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Authors
Dunbar, Adam
Kubrin, Charis E

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Imagining Violent Criminals:

An Experimental Investigation of Music Stereotypes and Character Judgments[1]

Adam Dunbar

University of Delaware

&

Charis E. Kubrin

University of California, Irvine

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Imagining Violent Criminals:
An Experimental Investigation of Music Stereotypes and Character Judgments

Abstract

In criminal cases, prosecutors treat defendant-authored rap lyrics as an admission of guilt rather than as art or entertainment. Do negative stereotypes about rap music shape jurors' attitudes about the defendant, unfairly influencing outcomes? Replicating and extending previous research (Fischoff, 1999; Fried 1996; Dunbar et al. 2016), the current study begins to address these questions. Using an experimental approach, participants were presented with music lyrics and asked to make judgments about the person who wrote the lyrics. All participants read the same lyrics but were told they were from a country, heavy metal, or rap song, depending upon the condition into which they were randomly assigned. Again using random assignment, participants were provided with information about the race of the songwriter in a photo of a young man. Finally, participants were tasked with judging the character of the songwriter, including traits such as his violent nature and criminal disposition. We find that writers of violent "rap" lyrics are perceived more negatively than writers who pen identical country and heavy metal lyrics. We also find that songwriter race matters; no differences in judgements were detected between the white and black songwriters however when race information was not provided, participants who inferred the songwriter was black judged him more negatively than participants who inferred he was white. These findings have implications for racial disparities in the criminal justice system.

Keywords: person perception; rap music; evidence; criminal law

Decades ago, Stuart Scheingold (1984) suggested that when trying to understand responses to crime, it is more fruitful to recognize the images of crime held by society than the actual "dynamics" of crime. In fact, a well-established body of literature reveals that people hold firm opinions about where crime happens (Bonam, Bergsieker, and Eberhardt 2016; Williams, Sng, and Neuberg 2016) and what criminals generally look like (Bull and Rumsey 2012; Madriz 1997; Reed and Reed 1973). This literature shows that individuals frequently imagine criminals to be young black men (Levinson, Cai, and Young 2010; Correll, Park, Judd, and Wittenbrink 2002; Devine 1989; Duncan 1976; Eberhardt, Goff, Purdie, and Davies 2004; Payne 2001). These depictions of young black men as criminals are reinforced in television shows, movies, and advertisements (Russell-Brown 2009) as well as in the news (Chiricos, Welch, and Gertz 2004; Kang 2005).

Situational and contextual factors, along with race, can enhance perceptions that young black men are dangerous and threatening (Correll, Wittenbrink, Park, Judd, and Goyle 2011; Eberhardt, Davies, Purdies-Vaughns, and Johnson 2006). For example, young black men who are rappers or even fans of rap music are often depicted as violent criminals (Perry 2004; Quinn 2013; Rose 1994; Russell-Brown 2009). Evidence of this is also found in the increasing number of criminal cases where defendant-authored rap lyrics are introduced as evidence to prove guilt (Dennis 2007; Hirsch 2104; Kubrin and Nielson 2014; Wilson 2005).

As recently noted by scholars, police and prosecutors are treating rap lyrics as an admission of guilt rather than as art or entertainment, a characterization not applied to other music genres such as punk, rock, and heavy metal (Dennis 2007; Dunbar 2018; Dunbar, Kubrin and Scurich 2016; Kubrin and Nielson 2014; Stoia, Adams and Drackulich 2016). In criminal cases where this occurs, prosecutors typically present rap lyrics as literal statements of fact and

emphasize the violent nature of a defendant's lyrics. Prosecutors also contend that the autobiographical nature of rap lyrics offers essential information to jurors, which may be helpful in determining whether the defendant committed the crime. A critical question is whether negative stereotypes about rap music can shape jurors' attitudes about the defendant, thus unfairly influencing case outcomes.

Yet jurors may not understand or fully appreciate rap music's genre conventions and instead may conflate an artist's lyrics with his or her true personality (Dennis 2007; Kubrin and Nielson 2014; Parks and Ray 2013). In fact, this concern was raised in an amicus brief drafted by the America Civil Liberties Union of New Jersey (2013). In their brief, the ACLU suggested that the conflation of rap with reality potentially impacts how jurors evaluate a case, including how they evaluate the defendant's character, despite the fact that character evidence is largely prohibited according to the rules of evidence (Shumejda 2014). The ACLU cautioned that in these cases, the "vivid, but fictional" (p. 22) descriptions of gang life are introduced by prosecutors to prove motive to commit a crime, but the "first-person narrative and pervasive violence makes them susceptible to misuse [by jurors]" (p. 22).

The current study considers the potential implications of using defendant-authored rap lyrics as evidence in criminal cases. Replicating as well as extending prior research in this area (Dunbar et al. 2016; Fischoff 1999; Fried 1996), we use an experimental approach to examine questions related to the types of judgments people make about an individual based on their violent lyrics, and the extent to which those judgments may be informed by the genre of music and the race of the songwriter. Participants in this study were presented with music lyrics and asked to make a number of judgments about the person who wrote the lyrics. All participants read the same set of lyrics but were told they were either from a country, heavy metal, or rap

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song, depending upon the condition into which they were randomly assigned. Again using random assignment, participants were provided with information about the race of the songwriter (e.g., black or white) in a photo of a young man. Finally, participants were tasked with judging the character of the songwriter, including traits such as intelligence, honesty, aggressiveness, and criminal disposition. Given the current "replication crisis" in experimental research (Pashler and Wagenmakers 2012; Open Science Collaboration 2015), this study aims to replicate and extend previous research on the consequences of introducing rap lyrics as evidence (Dunbar 2018; Dunbar et al. 2016; Fischoff 1999; Fried 1996). In particular, this study examines how altering the genre of music lyrics and the race of the songwriter impact evaluations of the songwriter, particularly with respect to involvement in crime.

