

UNIVERSIDADE DE LISBOA
FACULDADE DE PSICOLOGIA



**... And Justice for All?
The Role of Meritocracy in Legal Decisions Towards Black
Individuals**

Gonçalo Filipe dos Santos Freitas

MESTRADO INTEGRADO EM PSICOLOGIA

(Secção de Cognição Social Aplicada)

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Dissertação orientada pelo Professor Doutor Rui Costa Lopes
e co-orientada pela Professora Doutora Mariana Miranda

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Abstract

The impact of race on criminal-sentencing decisions has been investigated before (e.g. Eberhardt, Davies, Purdie-Vaughns, & Johnson, 2006). However, this research has never considered the influence of a social norm previously identified as important in several group-based distinctions – the norm of Meritocracy (e.g. Costa-Lopes, Wigboldus, & Vala, 2017). Although seen as an important social norm that regulates society, descriptive Meritocracy - i.e. the belief that people are rewarded based on their efforts - is however associated with intolerance and dislike of members of low status groups and may therefore be logically associated with more unfavourable decisions towards low status groups such as racial minorities. In the current study, the influence of Meritocracy on criminal-sentencing decisions was examined using a mock-jurors paradigm, while also examining the degree to which a defendant's race affects those same decisions. A total of 143 participants responded to two critical cases within a total of six criminal cases that were presented, after performing a Scrambled Sentence Task either priming Meritocracy tenets or a neutral content (McCoy & Major, 2007). We hypothesized that mock-jurors' criminal-sentence recommendations are influenced by defendants' race and that when Meritocracy is made salient participants tend to recommend longer sentences to Black defendants only for Black-stereotyped crimes. Results show that participants attributed longer sentences to the Black defendant (vs. White defendant) and that this effect was magnified when he committed a Black-stereotyped crime. However, this effect was not more pronounced in the Meritocratic condition (vs. neutral condition). Implications are discussed in terms of further studies.

Keywords: Criminal-sentencing decisions, discrimination, intergroup bias, race, Meritocracy.

Resumo

O impacto da raça nas decisões de condenação criminal foi previamente estudado (e.g., Eberhardt, Davies, Purdie-Vaughns, & Johnson, 2006). Contudo, a investigação realizada não tem considerado a influência de uma norma social considerada importante em várias diferenças baseadas em grupos sociais – a norma da Meritocracia (e.g. Costa-Lopes, Wigboldus, & Vala, 2017). Embora percebida como uma norma social importante que regula a sociedade, a Meritocracia descritiva – i.e. a crença de que os indivíduos são recompensados com base nos seus esforços – está associada a intolerância e antipatia perante membros de grupos de baixo estatuto e pode, por esse motivo, estar logicamente associada a decisões mais desfavoráveis relativamente a grupos de baixo estatuto, tal como minorias raciais. No presente estudo, a influência da Meritocracia nas decisões de condenação criminal relativamente a pessoas negras foi examinada utilizando um paradigma de “mock-jurors”, sendo que o grau em que a raça do réu afeta essas mesmas decisões será igualmente analisado. Um total de 143 participantes respondeu a dois casos críticos de entre um total de seis casos criminais apresentados, após desempenharem uma Tarefa de Desembaralhamento de Frases que primou princípios de Meritocracia ou um conteúdo neutro (McCoy & Major, 2007). Foi hipotetizado que as recomendações de condenação/sentença criminal dos *mock-jurors* são influenciadas pela raça do réu e que, quando a norma meritocrática é tornada saliente, os participantes tendem a recomendar sentenças mais longas para os réus negros, apenas quando o crime é estereotipicamente negro. Os resultados mostram que os participantes atribuíram sentenças mais longas ao réu negro (vs. réu branco) e que este efeito foi mais forte quando o réu cometeu um crime estereotipicamente negro. Contudo, este efeito não foi mais marcado na condição Meritocrática (vs. condição neutra). São discutidas implicações em termos de estudos futuros.

Palavras-chave: Decisões de sentença criminal, discriminação, enviesamento intergrupar, raça, Meritocracia.

