicted that there would be a three-way interaction of participant religion, defendant religion, and defendant sexual orientation. I predicted a simple two-way interaction of defendant religion and defendant sexual orientation will be found, specifically in Christian participants. Christian participants will be more punitive when a defendant is Christian compared to non-Christian—but this effect will be even stronger when the defendant is also gay (versus straight). In contrast, I did not predict this simple two-way interaction among non-Christian participants, as they will not share a salient in-group identity with the defendant.
5. Based on the Similarity-Leniency Hypothesis I predicted that there will be a three-way interaction of participant religion, defendant religion, and defendant sexual orientation. I predicted a simple two-way interaction of defendant religion and defendant sexual orientation will be found, specifically in Christian participants. Christian participants will be less punitive if the defendant is also Christian—as long as they are straight. In contrast, when the defendant is gay, Christian jurors will be equally punitive toward Christian and non-Christian defendants because the defendant's sexual orientation will override the in-group similarities that would otherwise make them more lenient. In contrast, I did not predict this simple two-way interaction among non-Christian participants, as they will not share a salient in-group identity with the defendant.
6. I predicted that the perception of shared identity and perceived hypocrisy

would mediate the hypothesized three-way interaction effects on punitiveness towards the defendant.

Method

Participants

A sample of 340 participants from *Mechanical Turk* (mturk.com; Paolacci, Chandler, & Ipeirotis, 2010), were recruited to complete a survey for monetary compensation. Participants who self-identified as gay, lesbian, or bisexual were excluded from the analyses ($n = 15$) because they did not constitute a large enough sample to compare to heterosexual participants. Participants were also excluded from the analyses if they failed at least one of the manipulation checks, reducing the sample size to 256. Of the participants that passed the manipulation checks the remaining participants were 65% men; 82% White, 8% Asian, 6% Black, 3% Hispanic, and 1% stated Other for their Ethnicity. The age range was 18-70 with the mean age being 32 years ($SD = 11$). Of the final sample, 42.2% of participants identified as Christian or Catholic, and the non-Christian participants were broken down into .8% Jewish, 1.2% Muslim, 1.2% Buddhist, 6.6% were non-denominational, 24.2% were Agnostic, and 23.8% were Atheist. Christians and Catholics were combined and will be referred to as “Christians” as Catholicism is a subtype of Christianity.

Materials

Participants read a description of sex offender registries and a vignette based on an actual case (*Wilson v. State, Ala.* 2006) about “David” who was convicted for allowing a 14 year old to perform oral sex on him. The 14-year-old victim claimed that the act was consensual, but could not provide legal consent due to being underage. We

manipulated whether it was same-gender oral sex or opposite-gender oral sex, as well as the religious affiliation of David. Thus, participants were given one of four scenarios: same-gender sex at a Christian youth group event, same-gender sex at a non-religious event, opposite-gender sex at a Christian youth group event, or opposite-gender sex at a non-religious event. In all of the scenarios the location of the sexual act was at a dance being held at a recreation center. Participants then completed all measures.

Measures

Manipulation Checks

Participants completed manipulation checks to ensure they understood the questionnaire. In an open-ended format, participants were asked to report what religion they believed David belonged to, and the gender of the victim. Next, participants were asked to report whether a Christian youth group held the party in a dichotomous “yes/no” format. Additionally, to ensure that participants were paying attention, they were given response options on a 5-point likert scale ranging from “*strongly disagree*” to “*strongly agree*” and were asked to select “*strongly agree*”. If participants failed any of the manipulation checks, or the attention check, they were not included in the analysis.

Defendant Registration Measure

After reading the vignette about the juvenile defendant David, participants were asked to rate on a 5-point likert scale (*Strongly Disagree to Strongly Agree*) the extent to which they agreed with the statement “*David should be required to register online as a sex offender.*”

Punishment Outcome Measure

To measure the perceived appropriate punishment outcome for the defendant's actions participants were asked what they believed the most appropriate punishment was for David, with punitiveness increasing from least severe to most severe. The four options were: *“David should not be required to register at all with law enforcement in this community”*, *“David should be required to register, but his information should never be posted on the internet”*, *“David should be required to register, but his information should not be posted on the internet until he turns 18, at which time his information should be publicly posted on the internet”*, and *“David should be required to register and his information should be publicly posted on the internet immediately”*.

Perception of Shared Identity Scale

The Inclusion of Other in the Self Scale (IOS-Q; Aron et al., 1992) was used to assess participant's feelings of interconnectedness with David, the defendant from the vignette (see Appendix A). Participants were asked to select the picture that describes how similar they felt to David using a set of Venn-like diagrams as response options. Higher numbers represent the participant feeling more similar to the defendant. Each of the figures in this scale was created to be identical in size and area, and the degree of overlap between the circles progresses linearly, allowing for the analysis to be completed in an interval-level scale.

