Exploring Empathy as a Mediating factor for the Racial Disparities in the Criminal Justice System

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Abstract

Racial disparities in the American criminal justice system are pervasive. One blatant example is the unequal sentencing seen among White and Black defendants. On average, Black defendants receive longer jail sentences than White peers who commit similar crimes. This study examined whether the racial disparities observed in jail sentencing could be replicated in a lay sample and whether differential motivation to engage in empathy with racial outgroup members could explain the differences in sentencing. Previous literature suggests that White individuals do not extend the same amount of empathy to Black individuals than they do to White individuals. Using the Empathy Selection Task (EST) developed by Cameron et al. (2007) we asked 40 participants to either describe or empathize with 46 photos of men found guilty of a crime and then asked participants to rate the severity of the crime and choose an appropriate jail sentence. We varied the race of the target picture between Black, White, and Other. Results showed that participants endorsed a harsher punishment when the target was Black and when they chose to describe the target rather than empathize with the target, after controlling for perceived severity. However, the race of the target did not predict participants decision to empathize versus describe the target individual, thus precluding our testing of empathy choice as a mediating factor in punishment disparities. The findings in this study provide promising pilot data to be expanded on in the future as it replicates an important disparity in our justice system and reveals empathy choice as a possible factor in mitigating these disparities.

Introduction

Governor Tom Wolf of Pennsylvania put a temporary hold on the death penalty in 2015, releasing the following statement for his reasoning behind the decision: "This moratorium is in no way an expression of sympathy for the guilty on death row, all of whom have been convicted of committing heinous crimes. This decision is based on a flawed system that has been proven to be ineffective, unjust and expensive" (Turner, Urban, & Bramila, 2015). Governor Tom Wolf's statement decision and statement recognize the rampant inequality within our justice system. There is a clear disparity in the penal system wherein Blacks are punished more harshly than their White counterparts, often for the same or similar crimes.

A logical assumption is that racial biases are likely at play to explain these racial disparities. However, aside from the inequitable outcomes, it is not clear how racial biases might be playing out in the criminal justice system to produce these disparities. We are looking at empathy as a possible mediating factor to explain this disparity.

We chose to examine empathy based on previous work that has demonstrated differential tendencies to empathize with ingroup versus outgroup members. Particularly, several studies have been conducted that shown either a lack of motivation among White individuals to empathize with Black individuals or reduced empathic ability in these cross-race empathic circumstances. Thus, in the present study we tested whether empathy may be a significant factor that contributes to the racial disparity in punishment that is observed in the criminal justice system.

Justice System Inequalities

The justice system inequalities between Black and Whites is evident in several different statistics. For instance, Petit and Western (2004) looked at the chances that a man will be incarcerated by the age of 30. The chance of incarceration was 3% for Whites, as compared to 20% for Blacks. If we lived in a society that had a fair legal system, then White and Black men should have the same opportunity for freedom. The more than six-fold difference in likelihood of imprisonment between Black and White men is a reminder that our system is not fair.

The injustice that we see in the legal system is evident at all levels, from rates of incarceration to sentencing to death row executions. For example, Blacks are more likely to be sentenced to death row, the most extreme punishment that a state can give. In Pennsylvania alone, out of the 1,476 people that have been executed since 1976, 507 were Black (Deathpenaltyinfo.org, 2018). Black individuals also constituted 34.3% of all executions in Pennsylvania, despite making up only 11.8 percent of the population (census.gov, 2017).

The trend in Pennsylvania of Black individuals making up a small percentage of the population but constituting a disproportionate amount of death row convictions mirrors a continued trend that we see across the United States. Baldus, Pulaski, and Woodworth (1983) conducted a study that made use of death row sentencing data from the state of Georgia during the 1980s. Analysis of death row convictions showed that the race of the perpetrator (and race of the victim) had a significant influence on whether an individual found guilty of murder would be sentenced to death. In cases where there was a Black defendant and a White victim, the death penalty was assessed 22% of the time. In contrast, when the defendant was White, and the victim was White, the death penalty was assessed 8% of the time. In cases where the victim was Black, the death penalty was assessed much less frequently (3% for White perpetrators and 1% for Black perpetrators). These data would later be used in a Supreme Court case to argue that our justice system was biased in sentencing decisions (Gross,2013). The Baldus study reveals a striking disparity between how the lives of Black and White individuals are valued within the justice system and, more likely, society at large. The evidence suggests that the American legal system disproportionally places Black men (relative to White men) on death row, but this discrepancy is even more striking when the victim is White than when the victim is Black.