In the remainder of the article, first, we briefly introduce the reader to the issue of "rap on trial" (Kubrin and Nielson 2014), highlighting concerns associated with introducing rap lyrics as evidence in criminal trials and reviewing the findings from previous experimental research on this topic. We also raise a series of questions regarding the impact of this practice that have yet to be addressed. Second, in the context of those questions, we survey an important body of literature that provides insight into the potential consequences of introducing defendant-authored rap lyrics as evidence at trial. In particular, we review the substantial literature on person perception, a cognitive process that explains how individuals form impressions of others, including how jurors form impressions of defendants who stand trial. Third, we describe the methodology of the study and report key findings from the analyses. Finally, we discuss the implications of the findings for cases involving rap lyrics as well as the broader implications for racial disparities in the criminal justice system.

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Rap on Trial

Should rap lyrics be introduced as evidence in criminal trials? One position taken frequently by prosecutors is that rap lyrics provide jurors with information relevant to understanding the facts of a case (Dennis 2007). One example of this is when prosecutors claim the lyrics constitute a *true threat,* or a threat that a reasonable person would interpret as a real and serious communication of an intent to inflict harm (see Hirsch (2014) for a detailed discussion of a true threat). In cases where this occurs, prosecutors assert that violent lyrics articulate a rapper's plan to carry out violent criminal acts. As another example, prosecutors introduce defendant-authored rap lyrics to demonstrate a defendant's intent, motive, or requisite knowledge for committing a crime. In these cases, prosecutors use the lyrics to connect the defendant to the crime. In both of these examples, prosecutors characterize rappers as criminal offenders who are writing about their violent and illicit exploits in the form of music lyrics.[2]

The assertion that rap lyrics are literal and self-incriminating is articulated in a prosecutorial handbook, *Prosecuting Gang Cases: What Prosecutors Need to Know,* authored by former District Attorney Alan Jackson (Jackson, 2004). In this handbook, Jackson recommends that prosecutors use "photographs, letters, notes, and even music lyrics" (p.15) to introduce the jury to the "*real* defendant" (p. 15) arguing that this evidence can help prosecutors reveal that the defendant is "a criminal wearing a do-rag and throwing a gang sign" (p.16) rather than the "altar boy" (p.15) presented at trial. In a similar vein, the United States Attorney's Bulletin (2006) suggests that lyrics "verbalize [rappers] attitudes, motivations, and lifestyles" (Lyddane 2006:2), implying that lyrics are *indicative of a certain type of person*. Ultimately, prosecutors maintain that, given their autobiographical nature, rap lyrics should be admitted as evidence.

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[2] For additional information and examples of these cases, see Kubrin and Nielson (2014).

As a case in point, prosecutors introduced rap lyrics written by McKinley "Mac" Phipps, an emerging star in the New Orleans rap scene, to prove that he was guilty of murder (Lohr 2015). In February of 2000, Phipps was attending an open mic night at a local club to meet fans when a fight broke out and a young man, Barron Victor Jr., was shot and killed. After police spoke with witnesses who reported seeing Phipps with a gun, he was arrested. At trial, the prosecutor argued that Phipp's rap moniker, "Mac the Camouflage Assassin," reveals he is a violent person who is capable of murder. The prosecutor also introduced lyrics from Phipp's album "Shell Shocked" to show that the defendant was living a life of violence including lines such as "Murder murder, kill, kill, you f—k with me you get a bullet in your brain." Phipps maintained his innocence throughout the trial, countering that the songs referenced his father's experience during the Vietnam War rather than the night club shooting. Even though there was no physical evidence connecting him to the crime and inconsistent eyewitness accounts, the jury convicted Phipps of manslaughter and sentenced him to 30 years in prison. Phipps' case is not an anomaly, as evidenced by the growing number of cases where rap lyrics are introduced as evidence (Calvert et al. 2015; Dunbar 2018; Dunbar, Kubrin and Scurich 2016; Hirsch 2014; Kubrin and Nielson 2014; Mubirumusoke 2016; Stoia, Adams and Drackulich 2017; Tanovich 2016).

Those knowledgeable about rap music question whether the perspective articulated by some prosecutors may be informed by who is writing the music—essentially young African American men from inner-city communities (Butler 2004; Kubrin and Nielson 2014). Killer Mike, a rapper and vocal critic of rap on trial, contends that individuals do not make similar assumptions about the dangerousness of white artists. Rather, an assumption about dangerousness "only seems to apply in an unfavorable manner when you're talking about a 6-

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foot-3 black guy" (Barnes 2015). Others question whether introducing rap lyrics as evidence may evoke negative inferences about a person's moral character, or even criminal disposition. In fact, rappers have long been criticized for being "dangerous criminals" and "contributing to violence" in inner-city communities (Binder 1993; Dennis 2007; Kubrin and Nielson 2014; Perry 2004; Rose 1994). Whether these inferences are based on race, genre of music, or some combination of the two, one key question concerns whether jurors may assume that a person who writes rap music is the type of person who would commit a crime, and is therefore, more likely to be found guilty.

Academics have only just begun conducting research on the historical and legal context necessary for understanding how and why rap lyrics are used as evidence (Dennis 2007; Kubrin and Nielson 2014; Tanovich 2016). Their research reveals that prosecutors tend to overstate the literal nature of rap lyrics by severely downplaying—or ignoring all together—the artistic conventions and socio-historical context of the genre (Calvert, Morehart, and Papdelias 2014; Dennis 2007; Hirsch 2014; Kubrin and Nielson 2014; Tanovich 2016). Dennis (2007), in a review of cases involving defendant-authored rap lyrics, describes how prosecutors and judges ignore the fact that violence in rap music is often hyperbolic, metaphorical, and employed to increase its marketability. She argues that violence in rap music is commonly invoked to illustrate a rapper's lyrical abilities, including their superiority to other rappers, more so than their literal intentions to commit violent acts. Returning to the case of Mac Phipps, his family explains that his alias, Mac the Camouflage Assassin, does not reflect a propensity towards violence but rather references how he *metaphorically* kills the competition because he is such a skilled rapper, a point also made by rapper Killer Mike who asserts, "I am 'Killer Mike' because I kill microphones" (https://twitter.com/killermike/status/700903596779511808?lang=en).

