

The Convoluted Spectrum of White Guilt Reactions: A Review of Emerging Literature

Alexis Robinson

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Psychologists define white guilt as the dejection or compunction that Whites feel when they witness a discriminatory act or observe the consequences of a racist act (Steele, 1990). White guilt manifests itself in common settings and every day interpersonal encounters. Feelings of white guilt may arise from the simplest realizations of white privilege to the complicated cognitive processes required by jurors as fact-finders in a civil or criminal trial. White guilt may cause some jurors to empathize with a victim while causing other jurors not to respond to the victim at all. Other jurors may respond to their feelings of white guilt by punishing the victim. Jurors' unpredictable reactions to guilt-inducing circumstances introduce a dangerous gamble for plaintiffs and defendants in civil and criminal cases. Emerging research on white guilt can provide attorneys and consultants with new tools to combat the uncertainty that arises when white guilt turns up in the courtroom.

When white guilt strikes

Whether or not someone will experience a white guilt reaction depends on a number of factors, including the strength of that person's racial identity, the source of the potentially guilt-inducing information, and their group's prior actions to help the victimized group (Doosje, Branscombe, Spears, & Manstead, 2006). The magnitude of the white guilt feelings are affected by the significance of the individual's ingroup or racial identity. Ingroup identity tempers the group-based guilt that an individual will experience because of his or her group's transgressions upon another group. Doosje and colleagues used Dutch students' national identity to manipulate group membership while using Indonesians as the focal outgroup. Dutch students with strong ingroup or national identities were less likely to endorse financial compensation to the oppressed outgroup, Indonesians (Doosje et al., 2006).



Additionally, the source of the derogatory information interacted with the strength of the Dutch students' ingroup identity to affect levels of group-based guilt (Doosje et al., 2006). Dutch students were less likely to evidence feelings of white guilt when an outgroup member described the inequality and maltreatment that the Dutch government perpetrated against the Indonesians. Authors reported a significant interaction between ingroup identification and the source of negative information on the amount of group-based guilt participants reported. Students who had strong national identities experienced more group-based guilt than those with weak national identities only when the negative information came from an ingroup, Dutch source.

However, when the negative information originated from an outgroup source, the students with strong national identities experienced less group-based guilt than students with weak national identities (Doosje et al., 2006).

Finally, information that the group previously apologized or financially compensated the outgroup interacted with the Dutch students' national identity strength to affect their reported amount of group-based guilt (Doosje, 2006). Strong identifiers reported less group-based guilt when they were told that the Dutch government financially compensated the Indonesians than when they were told that the Dutch apologized to the Indonesians. This research demonstrates that group, and maybe even racial, identity can affect the levels of white guilt and the way individuals respond to those feelings of the group-based guilt (Doosje et al., 2006).

The concept of guilt is self-focused; however, white guilt is different from individual personal guilt because white guilt is group-based. Individuals experience white guilt because of their identity as a member of the White racial group (Iyer, Leach, & Crosby, 2006). The self-focused nature of white guilt prompts Whites to alleviate their own feelings of guilt instead of helping the outgroup by fostering racial equality. Alternatively, sympathy focuses on the status and well being of the outgroup. White sympathy motivates whites to improve the minorities' position in society. The focal concept of sympathy examines the minority group's problems as opposed to blaming and punishing Whites for unjust behaviors. Determining whether the individual will respond with white guilt or white sympathy depends on how the racial inequality is framed. For example, an individual is more likely to experience white guilt if a criminal defendant's position poverty-stricken life is framed as a disadvantage to the outgroup (African Americans) as opposed to an ingroup (Whites) advantage. The self-focused measure, belief in white privilege, was a reliable predictor of white guilt. Iyer and colleagues deduced that white guilt was a self-focused emotion because the outgroup-focused measure, belief in discrimination, did not predict white guilt (Iyer et al., 2003).

The emergence and strength of white guilt feelings also depends on an individual's awareness of white privilege, their ideas about the prevalence of racial discrimination, and their own levels of racial prejudice (Swim & Miller, 1999). White guilt will occur more frequently in people who have an awareness of white privilege than those who do not acknowledge that Whites are advantaged in our society. Additionally, Whites who believe that racial discrimination is prevalent are more prone to developing white guilt than Whites who deny that the incidence of racial discrimination is common. Not surprisingly, Whites who score high on measures of prejudice are less likely to report feelings of white guilt than Whites who display low levels of prejudice. Levels of prejudice moderate the amount of guilt a White person will feel after observing or engaging in a racist act, for instance, a racial slur (Swim & Miller, 1999).