Perceived Hypocrisy Item

A single-item bipolar sliding scale was created to measure the concept of perceived hypocrisy of the defendant. Participants were asked to report on a sliding scale

the word that best characterized the defendant (*Consistent* or *Hypocrite*). Higher numbers indicated perceptions of the defendant as more hypocritical.

Results

The hypotheses were tested using four 2 (defendant sexual orientation: gay or straight) x 2 (defendant religion: Christian or non-Christian) x 2 (participant religion: Christian or non-Christian) between-subject ANOVAs (see Table 1-4 for descriptives), on dependent measures of punishment outcome, defendant registration, perception of shared identity, and perceived hypocrisy.

Punishment Outcome Measure

Confirming my first hypothesis that Christians jurors would be more punitive than non-Christian jurors, there was a significant main effect of participant religion, $F(1, 248) = 11.49, p = .001, \eta^2 = .01$. Indeed, Christian participants selected more punitive outcomes ($M = 1.74, SD = 1.05$) for the defendant compared to non-Christian participants ($M = 1.35, SD = .71$). There was a marginally significant effect of defendant sexual orientation, $F(1, 248) = 3.55, p = .06, \eta^2 = .003$, such that when the defendant was gay participants were more punitive ($M = 1.63, SD = .96$) compared to when the defendant was heterosexual ($M = 1.42, SD = .81$), providing support for Hypothesis 3. The main effect of defendant religion was not significant, $F(1, 248) = .01, p = .92$. My Hypotheses 4 and 5 that jurors' punitiveness would depend on their shared identity with the defendant in a pattern consistent with either the Similarity-Leniency Hypothesis or the Black Sheep Effect were not supported, given that no significant interactions were found, all F s < 1.70, all p s > .19.

Defendant Registration Measure

In the second analysis, using the defendant registration measure, there was a significant main effect of defendant sexual orientation, $F(1, 248) = 11.45, p = .001, \eta^2 = .01$, showing that when the defendant was gay participants chose more punitive sexual offender registration outcomes ($M = 2.61, SD = 1.47$) compared to when the defendant was straight ($M = 2.03, SD = 1.29$), providing support for Hypothesis 3. There was a significant main effect of participant religion, $F(1, 248) = 9.75, p = .002, \eta^2 = .01$, such that Christian participants chose a more punitive registry outcome for the defendant ($M = 2.62, SD = 1.53$) compared to non-Christian participants ($M = 2.07, SD = 1.27$), providing support for Hypothesis 1. The main effect of defendant religion was not significant, $F(1, 248) = .55, p = .46$. Again my Hypotheses 4 and 5 that jurors' punitiveness would depend on their shared identity with the defendant in a pattern consistent with either the Similarity-Leniency Hypothesis or the Black Sheep Effect were not supported as no interactions were significant, all F s < 2.22 , all p s $> .13$.

Perception of Shared Identity Scale

There was a main effect of defendant sexual orientation, $F(1, 248) = 13.86, p < .001, \eta^2 = .01$, such that when the defendant was straight ($M = 2.12, SD = 1.25$) participants felt more similar to the defendant compared to when the defendant was gay ($M = 1.56, SD = .87$). There was a significant main effect of participant's religion, $F(1, 248) = 4.13, p = .04, \eta^2 = .004$, such that non-Christian participants felt more similar to the defendant ($M = 1.99, SD = 1.20$) compared to Christian participants ($M = 1.69, SD = .98$). The main effect of defendant religion was not significant, $F(1, 248) = 1.54, p = .22$.

No interactions were significant, all F s < .92, all p s > .33.

Perceived Hypocrisy Item

There was a significant main effect of participant religion, $F(1, 234) = 5.79, p = .02, \eta^2 = .002$, such that Christian participants perceived the defendant to be more hypocritical ($M = 4.23, SD = 1.28$) compared to non-Christian participants ($M = 4.12, SD = 1.11$). There was a significant main effect of defendant sexual orientation, $F(1, 248) = 5.80, p = .02, \eta^2 = .002$, such that participants perceived gay defendants as more hypocritical ($M = 4.32, SD = 1.19$) compared to when the defendant was heterosexual ($M = 4.02, SD = 1.15$). The main effect of defendant religion was not significant, $F(1, 248) = 1.41, p = .24$. There was a significant interaction between defendant sexual orientation and defendant religion, $F(1, 248) = 4.46, p = .04, \eta^2 = .002$. Simple effects tests revealed a significant simple effect of defendant sexual orientation when the defendant was Christian; such that when the defendant was Christian and gay ($M = 4.63, SD = 1.34$) he was seen as more hypocritical compared to when he was Christian and straight ($M = 3.90, SD = 1.13$), $F(1, 248) = 10.32, p = .002$ (see Figure 1). The simple effect of defendant sexual orientation was not significant when the defendant was non-Christian, $F(1, 234) = .001, p = .97$. No other interactions were significant, all F s < 2.67, all p s > .10.