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Because much of this research is theoretical, only a handful of empirical studies have demonstrated that rap music is uniquely viewed as threatening (Fischoff 1999; Fried 1996; 1999), obscene (Dixon and Linz 1997), and literal (Dunbar 2018; Dunbar, Kubrin, and Scurich 2016). Fried (1996), for example, examined whether stereotypes about rap music affect how violent lyrics are evaluated. In her experiment, participants were tasked with reading a set of violent lyrics but were randomly assigned to learn that the lyrics came from a rap or country song. All participants, however, read the same lyrics from a 1960s folk song. Fried (1996) found that participants evaluated the lyrics as more threatening and offensive when they were described as rap compared to when identical lyrics were described as country. Nearly twenty years later, Dunbar, Kubrin, and Scurich (2016) replicated Fried's findings in their own experiment. They also found that labeling violent lyrics as "rap" results in them being judged as more literal and autobiographical compared to when they are labeled as "country."

These studies begin to provide insight into the implications of treating rap lyrics as confession evidence in criminal cases, but a number of key questions still remain. In particular, little to no research has explored what judgements about a defendant's character or criminal propensity individuals may make when rap lyrics are introduced. This is critically important in light of the fact that negative impressions of a defendant are shown to increase the likelihood that jurors declare a defendant guilty (Greene and Dodge 1995; Holyoak and Simon 1999; Landy and Aronson 1969 Maeder and Hunt 2011). It is also the case that the existing empirical research only contrasts attitudes about rap with attitudes about country. Yet genres such as heavy metal have also had a contentious relationship with the criminal justice system and have been criticized for promoting violence (Binder 1993; see also Grossberg 1992; Blecha 2004 for reviews). The current study addresses these important questions by analyzing whether merely labeling a

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person's violent lyrics as rap, compared to country or heavy metal, influences impressions of that person, particularly regarding assumptions about involvement in crime.

Art as Identity? Forming Character Impressions

As just noted, next to no research considers what inferences are made about a person's character based on his or her violent rap lyrics. One notable exception to this is an experiment conducted by Fischoff (1999), which determined the impact gangsta rap lyrics might have on individuals' evaluations of a defendant's character. In Fischoff's (1999) study, participants were presented with information about a young African-American man, Offord Rollins (an actual defendant in a case). All participants were presented with some biographical information about the young man, including his hobbies and career plans, but only some were presented with violent, sexually explicit rap lyrics that he had written. Participants were then asked to judge the young man's personality and character, including whether he was honest, selfish, sexually aggressive, and capable of murder. Fischoff (1999) finds that the presence of rap lyrics resulted in participants forming negative impressions of the young man. Most notably, participants who read the lyrics, compared to those who did not, were significantly more likely to think the man was capable of committing murder. Fischoff (1999) concluded that by introducing rap lyrics at trial, prosecutors gain a distinct advantage in shaping juror's perceptions of the defendant, which can ultimately prejudice jurors' verdicts.

Fischoff's (1999) study is largely informed by research on person perception theory, which describes the cognitive process where a person forms an impression of another person. Early on, psychologists like Allport (1954), Asch (1946), and Thorndike (1920) noted that impressions of others are often informed by knowledge and pre-existing beliefs about the social

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world, and that these impressions can occur without conscious awareness. In particular, assumptions about which traits typically co-occur and which social groups tend to exhibit specific traits can shape individuals' impressions of a person. These assumptions tend to influence judgments most when forming first impressions (Forgas and Laham 2016), when minimal information about a person is present (Kunda and Spencer 2003; Macrae and Bodenhausen 2001) and when a decision maker has to make a judgment quickly (Kunda and Spencer 2003; Macrae and Bodenhausen 2001). Although there is debate about the accuracy of impressions generated from minimal information, consensus is that this cognitive process helps people quickly process information as they make various evaluative judgments throughout the day (Ambady, Bernieri, and Richeson 2000).

One of the ways that we form impressions of others is by using some observed personality trait to make inferences about other traits a person might exhibit (see Forgas and Laham (2016) for review). This information processing strategy, known as the halo effect, is based on the idea that one central trait influences inferences about other unobserved traits. For example, in one of the first experiments demonstrating this phenomenon, Asch (1946) showed that people infer a person is generous after learning that the person is warm, a finding that has since been replicated (Cerrantano and Finkelstein 2009; Lachman and Bass 1985). Other research suggests that inferred traits often pertain to judgments about social warmth or competence (Fiske, Cuddy, and Glick 2006; Fiske, Cuddy, Glick, and Xu 2002; Forgas and Laham 2016). For example, traits such as sincerity, trustworthiness, and generosity are often related to social warmth whereas traits like intelligence or skill are related to competency (Fiske, Cuddy, and Glick 2006; Forgas and Laham 2016). The effects of this cognitive process have been detected in a variety of decision-making contexts including teaching (Darby 2007; Nisbett

Electronic copy available at: https://ssrn.com/abstract=3274802

and Wilson 1977), consumer decisions (Lee, Shimizu, Kniffin, and Wansink 2013), and online relationships (Bacev-Giles and Haji 2017).

Person perception theory is relevant in the context of criminal trials, where jurors are presented with a defendant who, through the course of the trial, is judged to be guilty or not guilty. Research that tests person perception theory in this context typically focuses on the attractiveness (or unattractiveness) of the defendant. Not surprisingly, studies reveal that an attractive defendant, compared to an unattractive defendant, is more likely to receive lenient punishment in criminal trials (Jacobson 1981; Patry 2008; Solomon and Schopler 1978).

Scholars also find that introducing a defendant's criminal record at trial activates a negative halo effect, resulting in the defendant being viewed as less credible and more guilty (Blume 2008; Eisenberg and Hans 2009; Greene and Dodge 1995). Greene and Dodge (1995), for example, presented participants in their experiment with a summary of a trial but manipulated whether the defendant had a prior conviction, a prior acquittal, or no criminal record. They found that participants were more likely to convict the defendant when he had a criminal record compared to when he did not. This effect was explained by perceptions that the defendant with a criminal record was more dangerous and less credible than a defendant with no record or with a previous acquittal.