Who is most likely to experience white guilt?

Spanierman, Potat, Beer, and Armstrong (2006) performed a cluster analysis on a college student sample to help distinguish the differences between the types of white guilt responses. They discovered five distinct clusters, each with their own specific demographic characteristics and racial attitudes. These typologies may help with predicting an individual juror's response to a racial slur or other racist act that is integral to the trial. The table below describes the similarities and differences between each of the clusters. Spanierman et al. describe Cluster A as "unempathetic and unaware" of minority groups' problems. They have very little education about multicultural issues, most of their friends are White, and they experience very little guilt about the inequalities between Blacks and Whites. Cluster B is comprised of persons who are "empathetic but unaccountable" when it comes to minority groups' problems. They have some multicultural education, they are not afraid of Blacks, and most of their friends are minorities. Cluster C members, "informed empathy and guilt", have the greatest amount of multicultural education, are strong

supporters of affirmative action programs, and most of their friends are racial minorities. Cluster D is the "fearful guilt" Whites. Most of their friends are white, they are highly afraid of people who are not white, and they experience a lot of white guilt because of racial inequalities. Spanierman et al. describes Cluster E as "insensitive and afraid". Cluster E members report little to no exposure to minority groups, little support for affirmative action programs, most of their friends are White, and they are highly afraid of non-White individuals (Spanierman et al., 2006).

Spanierman, et al., (2006)	Cluster A: Unempathic & Unaware	Cluster B: Empathic but Unaccountable	Cluster C: Informed Empathy & Guilt	Cluster D: Fearful Guilt	Cluster E: Insensitive & Afraid
Experience with multicultural education	Low prevalence of multicultural education	Some multicultural education	Highest prevalence of multicultural education	Some multicultural education	Low prevalence of multicultural education
Exposure to minorities	Normal distribution of exposure	Normal distribution of exposure	Skewed toward moderate exposure	Skewed toward moderate exposure	None to small amount of exposure
Support for Affirmative Action	Normal distribution of support	Normal distribution of support	Skewed toward high support	Centered around the mean	Skewed toward low support
Political Affiliations			51% Democrat, 19% Republican, 13% Independent	More likely Democrat	47% Republican, 27% none/other, 20% Democrat
Racial Attitudes			Greatest level of racial awareness & cultural sensitivity		Highest prevalence of blatant racial issues
Friends	75% of friends are White	75% of friends are minorities	75% of friends are minorities	75% of friends are White	75% of friends are White
Gender Differences	Highest proportion of the men (29%)	Highest proportion of men (28%)	Contained the most women & the least men. Comprised of more than 75% women	Comprised of more than 75% women	Gender balanced
White Guilt Types	Low white guilt	Low white guilt	Highest white guilt	High white guilt	Low white guilt
Fear of Non-Whites	Moderate fear	Low fear	Low fear	High fear	High fear
Empathy	Low empathy	High empathy	High empathy	Moderate empathy	Low empathy

Reactions to racial slurs

Racial slurs are an effective way of making white guilt salient (Kawakami, Dunn, Karmali, & Dovidio, 2009). However, research on racial slurs indicates that Whites' responses to those blatant acts of racism can vary (Devine & Monteith, 1993). Even low prejudiced people maintain some racial prejudices, and when asked to provide a hypothetical response to an incident involving a racial slur, they have time to consider the correct response (Devine & Monteith, 1993). However, when presented with an actual opportunity to react to a racial slur, the person has less time to overcome their prejudices before they must respond to the act. When asked to predict how they would respond to witnessing a racial slur, individuals overestimated the amount of personal distress they would feel; they also overpredicted their actions in response to a racial slur (Kawakami et al., 2009). Kawakami and colleagues (2009) had participants either read about an encounter

where someone mentions a racial slur, or where they experience an encounter where research confederates say a racial slur in the presence of the White participant.