Mediation Analyses

Due to the fact that the proposed interactions were not significant, the mediation hypothesis was no longer relevant. However, it still seemed reasonable that the main effect of defendant sexual orientation on punitiveness might be mediated by perception of shared identity. I conducted a test of mediation to directly test my hypothesis that

jurors perceived themselves as sharing less of their identity with gay (versus straight) defendants, which in turn made them more punitive. To test this hypothesis, I used Hayes' (2013) PROCESS macro for SPSS, which is a computation tool that uses bootstrapping techniques to complete this type of analysis. Specifically, I tested whether the indirect effects of defendant sexual orientation on jurors' outcome punitiveness and registration punitiveness through perception of shared identity were significant, using Model 4, with 1000 bootstrap samples (Hayes, 2013). Significant indirect effects are indicated by confidence intervals (CIs) that do not include zero (Hayes, 2013). The indirect effect of participant sexual orientation on the outcome punitiveness variable through perceived shared identity was significant, indirect effect = .07, $SE = .04$, $CIs = .002, .14$. The indirect effect of participant sexual orientation on the registration punitiveness variable through perceived shared identity was also significant, indirect effect = .13, $SE = .06$, $CIs = .02, .27$.

Discussion

My results revealed that (a) Christians were more punitive in their judgments, felt less similar to the defendant, and perceived the defendant as more of a hypocrite compared to non-Christians overall, and b) gay defendants were perceived as less similar to participants and more hypocritical, and received harsher punishments compared to straight defendants overall. I found that perception of shared identity mediates the relationship fully between defendant sexual orientation and punishment outcome and partially mediates the relationship between defendant sexual orientation and defendant registration. An interaction of defendant sexual orientation and defendant religion was

also found, such that when the defendant was Christian he was seen as more of a hypocrite compared to when he was heterosexual, but when the defendant was not Christian he was seen as equally hypocritical when he was gay or straight.

These results provide partial support for the hypotheses in this study. Hypothesis 1 was fully supported, as Christian participants were more punitive compared to non-Christians. Hypothesis 2 was not supported as there were no overall differences in punishments for Christian and non-Christian defendants. Hypothesis 3 was fully supported as the defendant received a harsher punishment when he was gay, compared to when he was heterosexual. Hypothesis 4, investigating the presence of the Black Sheep Effect, was not supported because participants who shared a religious identity (Christians) with the defendant made similar judgments to participants who did not share a religious identity (non-Christians) with the defendant. Hypothesis 5, investigating the Similarity-Leniency Hypothesis, was not supported as the defendant was not given a more lenient punishment from participants when they shared an in-group. Although Hypothesis 6 was not supported because I did not find interaction effects on the punitiveness measures, I did find that perception of shared identity mediated the main effect of defendant sexual orientation on punitiveness.

An anti-gay bias was pervasive in the results of this study. This is consistent with previous research showing anti-gay bias in legal judgments (Comartin, Kernsmith, & Kernsmith, 2013; Wiley & Bottoms, 2009). Gay men are perceived more negatively than straight men, and this is evidenced in every day life, from a lack of equality to a difference in rights. Alone, being gay elicits discriminatory punishments, but when a

person is gay and Christian they are punished even more harshly than non-Christian gay individuals because they are also seen as a hypocrite for behaving in a way that goes against Christian norms and beliefs.

Additionally, when a juror is Christian an increase in punitiveness will occur towards individuals in the out-group as well as those in the in-group. If a person who is Christian perceives another person's actions as incongruent to their norms and practices, they will feel a greater need to punish that person regardless of the person's sexual orientation.

Legal Implications

The findings in this study regarding lay people have implications for the courtroom setting. Christians' increased punitiveness has implications for the type of people lawyers choose as jurors to sit on a jury. Given that judges and jurors are also laypeople and also often show biases in judgments (Neitz, 2011), it is possible that if a defendant is gay or part of the LGBT community, they might receive more punitive sentencing in court, because of their sexual orientation. The perception of a hypocritical defendant is also important in legal settings, as it can explain one of the reasons a juror or judge may increase the severity of a punishment if a defendant has conflicting, dual identities.