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Introduction

Legal System, Justice and Bias

“I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.” (United States Code, 2014). This is the statement rendered at the Pledge of Allegiance of the United States, where citizens stand at attention facing the flag with the right hand over the heart and pledge allegiance to the flag of the United States and the republic of the United States of America.

According to the former speech, everyone should be judged by the same laws and rules. But does it really happen? Is there “justice for all”?

In the U.S.A., Nellis (2016) has shown that 38% of the people in prison are Black, 21% are Hispanic, whereas they represent 13% and 17% of the total population, respectively. As striking as these proportions are, their interpretation should be done cautiously.

Specifically, in California, where the “Three Strikes and You’re Out” law¹ was incepted, although Blacks make up less than 7% of the general population and roughly 25% of the state’s prison population, they constitute 45% of those incarcerated under this law (Ehlers, Schiraldi, & Ziedenberg, 2004). Social scientists have shown that despite the fact that racial and ethnic minorities, such as African Americans and Latinos, are incarcerated at rates much higher than Whites, rates of criminal behaviour and offending are similar between groups for a wide variety of offenses (Schiraldi & Ziedenberg, 2003). This evidence shows that this criminal justice policy has a disproportionate impact on racial and ethnic communities (Ehlers, Schiraldi, & Ziedenberg, 2004).

In Portugal, while the Constitution grants a claim similar to “... and Justice for All”, the reality is similar to the U.S.A.. One in every 73 citizens of Lusophone Africa over 16 years old and living in Portugal is in prison, whereas the proportion for the

¹ California’s “Three Strikes and You’re Out” law was signed in March 7, 1994. This justice policy claims that persons must serve a prison sentence under a second or third “strike”. Specifically, sentences must be doubled for any felony, if the offender has one prior serious or violent felony conviction on their record. Furthermore, a 25-year-to-life sentence for any felony should be served, if the offender has two prior serious or violent felony convictions (Ehlers, Schiraldi, & Ziedenberg, 2004).

Portuguese citizens in the same age group is of 1 to 736 (Henriques, 2017, August 19). Similar results have been described in different national investigations (Oliveira & Gomes, 2014; Roldão, 2016; Seabra & Santos, 2006). However, Seabra and Santos (2005) call attention to the fact that the universe of migrants living in Portugal displays some specificities in relation to the universe of nationals (such as age distribution, sex proportions, work-related conditions, academic levels, socioeconomic groups), making them incomparable. Therefore, in a further research, these authors have modulated scenarios within the Portuguese context in which the ratios of incarcerated population in function of the overall total of the group population account for confounding variables (as the social structure of the groups), and even for distortions in the data (as the non-inclusion of people with irregular status; the inclusion of foreigners who do not reside in the country, etc.). Nonetheless, in every scenario the likelihood of a migrant being in prison is greater than the likelihood of a Portuguese citizen (Seabra & Santos, 2006).

Looking at this data, it seems that not everyone is being treated in the same way. Decisions are being made at the criminal justice, legal and institutional levels which carry serious consequences for the lives of the persons involved. Therefore, these decisions are considered to be Socially Critical Decisions (SCD).

Socially Critical Decisions in the Criminal Context

Everyday we face trivial decisions but every once in a while we face SCD, i.e. decisions with a deep impact on others as they may imply unequal distribution of relevant material or symbolic resources, serious harm or even the death of the ones involved.

Research on SCD within asymmetric social relations has focused on several fields, such as the police context, with Blacks being shot more quickly and more frequently than White targets (Correll, Park, Judd, & Wittenbrink, 2002; Correll, Park, Judd, Wittenbrink, Sadler, & Keese, 2007), or the moral dilemmas context, where was shown that victims belonging to groups such as homeless or drug addicts are seen as more acceptable to be sacrificed in the “trolley dilemma” (Cikara, Farnsworth, Harris, & Fiske, 2010; Fiske, Cuddy, Glick, & Xu, 2002; Moreira, 2016). Furthermore, a large body of research in the medical context has also shown that health care providers demonstrate implicit biases suggesting the existence of discriminatory attitudes and