Kawakami, Dunn, Karmali, and Dovidio (2009) predicted that this hastened real-time reaction in a real-life encounter would prevent participants from discouraging the confederate's prejudice. When participants read about the "moderately racist" and "extremely racist" comments, they reported more personal distress than the participants who read a similar story without racist comments did. However, when placed in an actual setting, participants reported the same low amount of personal distress across all conditions. Surprisingly, participants were more likely to pick the White partner in the racist comment conditions (63%) than in the no comment condition (53%) (Kawakami et al., 2009). Whites cannot predict, with a satisfactory degree of accuracy, how they will react to hearing a racial slur.

In the courtroom, jurors' reactions to a racial slur can reduce the effects of their racist attitudes. Cohn, Bucolo, Pride, and Sommers (2009) examined whether making race salient by adding racial slurs in defense witness testimony could reduce the likelihood of conviction for a black defendant in an attempted vehicular homicide case. Participants who viewed videotaped testimony that witnesses yelled racial slurs at the defendant were less likely to find him guilty than participants who did not hear testimony about the racial slurs. Cohn and colleagues discovered an interaction between participants' scores on the Old-Fashioned Racism Scale and race salience on verdict. Individuals who scored high on the racism scale were more likely to acquit the defendant if they heard the testimony about the racial slurs than if they heard testimony that did not mention racial slurs. Authors believed that hearing racial slurs would remind jurors that their verdict could be interpreted as racist, which would in turn prompt the juror to decide the case fairly. Cohn and colleagues speculate as to why racist peoples' verdicts are affected by racial slurs but they have overlooked the role of white guilt in the conviction rates of defendants in racial slurs cases.

Reactions to white guilt feelings

Jurors' reactions to racial slurs are unpredictable because of the effects of other unidentified variables. Swim and Miller (1999) found that the degree to which one is racially prejudiced moderates the relationship between hearing a racial slur and experiencing white guilt. Low prejudiced persons are more likely to experience white guilt after hearing a racial slur than high prejudiced individuals are. After controlling for political affiliation and other demographic variables, level of racial prejudice and white guilt predicted participants' support of affirmative action programs. A mediational relationship was also predicted, such that white guilt will mediate the relationship between beliefs in white privilege and endorsement of affirmative action programs. Individuals who are aware of white privilege and experience high levels of white guilt are more likely to approve programs that help African Americans. (Swim & Miller, 1999).

No longer simple white guilt

Because of their awareness of racial discrimination, Whites experience affective, cognitive, and behavioral effects (Spanierman & Heppner, 2004). Whites experience a range of emotions in response to their awareness of racism. Researchers classified these emotions into one of three distinct categories: white guilt, white empathy, and white fear. They may be anxious or fearful that non-Whites will take their job or status in society. Whites may feel angry, sad, or helpless when they realize the how deeply racism is ingrained in our culture. Some Whites may also respond with apathy to racist acts (Spanierman & Heppner, 2004). In addition to white guilt, empathy, and fear, Whites may develop white shame as another affective response to racism (Harvey & Oswald, 2000). White shame differs from white guilt in the degree to which the self is the focus of the condemnation. White shame is self-focused while white guilt focuses on the specific actions or inactions that caused the negative feelings. There is a positive relationship between guilt and empathy

such that persons who experience more guilt over an action or inaction are more likely to empathize with the victim than persons who do not have feelings of guilt, while shame relates to feelings of "hostility" toward the victim. Individuals will respond with either egoistic or altruistic motivation to alleviate their feelings of guilt and shame. Egoistic motivation provokes the person that is experiencing the guilt or shame to fix the situation so that they may feel better about themselves. Alternatively, altruistic motivation aims to help others without any concern for personal gain (Harvey & Oswald, 2000).

Although altruistic motivation is ideal for a juror's response to a racist act in the courtroom, White jurors who can empathize with the victim of a racist act are more likely to try to help the victim than white jurors who do not empathize (Harvey & Oswald, 2000). Harvey and Oswald (2000) manipulated White participants' feelings of guilt by exposing them to a notorious civil rights video that depicted police dogs attacking African American protesters. Participants' responses on guilt and shame measures confirmed that there is a stronger relationship between white guilt and personal distress than there is between white guilt and empathy for the victim. For participants, the civil rights video induced personal distress; however, the opportunity to self-affirm after viewing the video alleviated the participants' distress. Participants who were able to self-affirm, by listing their own positive attributes after viewing a white guilt inducing civil rights video, were more likely to support affirmative action programs than participants who did not receive the opportunity to self-affirm. Following, in the courtroom, a juror may be more likely to act prosocially toward the victim of the racist act if the juror is given the opportunity to make self-affirming positive statements (Harvey & Oswald, 2000).