A complimentary way individuals form impressions of others is through categorical person perception, also known as stereotyping (Allport 1954; Macrae and Bodenhausen 2001). Stereotyping involves using social category information such as race, gender, age, or occupation to form impressions of a particular individual. Similar to the halo effect, stereotyping involves assuming the presence of unknown traits given some present characteristic. Unlike the halo effect, however, stereotyping is based on knowledge and expectations about a social group

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(Hamilton and Sherman 1996), and less so about a particular observed personality trait. In other words, the presence of a group member (or symbolic equivalent) can result in stereotype-based inferences about a person (Kunda and Thagard 1996). Research on stereotyping finds that women are typically viewed as nurturing (Nosek, Banaji, and Greenwald 2002) and the elderly are viewed as low in competence but high in warmth (Bargh, Chen, and Burrows 1996; Fiske, Cuddy, Glick, and Xu 2002). Much of the literature on stereotyping reveals that racial stereotypes about African Americans are largely negative (Greenwald, McGhee, and Schwartz 1998; Nosek, Banaji, and Greenwald 2002; Nosek et al. 2007), including perceptions of dangerousness (Correll, Park, Judd, and Wittenbrink 2002; Eberhardt, Goff, Purdie, and Davies 2004; Payne 2001), criminal guilt (Lynch and Haney 2011; Sweeney and Haney 1992), and blameworthiness for a crime (Graham and Lowery 2004).

Stereotypes for different music genres and fans of those genres also exist (Rentfrow and Gosling 2007; Shevy 2008). Rap music, when compared to other genres, is typically viewed as threatening (Binder 1993; Fried 2003), obscene (Dixon and Linz 1997), offensive (Fried 1996; 1999), and literal (Dunbar, Kubrin, and Scurich 2016). However, heavy metal music and its fans are also stereotyped as violent, suggesting that, in some ways, the two genres are perceived similarly. In 2003, Fried compared and contrasted stereotypes about rap music fans and heavy metal music fans. Participants were asked to describe either the prototypical rap or heavy metal fan. Fried (2003) found that fans of rap and heavy metal were both viewed as dangerous. However, fans of heavy metal were viewed as more self-destructive whereas fans of rap were seen as more of a threat to others.

In sum, person perception provides insight into how introducing rap lyrics as evidence may result in negative judgments about a defendant. When defendants are presented at trial,

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jurors have minimal information and may generate negative impressions of a defendant based, to a large degree, on their rap lyrics. Participants in Fischoff's (1999) experiment inferred that "people who write ugly, violent 'gangsta' rap lyrics may be predisposed to murder" (p. 796). The implication of this, Fischoff (1999) notes, is that by introducing lyrics as evidence, the prosecutor gains a distinct advantage in shaping perceptions of a defendant's character, an argument that appears to be supported by his findings. However, more research is needed. In particular, it remains unknown how genre-specific stereotypes affect impressions of a person who writes violent lyrics, especially impressions of their character. The current study addresses this critical question.

Current Study

The current study assesses how genre-specific stereotypes affect character judgments of a person who writes violent lyrics. Informed by person perception theory, we empirically examine whether people who write rap music are judged to be the type of person to commit crime. Replicating previous research (Dunbar, Kubrin, and Scurich 2016; Fischoff 1999; Fried 1996), we manipulate the genre ascribed to a set of violent lyrics to determine whether music genres are stereotyped differently. Yet we also extend previous research by focusing specifically on how stereotypes of rap music, compared to country and heavy metal, affect judgments about a songwriter's character, including traits such as violent nature and criminal propensity. We also extend previous research by assessing the impact of the songwriter's race on character judgments and in so doing, explore the connections between negative rap stereotypes and anti-black stereotypes.

Methods

Participants

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Participants (n=568) were recruited through Amazon's Mechanical Turk (MTurk) website, an online platform that has become increasingly popular for academic and market research (Berinsky, Huber, and Lenz 2012; Bohannon 2016; Crump, McDonnell, and Gureckis 2013). Through MTurk, researchers can recruit participants to anonymously complete surveys and questionnaires (Mason and Suri 2012). Samples from Mturk tend to skew more educated, liberal, and white (Berinsky et al. 2012) but the sampling strategy provides researchers with a relatively representative sample yielding data at least as reliable as data obtained via traditional methods (Bartneck, Duenser, Moltchanova, and Zawieska 2015; Buhrmester, Kwang, and Gosling 2011; Paolacci and Chandler 2014; Rand 2012; Simons and Chabris 2012). For this study, participants were required to be U.S. citizens over the age of 18 and were paid $0.50 for their participation, which is higher than the median compensation rate on Mturk (see Paolacci, Chandler, and Ipeirotis 2010).

After excluding one participant from the analysis for not completing the survey and 19 others because they reported knowing the lyrics used in this study, the final sample included 548 participants (see Table 1), approximately half of which were female (n=257). The age of participants ranged from 18 to 72 with a mean age of 35.6 (SD=12.7) and median age of 33. The majority of respondents identified as white (n=441) and those identifying as black (n=42), Asian (n=46), or "other race" (n=18) comprised the rest of the sample. Most of the sample identified as non-Hispanic (90%). Twenty four percent identified as politically conservative (n=139), 28% identified as moderate (n=151), and 47% as politically liberal (n=255). Approximately 34% of the sample preferred rock music (n=187), 19% preferred pop (n=106), 11% preferred rap (n=61), 9% preferred country (n=49), 4% preferred heavy metal (n=20), and the remaining 23%

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preferred some other genre (n=122). When asked to indicate how often they listened to rap

music, most participants indicated they never (n=166) or sometimes (n=259) listen to the genre.

<<Table 1 about Here>>

Procedure and Design

        After opting to participate in the study, participants were instructed they would read

music lyrics and then make judgments about the person who wrote the lyrics. Participants were

told they should respond with their honest impression of the songwriter and that there are no

right or wrong answers. Participants were then randomly assigned to one of nine conditions,

which experimentally manipulated the genre of the lyrics (country, heavy metal, or rap) and the

race of the songwriter (no race information, white, or black). Thus, a 3 (genre label) x 3 (race of

songwriter) between-participants factorial design was utilized.