This racial disparity can even be seen past the sentencing phase and into the final stage of execution. Jacobs et al., conducted a study in 2007 that examined how many individuals that were sentenced to death row wound up being executed by the state, and what factors predicted who would eventually be executed. Overall, they found that less than 10% of individuals sentenced to death were executed and that multiple factors predict whether someone will be executed or not. After controlling for several individual and contextual factors, however, race remained a significant predictor of execution, with Black men being executed more than White men. This is yet another example of how society places a lesser value on the lives of Black individuals in relation to White individuals. In the next section, we explore how empathy may be one of the reasons why we see these pervasive disparities.

Empathy as a Mechanism for Justice System Inequality

Empathy is a concept that incorporates many different dimensions. It has a moral, cognitive, emotional and behavioral component. When someone empathizes with another person they can understand someone's situation, perspective, and feelings (Benbassat et al., 2004). Being able to empathize with someone allows you to connect to that person and make you want to help. Empathy is also related to prosocial behaviors (McMahon et al., 2005). But previous literature shows that who we choose to empathize with matters, suggesting that we do not always extend the same amount of empathy to everyone.

Empathy for Ingroup vs Outgroup Members

Whether or not someone demonstrates empathy toward a target can be affected by whether targets are characterized as ingroup or outgroup members. Group membership can be based on any number of factors such as sex, age, and ethnicity (Krauss Whitbourne, 2010). There are many consequences to labeling someone as an outgroup member. Hein et al. (2010), for example, demonstrated that participants can show a lack of empathy towards outgroup members, even for arbitrary social outgroups, such as when asked to empathize with a fan from a rival team.

We also see that there may be less empathy for individuals from different races. In fact, Forgiarini, Galluci, and Maravita (2011) demonstrate that there is a lack of empathy in White individuals to empathize with a Black individual's physical pain, and this lack of empathy is correlated to implicit racial biases. There is biologically based evidence that suggests that who we are trying to empathize can affect how we vicariously experience the emotions of others. Sirigu and Agiloti (2010), for example, found that when participants observed the pain of an in-group confederate the participant's corticospinal system responded as if they had been experiencing the pain themselves. However, they only showed this response while looking at White confederates and failed to show this vicarious mapping of pain while they observed individuals that were outgroup members (based on skin color).

One possible reason why we may not extend empathy towards outgroup members is that we see some outgroup members as less than human. Research by Vaes, Paladino, and Leyans (2006) demonstrates that people are less willing to attribute emotions such as jealousy, sympathy, or hope to outgroup members, and attribute those emotions more readily to ingroup members. Extending these "secondary emotions" to individuals can increase altruism and empathy. By extending secondary emotions to ingroup members we humanize them more and, by extension, dehumanize outgroup members when we deny them these emotional experiences.

The dehumanization of outgroup members has been used throughout history to justify heinous acts committed against individuals such as slavery, genocides, and the holocaust. This can possibly explain why ingroup members may have a difficult time empathizing with outgroup members, and in turn, be more willing to punish Black individuals more harshly.

Empathy and Punishment

African Americans have long suffered from being less of a person than their White peers. This dehumanization of African Americans can be traced back to the enslavement of Africans, when they were seen more as property than they were as people in the early 1600s. The dehumanization of African Americans did not stop when slavery was abolished in 1865, but continued into the 1800s, with textbooks comparing Blacks to apes and explicitly stating that "Blacks are inferior to Whites" (Gould, 1981, p. 64-66). The association between Blacks and apes (or a less evolved humanoid form) has been engraved in the unconscious of America.

This tendency can also be seen throughout the media. For instance, Lebron "King" James' 2008 Vogue magazine cover in which he is holding a White woman was reminiscent of the 1976 images of King Kong capturing a White woman and climbing to the top of the Empire State Building.