Current research informs us of the spectrum nature of white guilt attitudes and the intricate circumstances that can provoke or suppress white guilt reactions. In the courtroom, attorneys and consultants must discern which type of white guilt reactions that jurors will have in response to their client or to a witness. Framing the inequality as a disadvantage for African Americans can help to alleviate the guilt that White jurors feel.

Additionally, encouraging potential jurors to self-affirm during the voir dire process can prevent White jurors from feeling shame and from subsequently punishing the victim. Contemporary research may inform us on how white guilt can manifest itself within and outside of the courtroom, but additional research is necessary to investigate the provoking nature of racial slurs and other blatantly racist acts on the spectrum of white guilt that jurors will exhibit in race-salient trials.

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We asked three experienced trial consultants to consider this literature review and respond to further the applicability to the courtroom. On the following pages, Andy Sheldon, Alison Bennett and Beth Foley offer their perspectives.

The Convoluted Spectrum of White Guilt Reactions

Response by Andrew Sheldon

Andrew Sheldon, JD, PhD (Andy@SheldonSinrich.com) began trial consulting in 1984 after careers as a lawyer and as a psychotherapist. His involvement in the retrials of 8 civil rights murder trials led to his continued study of racial issues in litigation of all kinds.

Ms. Robinson has done us a great favor by reviewing the panoply of White People's reactions to racial discrimination. She has also tried to apply some of the research results to the courtroom. She may have succeeded. As with all social science research, only the practical application of these categories in the courtroom will tell us how useful they are. In the meantime, Ms. Robinson has helped us think about the variety of ways we respond to racially motivated bad acts.

We all know that there are problems with trying to estimate the scope and depth of a person's racial attitudes and feelings. Heck, some of us are not even aware we have any racial attitudes; others of us swear we could

never be biased. With a juror who is not aware of any real racial prejudice in themselves, we should not expect their responses in voir dire to be helpful. "Biased against Blacks? Me? Not me. Sure I can be fair."

Moving beyond outright denial of racial prejudice, however, is the fertile ground for this review of literature. Although we are probably much more likely to have dealt with the total absence of any voir dire that deals with racial attitudes in the jury pool and with situations where race, while clearly an issue in the case, is never discussed, what happens, for instance, if you run into a juror who says, "Yes, I do feel guilty about slavery," or less directly, "I think its shameful the way some people hate others because of their race or skin color"? What do we know about how those attitudes affect juror decision-making?

The helpfulness of this literature review is that it highlights some ways that we can evaluate a potential juror's racial bias by giving us a White Guilt Scale, for want of a better term. The scale (let's call it White Guilt Scale A) includes these measures:

1. Ingroup identity
2. Source of juror's information about the outgroup
3. The ingroup's history of helping behaviors toward the outgroup
4. Awareness of white privilege
5. Personal estimate of prevalence of racial discrimination
6. Personal level of racial prejudice

These six categories suggest some good sources of questions for a supplemental juror questionnaire when we are trying to ferret out the role of racial bias. For example, we have asked potential jurors to respond to this statement to explore number 5, above: "Racial violence is not really a problem in this community any longer."

But it gets better (for trial consultants looking for ways to evaluate racism in a juror) when we see the next scale by Spanierman, et al (White Guilt Scale B). It contains these items:

1. Experience with multicultural education
2. Exposure to minorities
3. Support for affirmative action
4. Political affiliations
5. Racial attitudes
6. Friends who are minorities
7. Gender
8. White guilt (folded in as one component of this matrix)
9. Fear of non-whites

The most interesting aspect of Scale B is that the authors of the study use multiple factors to arrive at an estimate of racism in a scale from "Unsympathetic and Unaware" to "Informed Empathy and Guilt." This scale is full of possibilities. It contains simple demographics (e.g., Political party, gender) and it contains subjective items (e.g., fear of non-whites). If one were looking to reduce the number of very racist people in a jury, here are three groups of people (clusters A, B and E) that emerge as a starting point for that evaluation. Without digging further into the strength of the correlations in the Spanierman, et al, study, or its overall validity, still it offers a reasonable cognitive grid for evaluating juror attitudes.