        Prior to reading the lyrics, participants learned they were written by an aspiring

songwriter. However, depending upon which condition participants were assigned, they learned

the lyrics were from a country, heavy metal, or rap song. Next, the race of the songwriter was

manipulated. In the control condition, participants were presented with no information about the

race of the songwriter. To assess how the participants imagined the songwriter, participants in

this condition were asked to identify the *perceived* race, age, gender, and income of the

songwriter. In the other conditions, participants were presented with an image of a young black

man or a young white man who was described as the author of the lyrics.

        A pre-test was conducted to determine which images would be used in this study. Using a

separate sample of Mturk workers, participants (n=153) were asked to rate 38 images of young

men, 19 white and 19 black, along several dimensions. The images included only the face, neck,

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and shoulders of each man and all faces displayed a neutral expression. Using a 7-point Likert scale, participants indicated how attractive, intelligent, criminal, dangerous, honest, and aggressive each man appeared to be based on his photo. After reverse coding the appropriate items, all items were aggregated into a single composite score, which indicated general negative evaluations of the faces. Two faces, one white and one black, were selected based on their equivalent scores. Both faces were evaluated, on average, "somewhat" negatively ($M=4.6$), ensuring they were evaluated similarly regardless of any differences between the images.

After random assignment into one of nine conditions, participants were presented with a set of lyrics. Regardless of condition, all participants read an excerpt from the folk song *Bad Man's Blunder* by Kingston Trio:

> *Well, early one evening I was rollin' around*
> *I was feelin' kind of mean, I shot a deputy down.*
> *Strollin' on home, and I went to bed.*
> *Well, I laid my pistol up under my head.*
> *Well, early in the morning 'bout the break of day,*
> *I figured it was time to make a getaway.*
> *Steppin' right along but I was steppin' too slow.*
> *Got surrounded by a sheriff down in Mexico.*

This lyrical passage has been used in prior research (Dunbar, Kubrin, and Scurich 2016; Fried 1996) and was selected in large part to replicate and build on this research. Importantly, Fried (1996) conducted a pre-test to determine how participants might evaluate these lyrics and, in particular, whether participants could discern the genre of the lyrics. Her pre-test results indicated that the lyrics were not easily identifiable as any specific music genre. Thus, using these lyrics allows for testing whether the evaluation of a songwriter would change merely by changing the genre ascribed to the lyrics and not because of any conventions unique to rap.

Measures

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After reading the excerpt from *Bad Man's Blunder*, participants were asked to evaluate the songwriter. Using a seven point Likert scale, participants indicated how much they agreed or disagreed with twelve statements about the songwriter's character. For example, participants indicated how much they agreed with statements such as "the songwriter is honest," "the songwriter is threatening," and "the songwriter has a criminal record." A full list of the response items is shown in the Appendix. The response items were aggregated to create a composite score for *bad character* (α=.91). These response items were selected, in part, because of prior research on genre and racial stereotypes reviewed earlier but also because of specific concerns about how jurors may be interpreting the lyrics in criminal trials. Some question whether jurors are making assumptions about whether the defendant is the type of person who would commit a crime based on negative stereotypes about rap music. After evaluating the songwriter's character, participants were asked whether they knew the song used in the study. The experiment terminated for participants who responded positively to this question, and these respondents were excluded from analyses.

At the end of the study, participants were asked questions about their demographic background including their age, race, ethnicity, gender, and education. Participants were also asked about their criminal history, political ideology, and where they currently live (i.e., urban, suburban, or rural area). Similar to previous research on rap stereotypes (Fried 1996), this study had participants indicate their favorite type of music, how often they listen to music, and how often they listen to rap music specifically. These items were included to assess whether participant characteristics moderated any potential effect from the genre label. At the end of the experiment, participants were thanked for their time.

Genre of the lyrics and race of the songwriter constitute the study's key independent variables and responses to the 12 statements about the songwriter as well as the composite score *bad character* constitute the study's dependent variables. We conducted a two-way multivariate analysis of variance (MANOVA) because our outcome measures are moderately correlated.

Findings

In our first analysis, we examined whether the genre of the lyrics and race of the songwriter affected judgments of the songwriter, including individual trait items and the composite *bad character* score. Results revealed a significant overall effect of genre, F_{548}= 7.95, $p < .001$, Wilk's $\Lambda = 0.85$, d=.33, and race, F_{548}= 13.7, $p < .001$, Wilk's $\Lambda = 0.83$, d=.45, on character evaluations of the songwriter. However, no significant interaction was detected, F_{548}= 2.05, $p = .09$. We discuss these results in greater detail below.

Effect of Genre on Perceived Character

Results show that genre label did, in fact, have a significant effect on the *bad character* composite score, F_{548}=7.95, $p<.001$, d=.33. As seen in Table 2, on average, participants in the rap condition (M=4.79, SD=1.08) indicated higher *bad character* scores than participants in the country (M= 4.34, SD=1.14) and heavy metal (M=4.49, SD=1.17) conditions. A Fisher's LSD post hoc test confirmed that character judgments from those in the rap condition were significantly more negative than those in the country ($p<.001$) and heavy metal (p=.009) conditions but that character judgments from participants in the country and heavy metal conditions were not significantly different from each other (p=.19). Notably, labeling the lyrics as rap rather than country or heavy metal also affected assumptions about the songwriter's involvement in crime-related activities (see Table 2). When the lyrics were described as rap,

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participants were more likely to assume that the songwriter is a member of a gang, $F_{548}=21.35$, $p<.001$, $d=.55$, is involved in criminal activity, $F_{548}=5.62$, $p=.004$, $d=.29$, and has a criminal record, $F_{548}=5.0$, $p=.007$, $d=.27$, all of which are relevant for rap on trial cases. These findings suggest a person's character, including their criminal propensity, may be judged more negatively merely because of the genre ascribed to their lyrics.

<<Table 2 about Here>>

Additional analyses were conducted to determine whether any participant characteristics moderated the genre effect. A significant interaction was detected between the genre of the lyrics and the age of the participant for the *bad character* score, $F_{548}=5.74$, $p=.003$, $d=.29$. Results reveal that genre label did not affect younger participants (i.e., age 18-33) but that older participants (i.e., age 33.1-72) in the rap condition evaluated the songwriter as having significantly worse character than older participants in the country and heavy metal conditions (see Figure 1), a finding consistent with previous research (Dunbar et al. 2016; Fried 1999).