Goff et al. (2008), explored possible consequences of African Americans being compared to apes. Their study looked at how the dehumanization of Black individuals (by associating them with apes) can change perceptions about violence committed against Blacks in a criminal setting. For instance, when White participants were primed with a picture of an ape and then saw a video of a Black man getting assaulted by a police officer, they were more likely to say that it was justified, then when they were primed with a non-ape photo (Goff et al., 2008). These results show that individuals are more willing to look at Blacks as worthier of harsher treatment or punishment based of their implicit association of Blacks with less humanity.

Unfortunately, the tendency to see harsher punishments given to Black individuals is evident at various developmental periods. From an early age, Black children are subjected to harsher punishments. African American children are suspended from schools at much higher rates than any other ethnic group. In one example, African American males made up 43% of the school age population in New Orleans, and constituted 65% of the school's suspensions, and 80% of the expulsions (David and Jordan, 1994). The trend of Black children being punished more harshly than their peers continues even into present times. Skiba et al. (2002), found that African American children were being treated different in relation to their White peers, being sent to the principal's office for infractions that were more subjective in interpretation.

In a criminal, setting there is work that has been done that suggest that Blacks are punished more harshly depending on how many stereotypically Black characteristics they possess. Viglione, Hannin, and DeFina (2011) found that there is even a disparity in jail sentencing among Blacks individuals depending on how dark their skin tone was. Black women that were considered light skin received shorter time behind bars than those that were darker skinned. In another study, Eberhardt et al. (2006), found that when Black defendants were accused of killing a White victim, the more stereotypically Black the defendant was seen, the more likely that person was to be sentenced to death. Black individuals are not only being punished harsher in relation to White individuals, but they are punished harsher than other Black individuals that have less stereotypically Black features. The disparity in harsher punishments given to Black individuals that are perceived as having more stereotypically Black features point to the idea, that being Black itself, is enough justification for harsher punishments. So the "Blacker" you are, the harsher punishment you deserve.

Overall, there is good evidence that the severity of punishments doled out in society varies by race, with Black individuals tending to receive harsher punishment than their White peers. Based on the literature it appears there is also a lack of empathy given to outgroup members, and this lack of empathy appears stronger when considering White individuals being asked to empathize with Black individuals.

The Present Study

While the above work provides an indication of how Black individuals may be responded to by Whites in non-criminal circumstances, there is less work done on how empathy can play a role in how individuals respond to antisocial and criminal behavior. In general people may be less likely to empathize with criminals or disengage with them, but the level of disengagement may not be the same across race as evidenced by the literature reviewed above.

In the present study, we will examine whether a lack of empathy for perceived racial outgroup members could contribute to racial disparities in suggested lengths of punishments of Black and White individuals found guilty of crimes. We will test this theory by having participants look at various photos of individuals (varying in race from Black, White, and Other) in distress (crying, sad) to provoke an empathetic response. We will couple the photo with a short vignette that describes that the person was found guilty of a crime. We will give participants a behavioral measure of empathy (the Empathy Selection Task) to see if the motivation to empathize with a given target varies by race. Then we ask participants to suggest a punishment (suggesting a jail sentence) for the target individual. We expect to find that participants will give harsher punishments (longer jail sentence) to the Black targets in the photos compared to White targets. We also expect to find that the race of the target would predict how much participants choose to empathize with the target, where participants will choose to empathize with Black targets less than they do White and other Targets. And finally, we expect to find that the relationship between target race and punishment will be mediated by differences in participants willingness to engage in empathy for Black and White targets.

Methods

Participants

Potential participants were recruited for this study using Amazon's Mechanical Turk services (www.mturk.com). First, a brief screener survey was made available to MTurk workers to identify participants who met the eligibility criteria for our study (being over 18 and being born in the United States). One hundred fifty MTurk workers were paid $.03 for completing the screener survey to determine if they were eligible for the survey. Those meeting the criteria were then invited to complete the experimental survey. A total of 40 MTurk workers completed the experimental survey. We excluded 3 participants from the final set of analysis because two were not born in the United States, and one did not complete the entire survey. Of the 37 that were included in the data analysis, 19 were females and 18 were males. In terms of race, 70.3% of our participants were White, 13.5% Black, 8.1% Latino, and 8.1% multiracial. The mean of age was 35.49 years and participant's ages ranged from 22 years old to 53 years old. The mean political orientation score for all participants was 3.24 out of 7, and approximately 75% of the sample indicated that they were politically moderate or liberal to some extent, indicating that our sample consisted mostly of non-conservatives. Participants were compensated seven dollars for completion of the study.