I recall a criminal case in which an African American woman was accused of murdering her ex-husband, also African American. Her defense was that her violence against the man was justifiable because she suffered from Battered Woman Syndrome. The jury agreed and acquitted her. Part of the jury selection dynamic

involved attempting to spot jurors who would not bring their negative racial stereotypes to bear in judging her motivations. Would Whites believe that Blacks allowed more spousal violence to exist in their relationships? Would Black women think that sisters got what sister's deserved? Who would want to "rescue" the defendant, a Black woman who was a victim, and who would want to punish the defendant because she had murdered a man who was The Victim?

Clearly, negative gender stereotypes were inextricably interwoven with racial issues in the case but how helpful it would be to have a matrix like those discussed by this author to facilitate our thinking about the role of race in juror decision-making.



Response to The Convoluted Spectrum of White Guilt Reactions: A Review of Emerging Literature

by Alison K. Bennett

Alison K. Bennett, M.S., a Senior Litigation Consultant with [Bloom Strategic Consulting](#), has accumulated extensive nationwide jury research and litigation consulting experience. Ms. Bennett specializes in jury research in the form of mock trials and focus groups, witness communication training, and jury selection.

In my opinion, the most intriguing concept in this article is the difference between the concepts of "White guilt" and "White shame," and how that difference might play out in the courtroom. According to the author, "there is a positive relationship between guilt and empathy such that, persons who experience more guilt over an action or inaction, are more likely to empathize with the victim than persons who do not have feelings of guilt, while shame is related to feelings of 'hostility' toward the victim." Despite the author's contention that the "jurors' unpredictable reactions to the guilt-inducing circumstances introduce a dangerous gamble for plaintiffs and defendants in civil and criminal cases," it appears as if it can be beneficial to seat jurors with "White guilt," while the risky gamble is more confined to seating a potentially punitive juror filled with "White shame." With this in mind, it would be helpful to have more information on how to identify the "White shame" juror, although watching each juror's response to the voir dire questions may provide some clues. Jurors who become uncomfortable during questioning about racial bias could be classified as those more prone to "White guilt," while jurors with an uncomfortable and angry affect are perhaps those more likely to be affected by "White shame."

While I am skeptical about whether or not a juror's "White guilt" or "White shame" can be successfully addressed in the courtroom by either "framing the inequality as a disadvantage for African Americans...to

alleviate the guilt" or "encouraging potential jurors to self-affirm during the voir dire process (to) prevent White jurors from feeling shame and, subsequently, punishing the victim," I think consideration of the "White guilt" hypothesis could be a useful tool during jury selection.

For example, the author wrote "belief in discrimination did not predict 'White guilt,'" so a juror's simple acknowledgement of discrimination would not likely be helpful. However, since "White guilt" occurs more frequently in people who have an awareness of "White privilege" than those who do not acknowledge that Whites are advantaged in society, using the voir dire process to identify jurors with an awareness of "White privilege" could be useful. Additionally, since, as the author notes, those who believe racial discrimination is prevalent are more prone to developing "White guilt" than Whites who deny that the incidence of racial discrimination is common, it would be helpful to identify jurors with this belief as well.



Finally, the author cites studies suggesting juror reactions to a racial slur can reduce the effects of racist attitudes. The author cited studies theorizing that hearing a racial slur "would remind jurors that their verdict could be interpreted as racist, which would in turn prompt the juror to decide the case fairly." This may be true, but there may be an easier way to reach the same benefit without emphasizing evidence of racial slurs and betting on a juror's reaction.

We know that most jurors take jury duty very seriously and are personally invested in rendering a just verdict. Additionally, social psychology teaches us that jury deliberations are a living example of social group dynamics, where peer relations play an important role throughout the process. Since most jurors, as peers, are concerned with their social presentation and their ability to persuade others in the group, jurors filled with racial bias will typically go out of their way to avoid the appearance of bias in order to preserve their standing and the respect of their peers in the jury. As a result, psychological group dynamics in the courtroom can trump an individual's bias - such as a racial bias - in the jury decision-making process if addressed proactively. Thus, if jurors are made aware of racial bias issues during voir dire, they may seek to level the playing field and avoid the appearance of impartiality by sympathizing more with the disrespected plaintiff or defendant, as many of the studies cited in this article indicated. Therefore, raising awareness of potential racial bias and the role racism plays in the facts of the case might be sufficient to condition jurors affected by "White guilt" or "White shame" to sympathize with the plaintiff or defendant and avoid making decisions tainted by racial bias.