Whether or not participants listen to rap music also influenced the presence of negative rap stereotypes, $F_{548}=3.23$, $p=.04$, $d=.22$. In particular, participants who do not listen to rap music, compared to those who do, evaluated the songwriter more negatively when his lyrics were described as rap, suggesting that familiarity with the genre may attenuate the effect of the stereotype (see Figure 2). No significant interactions were detected for other demographic characteristics such as the participants' race, gender, ethnicity, education level, number of children, political ideology, and political affiliation (all ps > .05).

<<Figure 1 about Here>>

<<Figure 2 about Here>>

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Effect of Race on Perceived Character

The next set of analyses examined how the race of the songwriter, or lack of any identifying racial information, influenced judgments about the songwriter. Results, presented in Table 2, show that the songwriter's race had a significant effect on the *bad character* composite score, $F_{548}=13.7$, $p<.001$, $d=.45$, albeit in unexpected ways. On average, participants in the white songwriter condition ($M=4.79$, $SD=1.09$) evaluated the songwriter as having worse character than the participants in the black songwriter ($M=4.63$, $SD=1.15$) and control ($M=4.21$, $SD=1.12$) conditions. However, a Fisher's LSD post hoc test revealed that *bad character* scores from those in the white songwriter and black songwriter conditions were not significantly different from each other ($p=.19$), but that they were both significantly more negative than those from the control condition (all ps $<.001$). Furthermore, no significant interaction was detected for race of the songwriter and genre of the lyrics, $F_{548}=2.05$, $p=.09$. In other words, contrary to expectations, the black songwriter was not evaluated more negatively than the white songwriter and the race of the songwriter did not interact with the effect from negative stereotypes about rap music.

Recall that participants in the "no race" control condition (n=189) were asked to make additional judgments about the songwriter, such as identifying the songwriter's perceived age, race, gender, and income. On average, participants from each genre condition assumed that the songwriter is approximately 24 years old and earns a "little" to "moderate" income each year. In the country condition 63% (n=39) of participants thought the songwriter is male whereas 98.4% did so in the heavy metal condition and 93.8% in the rap condition. Interestingly, the majority of participants in the country (98%) and the heavy metal (92%) conditions assumed the songwriter is white whereas the majority of those in the rap condition (81%) assumed the songwriter is

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black, suggesting that when no information about an individual's race is present, one's association with rap music may be used to infer their race.

The imagined race of the songwriter (white or black)[3] had a significant effect on the composite character score, F_{175}=11.35, p=.001, d=.51. In particular, participants who imagined the songwriter to be black indicated a higher *bad character* score (M=4.63, SD=1.13) than participants who imagined the songwriter to be white (M=4.04, SD=1.06). This difference was found for several individual items, including whether the songwriter has a criminal record, F_{175}=7.51, p=.007, d=.42, and whether he is involved in criminal activity, F_{175}=9.35, p=.003, d=.46. In other words, participants were more likely to infer that the songwriter has a criminal propensity if they imagined him to be black rather than white.[4] These findings, in conjunction with the previously discussed findings about race, suggest that the relationship between rap music stereotypes and anti-black stereotypes may be more complicated than initially expected. It may be the case that the genre of lyrics is used as a proxy for race and contributes to racially-biased judgments, but only when no race information is visibly present.

Discussion

Decades of research show that impressions of a person are generated with minimal information (Asch 1946; Forgas and Laham 2016; Macrae and Bodenhausen 2001; Nosek, Banaji, and Greenwald 2002; Thorndike 1920). These impressions can have serious consequences, such as when they impact decision-making in the criminal justice system

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[3] Only participants who identified the songwriter as white or black were included in these analyses because too few participants selected some other racial category. In particular, only one participant indicated that the songwriter was Asian, one participant indicated he was Native American, and four selected "other" race.

[4] Given that too few participants in the control inferred that the country and heavy metal songwriters were black and that the rapper was white, a two-way ANOVA could not be conducted to determine the interactive effect of imagined race of the songwriter and the genre of the lyrics.

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(Greene and Dodge 1995; Jacobson 1981; Patry 2008). Yet there is a dearth of research on how individuals form impressions about another based on the type of music they write, especially when it comes to criminal propensity. The current study addresses this research lacuna at a time when defendant authored lyrics are increasingly being introduced at trial. In so doing, the study builds on Fried's (1996) and Fischoff's (1999) findings by revealing how character inferences about individuals may be influenced by genre-specific stereotypes. More specifically, findings from this study indicate that rap lyrics help to generate inferences about a songwriter's character and criminal propensity in particular, and that this can occur regardless of the songwriter's race.

Based on these findings, it appears that those who write violent "rap" lyrics are more easily associated with crime and violence than those who write identical violent lyrics labeled as different genres. In particular, participants are more likely to assume that a rapper is in a gang, has a criminal record, and is involved in criminal activity than are artists from other music genres, and this is based merely on the genre of the lyrics. Notably, the genre label does not seem to affect younger participants but older participants in the rap condition evaluated the songwriter as having significantly worse character than older participants in both the country and heavy metal conditions—a finding that becomes more salient when one considers who is most likely to serve on a jury. It is also noteworthy participants judged the songwriter of the "rap" lyrics and the "heavy metal" lyrics differently. Heavy metal has also endured strict censorship (Blecha 2004) and has been criticized for promoting violence (Binder 1993; Lynxwiler and Gay 2000), but negative character assumptions, and particularly those related to criminal propensity, appear unique to rap. This may explain why rap lyrics, unlike lyrics from other genres, are treated as an admission of guilt in court. Collectively, these findings suggest that rappers have a greater

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chance of being viewed as threatening, and even potentially as a criminal suspect, because of stereotypes related to the genre.