Materials

This study made use of Amazon.com Mechanical Turk (MTurk), which is an online platform that is used to collect data from a sample of diverse adults who are comparably attentive to student laboratory samples and provide psychometrically reliable responses (Burmester, Kwang, & Gosling, 2011; Hauser & Schwarz, 2016). The study was administered via an online survey using Qualtrics software to create and distribute the survey. The survey consisted of two main parts: The Empathy Selection Task and demographic questions.

Modified Empathy Selection Task (EST). The Empathy Selection Task is a multi-trial decision task developed by Cameron et al. (2007). On each trial of the EST, participants are presented with a picture of a distressed individual (e.g., person crying). Participants are then asked to either empathize with ("feel empathy for the individual on the image and write about that individual's internal feelings and experiences") or describe the target in the photo ("remain objective and write about that individual's physical details such as hair, age, etc."). They are then asked to enter three keywords that reflect either their Feel or Describe selection.

For the purposes of the present study, the stimuli and trial structure were modified as follows. First, the target pictures were always of a distressed man. Second, the pictures were always coupled with short vignettes about how the target has been found guilty of a crime. Third, participants were asked to rate how serious/severe they thought the crime in the vignette on a 1-5 scale (1=not serious/severe at all; 5=one of the most severe/serious crime that you can commit). Fourth, participants were then asked to suggest a punishment for the target after being provided with the typical amount of jail time associated with the crime in the vignette. A 7 point-scale was then provided which ranged from below the typical minimum sentence (1) to more than the typical jail sentence (7), with the remaining 5 points (2-6) of the scale being evenly divided among the typical jail term for the crimes. In all, participants were shown 20 photos of White targets, 20 photos of Black targets, and 6 photos of targets of other races (as distractor trials) for a total of 46 trials.

The crimes presented in the vignettes were divided into two major categories, those resulting in injury (attempted murder and assault) to those resulting in death (first degree murder, second degree murder, manslaughter). Those two categories were further broken down to include five different types of crime: first degree murder, second degree murder, manslaughter, attempted murder and assault. There was an approximately equal amount of Black and White race photos across each type of crime. For first degree Murder there were 4 White Target photos, 4 Black target photos, and 2 Other race target photos. For second degree murder there was 1 White target photo, 3 Black target photos, and 1 Other race target photo. For aggravated assault there were 5 white target photos, 4 Black target photos, and 1 Other race target photo. For attempted murder there were 7 White target photos, 5 Black target photos, and 1 Other race photo. Finally, for manslaughter there were 7 White target photos, 5 Black target photos, and 1 Other race target photos. We used a within subject design for all 37 of our participants.

Demographics. After participants completed all 46 trials they were prompted to answer questions about their demographics (e.g., where they are from, their political leaning from liberal to conservative, how old they are).

Additional Measures. Lastly, participants also completed the Color-Blind Racial Attitude Scale (CoBRAS: Neville et al., 2000). The CoBRAS has a total of 20 items and captures the extent to which someone denies or minimizes the existence of institutionalized racism. We included this measure for future analyses and did not make use of this scale for the present study.

Procedures. The study was completed online and was conducted wherever the participants chose to take it. Before the survey was given participants filled out a consent form online. The first part of the study consisted of participants completing the modified Empathy Selection Task, followed by the demographics question, and then the CoBRAs scale. A debriefing was provided after the survey explaining the purpose of the study and reviewing that the individuals depicted in the photos were not actually accused of crimes.