Response to The Convoluted Spectrum of White Guilt Reactions

by **Beth Foley**

Elizabeth Foley is a founding partner of Zagnoli McEvoy Foley, LLC with more than 18 years of experience in trial consulting and studying and teaching communication.

This Convoluted Spectrum of White Guilt Reactions is an interesting analysis of things I have observed in mock jury research, and in actual juries, over the years. I appreciate this article bringing me a new vocabulary and the clusters to distinguish degrees of white guilt.

The cases where white guilt has been most apparent to me involve civil trials in large urban venues: Defendants who work in the legal arena and have a high level of authority and African American plaintiffs who sue the authority figures for personal injury and wrongful death. My approach to managing white guilt in these highly charged cases is to focus on the jury dynamics and how the jurors will likely react to each other during deliberations. In other words, any one juror's profile is less important to me than the interaction of the jurors, for precisely the reasons the authors describe.

In all cases, the trial story and the evidence are critical, but jury dynamics play an equally important role in decision making. For example, if there are white jurors who fit into clusters C, D & E (Informed and aware of inequities, most of their friends are white, and fearful of people who are not white) and there is an articulate, persuasive African American juror(s) advocating for the plaintiff, there is a high probability the plaintiff will win liability and receive significant damages. Even if the defendant is African American.

In this dynamic, it is typical to see the African American juror(s) educate and enlighten the white jurors about the long history of racism in the country and the venue.. This education process goes on all the time during mock deliberations, but what is interesting is the detailed personal examples many African Americans can offer to argue their position. These examples usually include references to racial slurs and instances of financial inequities. In effect, the deliberation itself is triggering white guilt, regardless of the case facts or how an individual white juror felt coming into deliberations.

White jurors in categories C, D and E react in many different ways, but in general they acquiesce to the African American juror(s) when race is the topic. What happens is the white jurors do whatever they can to ease their guilt, discomfort or fear of confrontation. The white jurors display both egotistic motivation to stop their own guilt and altruistic motivation when they award large damages to the plaintiff(s).

It's a combination of degree of white guilt and a juror's leadership ability that has driven verdicts in these types of cases. A different jury dynamic where, for example, a strong, articulate African American juror advocating for the plaintiff and white jurors in Cluster A or B advocating for the defense might end in a hung jury.

For all these reasons, I keep my eye on the jury composition and dynamics when recommending who my client should strike.

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Editor's Note

It's the dog days of summer here in the heart of Texas but this issue is sure to keep you glued to your computer screen! Once again, we have a variety of pieces that are thought-provoking and provocative but also carefully researched and written. To start us off, Sam Sommers reviews the research he's done over the past ten years and sets the record straight on what we know (and what we don't know) about race and jurors. All of our stock portfolios have taken hits and been on something of a stomach-wrenching course for the past while but Eric Rudich has been watching something odd: how Wall Street reacts to the litigation verdicts of publicly traded litigants. Read and learn. Daniel Denis has an eye toward numbers as well but his focus is on how to talk to jurors about probability so they "get it".

Doug Keene and I review the literature (the real literature) on the Millennials (also known as Generation Y) and discuss how you can use this knowledge to inform your litigation advocacy (and learn a bit about tattoos along the way). Alexis Robinson looks at the phenomenon of white guilt and how it plays into jury deliberations. Thaddeus Hoffmeister examines the impact of the Skilling verdict and what we need to consider as we move forward in a changed litigation arena. And finally, Desiree Griffin and Emily Patty take a look at the need for affect (aka emotion) in jury decision-making. Why even go outside? Make some coffee (or maybe a cool drink) and sit down to read the July issue of *The Jury Expert*! And, as always, please comment on our website so we know what you're thinking and what you're especially interested in and intrigued by.

[Rita R. Handrich, Ph.D., Editor](#)

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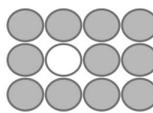
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