Of interest is the complicated relationship between the race of the songwriter and character judgments. Inconsistent with predictions related to person perception theory, we found no significant difference between evaluations of the white and black songwriters. At first glance, this finding suggests that the character of white and black musicians is perceived similarly. However, when participants were presented with no information about the race of the songwriter but were asked to imagine his race, overwhelmingly they used the genre of the lyrics to infer race, which ultimately resulted in different character evaluations. When the songwriter was imagined to be black, he was judged significantly more negatively than when he was imagined to be white, especially concerning assumptions about his criminal propensity. It is unclear, however, whether these unexpected race effects are the product of a social desirability bias among respondents— in other words, a tendency to answer questions in a manner viewed favorably by others (Krumpal 2013). By presenting an image of a young black man, some participants may have provided lower "bad character" scores so as to not appear racist, whereas when a more subtle cue was presented, such as the genre of the lyrics, participants were able to provide an arguably race-neutral reason for a racially biased decision. Alternatively, any pro-white bias associated with the white songwriter might have been attenuated by the fact that he was writing violent lyrics, whereas the act of writing violent lyrics only confirmed any anti-black biases and, thus, negated any perceived character differences. Ultimately, these findings complicate our understanding of the relationship between rap music and anti-black stereotypes.

The findings from this study, in part, buttress the concern made by those opposed to introducing rap lyrics as trial evidence, particularly regarding the types of inferences made from

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the lyrics. In particular, the findings provide some support for Dennis' (2007) argument that "courts fail to perceive that admitting defendant-authored rap music lyrics is a 'back door' method of admitting excludable character and propensity evidence" (p. 27). In other words, judges often rule that jurors are not using rap lyrics to infer whether the defendant is the type of person who would commit crime. Although prosecutors maintain that rap lyrics are not being used to portray defendants in this way, our findings suggest that jurors may, in fact, make inferences about the defendant's character and involvement with crime simply based on stereotypes associated with the genre.

In light of these findings, judges should be aware that jurors might make negative character inferences from rap lyrics, which could be problematic given the effect of negative character evidence on juror decisions. Negative character information is more impactful than positive character information (Lupfer, Weeks, and Dupuis 2000) and negative character evidence can result in harsher punishments than positive character evidence (Holyoak and Simon 1999; Landy and Aronson 1969; Maeder and Hunt 2011). Negative character evidence can be especially harmful for black defendants, particularly when it reinforces stereotypes about black men and criminality (Goodman 2007), a point made more salient given the current findings. For this reason, judges must be cautious about the ways in which jurors may use this evidence (Dennis 2007; Kubrin and Nielson 2014).

Although the findings have important implications for rap lyrics cases, potential limitations should be noted. One is related to how the lyrics were presented to participants. In the study, participants were presented with the lyrics as written text, which is different than how they are presented at trial, where they are read aloud or shown in a music video. Unknown is whether this approach may increase the effect of negative rap stereotypes. Moreover, the lyrics presented

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to respondents are dated, and may not be considered sufficiently "violent" by today's standards. Our decision to use these lyrics in the study was intentional: we wanted to replicate earlier research and build on the small but growing literature in this area. Still, it remains an open question as to whether using more contemporary violent lyrics would produce similar findings. Finally, in this study, lyrics were not presented in the context of a trial, which includes the presence of testimony, jurors' knowledge of the defendant's crime, and adjudication, and thus it remains unknown as to how participants might use lyrics to inform decisions about the guilt of a defendant. Building on the current study, future research should examine how rap lyrics impact actual trial outcomes.

We also note that participants in this study were recruited from Amazon's Mechanical Turk (Mturk), which does not yield random samples that are fully representative of the U.S. population. Samples recruited from Mturk tend to skew more educated, liberal, and White (Berinsky et al. 2012), as does our sample. At the same time, samples recruited from Mturk tend to be more representative of the U.S. population than are college samples and other online samples (Berinsky et al. 2012; Heen, Liberman, and Miethe 2014), and participants recruited through Mturk have been shown to perform similarly to participants from other commonly used subject pools and the general public (Bartneck et al. 2015; Paolacci, Chandler, and Ipeirotis 2010; Paolacci and Chandler 2014). Although Mturk does have its limitations, as is the case with any sampling method, it provides researchers with an efficient way to obtain data that is at least as reliable as data obtained using other common sampling methods.

As this is a relatively new area of study, there are additional future research directions worth pursuing. While our study examines race by focusing on black-white differences, as more and more rap on trial cases involve Latino young men, it will be essential to consider whether

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ethnicity matters in addition to, or beyond, race. Also important to consider is how regional variation in where respondents live may impact perception. There is a strong link between rap and place, and stylistic differences between music produced in different places are outgrowths of different cultural, economic, political, and geographic contexts (Forman 2002).

Research has long demonstrated the existence of anti-black stereotypes and their consequences for the criminal justice context. The current study provides a novel way to understand discriminatory decision making. Using rap lyrics at trial may perpetuate societal views about who "looks like" a criminal, a practice which disproportionately impacts the black community. This has real-life consequences given that such assumptions also shape broader attitudes towards crime control policies (Chiricos, Welch, and Gertz 2004; Hetey and Eberhardt 2014). Importantly, the findings from this study expand our understanding of how laypeople take race into consideration, more broadly, when determining who is criminal, and raise new questions about how cognitive processes may contribute to racial disparities in the criminal justice system.

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Table 1. *Participant (n = 548) demographics*

Variable	Description	N	% of Ps
Gender	Female	257	47.1
	Male	285	52.2
	Other	4	.7
Race	Black	42	7.7
	White	441	80.6
	Native American	4	.7
	Asian	46	8.4
	Native Hawaiian/ Pacific Islander	2	.4
	Other	12	2.2
Ethnicity	Non-Hispanic	495	90.8
	Hispanic	50	9.2
Education Level	High School	183	33.4
	Associate's Degree	108	19.7
	Bachelor's Degree	207	37.8
	Graduate Degree	49	8.9
Number of Children	0	310	56.7
	1	66	12.1
	2	104	19
	3	44	8
	3+	23	4.2
Preferred Music	Classical	25	4.6
	Heavy Metal	22	4
	Country	49	9
	Rap	61	11.2
	Jazz	19	3.5
	Electronic	57	10.4
	Folk	21	3.8
	Pop	106	19.4
	Rock	187	34.2
Amount of Time Spent Listening to Rap Music	Never	166	30.3
	Sometimes	259	47.3
	About half the time	66	12.1
	Most of the time	42	7.7
	Always	14	2.6
Political Ideology	Liberal	225	46.8
	Moderate	151	27.7
	Conservative	139	25.5
Political Affiliation	Republican	143	26.1
	Democrat	259	47.3
	Other	145	26.5
Previous Arrest	Yes	58	10.6
	No	490	89.4
Previous Conviction	Yes	41	7.5
	No	507	92.5