Results

Data Analytic Approach

Our study design made use of a within-subjects approach, allowing us to obtain greater statistical power by essentially examining the relationship between our variables of interest across multiple trials (46) for each participant. Thus, across our 37 participants there were a total of 1702 instances where participants made empathy/describe decisions and provided ratings of crime severity and punishment. However, we were primarily interested in the data from the trails with Black and White targets and therefore removed the 222 trials with other race targets (6 trials x 37 participants) for our analyses. All analyses were conducted using the Mixed Linear Models (MLM) Procedures in IBM SPSS v 25). In each case, subjects were treated as a random effect and the intercept for the random effect was specified in the model. The Maximum Likelihood (ML) method was used to estimate the model. Given that we would expect the punishment to vary based on participant perceptions of how serious or severe they rated the crime presented with each target picture, we entered crime severity ratings as a covariate in all models with punishment ratings as the dependent variable. Below we provide the fixed effects and dependent variables specified in each model discussed.

Primary Analyses

Our first hypothesis was that participants would be more likely to endorse greater punishment (higher sentences) when the target was Black in relation to when the target was White. To test this using MLM, we specified target race (Black or White) as the fixed effect in our model, crime severity as a covariate and punishment ratings as the dependent variable, in addition to the random effects specified above. Results revealed a significant effect of crime severity, as expected, $F(1, 1417) = 808.8$, $p < .001$ The effect of Target Race on punishment was also significant, $F(1, 1405) = 3.72$, $p = .05$. An examination of the mean punishment ratings reveals that Black targets were punished slightly more harshly ($M = 3.79$) than White targets ($M = 3.64$), even after controlling for crime severity.

Our second hypothesis was that the race of the target would predict participants' likelihood of choosing to feel (empathy) or describe. To test this using MLM we specified race of the target (Black or White) as the fixed effect in our model, crime severity as a covariate, and choice as our dependent variable. Target race was not related to choose, $F(1, 1391) = 1.22$, $p = .269$. An examination of the means revealed that participants were choosing to describe vs. empathy at roughly equal rates for White targets ($M = .493$) and Black targets ($M = .518$).

Our third hypothesis was that the relationship between target race and punishment would be mediated by differences in the likelihood of selecting empathy vs describe (empathy choice) for Black vs White targets. However, since target race was not significantly related to empathy choice, this hypothesis was not supported. Nevertheless, we were interested in whether empathy choice was related to punishment and tested this using another MLM model where empathy choice (describe vs feel) was the fixed effect in our model, crime severity a covariate, and punishment our dependent variable. Empathy choice significantly predicted punishment $F(1, 1417) = 13.06$, $p < .001$. An examination of the means revealed that when participants chose to describe they endorsed harsher punishments ($M = 3.87$) than when they choose to feel ($M = 3.56$).

Discussion

There is a clear racial disparity in the US criminal justice system wherein Black individuals are punished more harshly than White individuals. We were interested in finding out why this disparity exists, examining whether empathy may be a mediating factor to explain differences in punishment by race. We suspected that individuals may choose to avoid empathy with Black targets more than with White individuals and that this difference may be responsible for why we see Black individuals sentenced to jail more often, sentenced to longer time in jail, sentenced to death row more frequently, and executed at higher rates than their White peers. Our results showed that participants did, in fact, endorse harsher punishments for Black individuals relative to White individuals. We also found that choosing to describe (vs. feel) was also related to harsher punishment assigned to the targets. However, race of the target was not significantly related to empathy choice, therefore we were unable to fully test if empathy choice was a mediating factor in the decision to punish more harshly.

Predictors of Punishment

In our analyses, we found that target race significantly predicted participants' endorsement of harsher punishments. This finding is consistent with previous literature showing that in a noncriminal setting, Black individuals are punished more harshly than their White peers (Davis & Jordan, 1994; Patit & Western, 2004). This pervasive difference may be due to the media portrayal of Blacks as criminal and inherently violent, which may lead individuals to form implicit biases towards Blacks. The result of possessing these biases may be led to the racial disparities observed in the criminal justice system. For instance, lawyers may be more likely to believe that Black defendants are guilty, and that they are more deserving of a harsher punishment. This could lead to lawyers seeking out longer sentences.