Limitations

The major limitations for this study deal with the way the sample was collected. There was not a large enough sample of participants from the LGBT community and the presence of this group could have provided further insight into individuals with

conflicting, dual identities and legal punishment. Using an online data collection program does allow for a faster way to collect data, but it is not as representative of the population as it could be. Collecting data nationally in a different way may have provided richer results. Additionally, I was also limited in the type of crime that could be used to elicit the responses hypothesized in this study. It is possible that the findings from this study are not generalizable to Christians in non-sexual crimes, as part of the reason for the harsher punishments from Christians (versus non-Christians) could be the presence of premarital sex, along with same-gender sex.

Conclusion

The findings of this study do provide insight in to some of the extralegal reasons a juror may modify the punitiveness of their judgment in a courtroom setting. The presence of a pervasive bias against gay defendants, regardless of the defendant's religion, suggests that prejudice and discrimination toward the LGBT community is still prevalent today. The presence of this anti-gay bias needs to be taken into consideration especially in the courtroom, where a defendant (whether innocent or guilty) may be judged solely on their sexual orientation. Along with the presence of an anti-gay bias, the findings of harsher punishments and judgments across the board when a juror is Christian compared to non-Christian needs to be taken in to account in the courtroom.

Additionally, if an in-group member has a conflicting, dual identity this person will be judged based on their membership, leading to harsher punishments in the courtroom.

These findings can help judges and jurors in the legal setting and individuals who must

seek judgment from others to create an understanding of how a social identity and group membership can dictate how they are perceived and judged

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APPENDIX A

The Inclusion of Other in the Self Scale (IOS-Q)

Instructions: Please circle the picture that best describes how similar you are compared to the defendant, David.

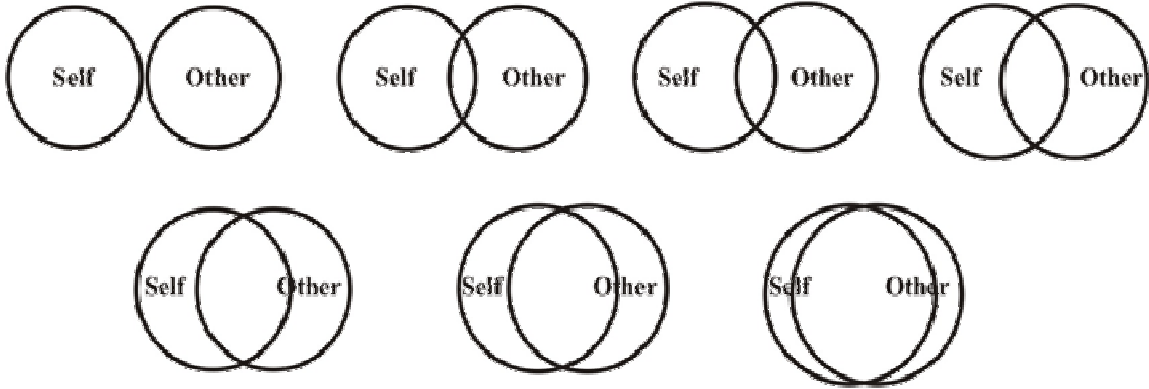


Table 1

Means(SD) of participant religion, defendant religion, and defendant sexual orientation by DV

	<u>Christian Defendant</u>				<u>Non-Christian Defendant</u>			
	<u>Christian Participant</u>		<u>Non-Christian Participant</u>		<u>Christian Participant</u>		<u>Non-Christian Participant</u>	
	Gay	Straight	Gay	Straight	Gay	Straight	Gay	Straight
Outcome	1.83(1.07)	1.58(1.02)	1.42(.76)	1.33(.68)	2.00(1.16)	1.53(.90)	1.36(.71)	1.32(.73)
Register	3.09(1.65)	2.08(1.18)	2.12(1.14)	1.83(1.18)	3.00(1.63)	2.30(1.42)	2.36(1.29)	1.98(1.36)
IOS-Q	1.48(.99)	2.00(1.02)	1.81(.80)	2.39(1.44)	1.52(.89)	1.77(1.01)	1.49(.82)	2.21(1.32)
Hypocrisy	5.10(1.52)	4.14(1.15)	4.27(1.08)	3.74(1.11)	4.20(1.10)	4.18(.98)	4.05(1.01)	4.09(1.28)

Note. Outcome = *Punishment Outcome Measure*. Register = *Defendant Registration Measure*. IOS-Q = *Perception of Shared Identity Scale; Inclusion of Other in Self Scale*.

Figure 1

Perceived hypocrisy of the defendant as a function of defendant sexual orientation and defendant religion