Called for Jury Service	Yes	207	27.9
	No	339	62.1
Served on a Jury	Yes	56	10.3
	No	490	89.7
Home Location	Rural	108	19.8
	Urban	169	31
	Suburban	268	49.2

Table 2. *Average "Bad Character" score for genre of lyrics and race of artist*

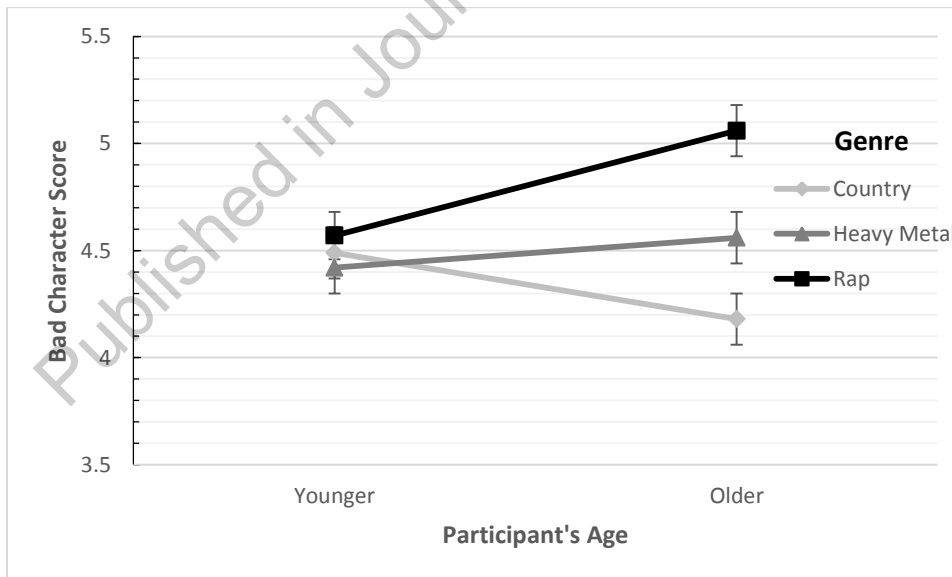|	Genre			Race		
	Country (M, SD)	Heavy Metal (M, SD)	Rap (M, SD)	Control (M, SD)	White (M, SD)	Black (M, SD)
Bad Character	4.34 (1.14)	4.49 (1.17)	4.79 (1.08)	4.21 (1.12)	4.79 (1.09)	4.63 (1.15)
Involved in Criminal Activity	4.26 (1.78)	4.38 (1.74)	4.81 (1.50)	4.12 (1.70)	4.71 (1.69)	4.63 (1.61)
Criminal Record	4.16 (1.55)	4.20 (1.57)	4.60 (1.41)	3.98 (1.55)	4.59 (1.48)	4.41 (1.47)
Gang Member	3.19 (1.52)	3.55 (1.59)	4.19 (1.47)	3.15 (1.57)	3.76 (1.56)	4.05 (1.48)

Figure 1. Interactive effect of genre label ascribed to the lyrics and age of the participant on bad character score. Note that error bars reflect 95% confidence intervals.
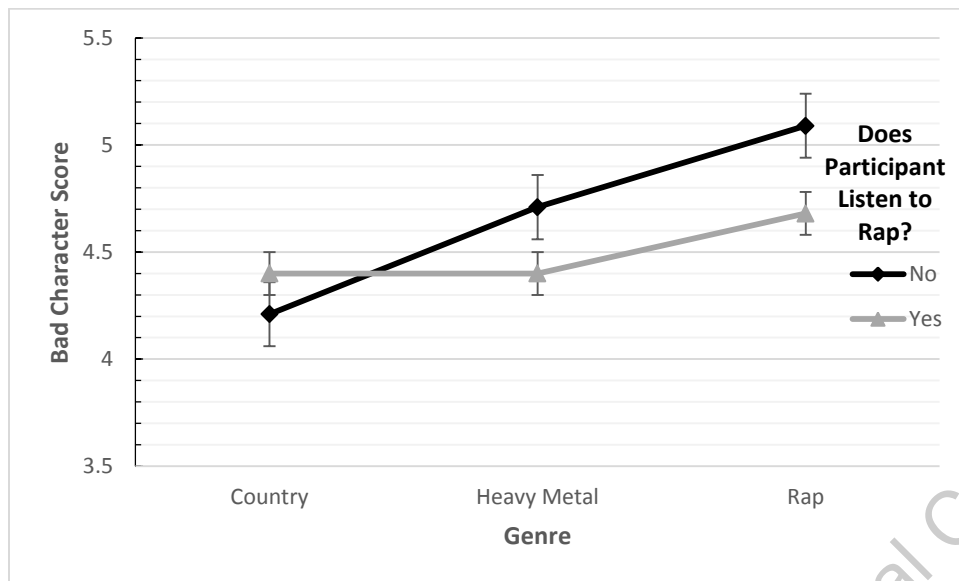
Figure 2. Interactive effect of genre label ascribed to the lyrics and participants rap music listening habits on bad character score. Note that error bars reflect 95% confidence intervals.

Appendix

Response Items Used to Assess Character of Songwriter

Response Item 1*	The songwriter is intelligent
Response Item 2	The songwriter is threatening
Response Item 3	The songwriter is intimidating
Response Item 4*	The songwriter is likable
Response Item 5	The songwriter is aggressive
Response Item 6*	The songwriter is honest
Response Item 7	The songwriter is dangerous
Response Item 8	The songwriter is violent
Response Item 9	The songwriter is a gang member
Response Item 10	The songwriter is involved in criminal activity
Response Item 11	The songwriter has a criminal record
Response Item 12	The songwriter owns a gun

*Item reverse coded