We also found that the race of the target was not significantly predictive of whether participants chose to describe or feel, contrary to our expectations. This lack of a difference might have been driven by participants going out of their way to try to empathize with Black targets because they see this group as potentially needing more support or advocacy. For example, Byrd, Hall, Roberts, & Soto 2015) demonstrated a "bend-over-backwards effect" where White non-conservative was less likely to discriminate against Black individuals, when race was apparent in a situation. They may even discriminate in favor of Black individuals in those situations despite still having an implicit racist bias towards Blacks. In our study, it is possible that participants perceived that the study was about race and attempted to provide answers that would make them look less biased. The fact that our sample leaned liberal suggest that the same phenomenon may have been at play in our data, especially considering that the targets were predominantly Black and White which may have easily raised concerns that race was a variable of interest in this study.

Lastly, we found that when participants chose to empathize with the Target they suggested a less severe punishment. This makes sense based on literature that suggests that having empathy for someone allows you to understand that person and their feelings and prosocial behavior (McMahon et al., 2005). Once you can understand what someone is feeling you are more prone to want to help them. It is possible that when participants chose to empathize with a target (instead of describing them) that they became more motivated to help the target. In this context, that help or prosocial behavior may have been suggesting a shorter jail sentence. This may be one of the reasons why we see less harsh punishments for targets that participants chose to empathize with. It is also possible that empathizing with the targets led participants to attribute more secondary emotions to the targets.

The depictions of distress and grief in the stimuli chosen for the present study were likely interpreted as secondary or complex emotions (e.g., grief, regret, anguish, etc.), which has also been associated with greater humanizing of a target and more altruism behavior displayed toward that target (Vaes et al. 2006).

Limitations and Future Directions

One weakness of our study was the small sample size. Unfortunately, we had limited funds to pay participants, but future data collection efforts will make use of subject pool participants which will allow for much larger sample sizes to test our hypotheses. Another limitation of our study is that variability its ages of the targets in the photos. This variability could have affected participants' choice to empathize or not if, for example, participants felt that younger targets were more deserving of empathy. Future work should control better for the age of the targets. Lastly, the pictures in our study may have been too emotionally evocative given their clearly distressed expressions. This might have made it difficult for people to choose to describe over empathy because the emotion in the pictures may have been more compelling. Thus, while individuals may tend to avoid empathy because it is more effortful or cognitively costly (Cameron et al. 2017), our stimuli may have counteracted this tendency enough to even out the likelihood of our participants choosing to describe over empathy.

Conclusion

Though not all our hypotheses were supported there are important implications that we can pull from this research. Black individuals were given a harsher punishment in a criminal setting, which adds to the literature demonstrating a racial disparity paralleling the patterns observed in the criminal justice system. These findings also suggest that when an individual expresses empathy for an individual they are more lenient in punishment. Empathy is a learned skill and one day there can possibly be a training video or class given to individuals to increase their willingness to empathize with Black defendants, in hopes that this will mitigate the racial disparities that we see in the criminal justice system.

References

Avenanti, A., Sirigu, A., & Aglioti, S. M. (2010). Racial Bias Reduces Empathic Sensorimotor Resonance with Other-Race Pain. *Current Biology, 20*(11), 1018-1022. doi:10.1016/j.cub.2010.03.071

Baldus, D. C., Pulaski, C., & Woodworth, G. (1983). Comparative Review of Death Sentences: An Empirical Study of the Georgia Experience. *The Journal of Criminal Law and Criminology (1973-), 74*(3), 661. doi:10.2307/1143133

Benbassat, J., & Baumal, R. (2004). What Is Empathy, and How Can It Be Promoted during Clinical Clerkships? *Academic Medicine, 79*(9), 832-839. doi:10.1097/00001888-200409000-00004

Cameron, C. D., Hutcherson, C., Ferguson, A. M., Scheffer, J. A., & Inzlicht, M. (2017). Empathy is a choice: People are empathy misers because they are cognitive misers. Retrieved from https://osf.io/preprints/psyarxiv/jkc4n. DOI: 10.17605/OSF.IO/6BU3B.

Davis, J. E., & Jordan, W. J. (1994). The Effects of School Context, Structure, and Experiences on African American Males in Middle and High School. *The Journal of Negro Education, 63*(4), 570. doi:10.2307/2967296

Death Penalty Information Center. (2018, July 18). Execution List 2018. Retrieved August 02, 2018, from https://deathpenaltyinfo.org/execution-list-2018

Eberhardt, J. L., Davies, P. G., Purdie-Vaughns, V. J., & Johnson, S. L. (2006). Looking Deathworthy. *Psychological Science, 17*(5), 383-386. doi:10.1111/j.1467-9280.2006.01716.x

Forgiarini, M., Gallucci, M., & Maravita, A. (2011). Racism and the Empathy for Pain on Our Skin. *Frontiers in Psycholog, 2*. doi:10.3389/fpsyg.2011.00108

Goff, P. A., Williams, J. L., Jackson, M. J., & Christian, M. (2008). Not yet human: Implicit knowledge, historical dehumanization, and contemporary consequences. *Journal of Personality and Social Psychology, 94*(2), 292-306. doi:10.1037/0022-3514.94.2.292

Gould, S. J. (1996). American Polygeny and Craniometry before Darwin. In *The Mismeasure of Man* (pp. 64-66). New York, NY: W. W.. Norton & Company.

Gross, S. R. (2013, January 15). David Baldus and the Legacy of McCleskey v. Kemp. Retrieved August 02, 2018, from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2200269

Hein, G., Silani, G., Preuschoff, K., Batson, C. D., & Singer, T. (2010). Neural Responses to Ingroup and Outgroup Members' Suffering Predict Individual Differences in Costly Helping. *Neuron, 68*(1), 149-160. doi:10.1016/j.neuron.2010.09.003

Jacobs, D., Qian, Z., Carmichael, J. T., & Kent, S. L. (2007). Who Survives on Death Row? An Individual and Contextual Analysis. *American Sociological Review, 72*(4), 610-632. doi:10.1177/000312240707200406

Mcmahon, S. D., Wernsman, J., & Parnes, A. L. (2006). Understanding Prosocial Behavior: The Impact of Empathy and Gender Among African American Adolescents. *Journal of Adolescent Health, 39*(1), 135-137. doi:10.1016/j.jadohealth.2005.10.008

Neville, H., Spanierman, L., & Doan, B. (2006). Exploring the association between color-blind racial ideology and multicultural counseling competencies. *Cultural Diversity and Ethnic Minority Psychology, 12*(2), 275-290. doi:10.1037/1099-9809.12.2.275

Pettit, B., & Western, B. (2004). Mass Imprisonment and the Life Course: Race and Class Inequality in U.S. Incarceration. *American Sociological Review, 69*(2), 151-169. doi:10.1177/000312240406900201

Raffaele Mendez, L. M., & Knoff, H. M. (2003). Who Gets Suspended from School and Why: A Demographic Analysis of Schools and Disciplinary Infractions in a Large School District. *Education and Treatment of Children, 26*(1), 30-51. doi:http://www.jstor.org/stable/42900535

Skiba, R., Michael, R., Nardo, A., & Peterson, R. (2002, December). The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment. Retrieved August 07, 2018, from https://link.springer.com/article/10.1023/A:1021320817372

Turner, F., Urban, M., & Brambila, N. (2015, February 14). Gov. Tom Wolf puts moratorium on death penalty in Pennsylvania. Retrieved from http://www.readingeagle.com/news/article/gov-tom-wolf-puts-moratorium-on-death-penalty-in-pennsylvania

United States Census Bureau. (2017, July). Baldus Study (Capital Punishment). Retrieved August 02, 2018, from http://uscivilliberties.org/themes/3159-baldus-study.html

US Census Bureau. (1970, January 01). National Population Totals: 2010-2017. Retrieved August 02, 2018, from https://www.census.gov/data/tables/2017/demo/popest/nation-total.html

Viglione, J., Hannon, L., & Defina, R. (2011). The impact of light skin on prison time for black female offenders. *The Social Science Journal, 48*(1), 250-258. doi:10.1016/j.soscij.2010.08.003

Whitbourne, K. (2010, December 07). In-groups, out-groups, and the psychology of crowds. Retrieved August 02, 2018, from https://www.psychologytoday.com/us/blog/fulfillment-any-age/201012/in-groups-out-groups-and-the-psychology-crowds