decisions towards low status groups, such as Blacks (Blair et al., 2013; Cooper et al., 2012; Green et al., 2007; Haider et al., 2011, 2015a, 2015b; Sabin, Nosek, Greenwald, & Rivara, 2009; Stepanikova, 2012) or Latinos (Blair et al., 2013; Stepanikova, 2012). In addition to that, research has been conducted regarding the SCD in the organisational context and hiring decisions (Bertrand, & Mullainathan, 2004; Branscombe, & Smith, 1990; Purkiss, Perrewé, Gillespie, Mayes, & Ferris, 2006) and the educational context (Roldão, 2015; Seabra, Roldão, Mateus, & Albuquerque, 2016), among others. A consistent result across these different decisional contexts indicates that low status group members (e.g. blacks, gypsies, homeless) are targeted with more unfavourable decisions and that implicit prejudice and stereotypes about these groups may partially explain these discriminatory decisions.

Regarding the criminal and judicial context, research also shows that low status group members are targeted with more unfavourable decisions (Baldus, Woodworth, Zuckerman, Weiner, & Broffitt, 1998; Mitchell, Haw, Pfeifer, & Meissner, 2005; Oliveira & Gomes, 2014). However, the dimension that is more focused in this research is the one referring to racial categories, i.e. the research on criminal decisions that informs about possible bias against low status group members is almost exclusively about more negative decisions towards different-race targets.

When a crime is reported the criminal justice system is invoked, and a complex sequence of decisions ensues. Should the event be regarded as an offense? Should an arrest be made? Is the offender guilty? If so, what should be the sentence? These are some examples of the decisions made during the criminal justice process regarding punishment for alleged illegal behaviours and criminal acts. These criminal decisions constitute critical events in the lives of the persons involved as they deal with loss of liberty and other serious intrusions and interventions in individual lives (Gottfredson & Gottfredson, 1988).

Differences in these criminal decisions as a function of group status were described and analysed in Faigman and colleagues' (2012) review in terms of the different stages of the criminal path, from 1) the Police encounter, moving to 2) the Charge and plea bargain, to 3) the Trial, and ending with 4) the sentencing.

Police encounter.

Regarding the Police encounter phase, Joshua Correll and his colleagues (Correll et al., 2002; Correll et al., 2007) at the University of Colorado at Boulder recreated the experience that police officers go through in a controlled environment, as realistically as possible. Subsequently, researchers developed a video game simulation in which White or Black targets appear in different poses and against different backgrounds on several trials of the task, either holding a gun or a neutral object (e.g., cellphone).

Results from a first study with university students as participants yield a pattern named *shooter bias* (Correll et al., 2002). Participants decided to shoot Blacks more quickly and more frequently than White targets. Additionally, to make the decision not to shoot an unarmed suspect, participants, on average, required more time to make that decision when the suspect was Black, comparing to when the suspect was White.

After some years, Correll and colleagues (2007) conducted the same study with police officers and members of the community where this Police force operated. After having both these samples go through the same computer game simulation, results showed that both police officers and community samples exhibited robust racial bias in terms of speed, i.e. participants were quicker to make the decision to shoot black suspects than white suspects. Notably, however, police officers did not show the same shooter bias effect in terms of the final decision. That is, although community members set the shooting decision criterion lower for Black targets (comparing with White suspects), police officers outperformed them by expressing no such bias in the decision.

These results seem to show that the training that police officers go through may not affect the speed with which stereotype-incongruent targets are processed but that it does affect the ultimate decision, which is consistent with the hypothesis that the shooter bias effect is partially explained by the stereotypic associations that the participants have of the targets. Thus, people take less time in making a decision that is consistent with the stereotypes of Blacks and Whites and more time in making a decision that is inconsistent. That is, implicit prejudice and negative stereotypes leads to more unfavourable decisions towards Blacks.

The research line developed by Correll and colleagues is consistent, and indirectly supported, by research from other U.S.-based colleagues from Social Psychology. For example, Payne (2001) developed a paradigm in which he was able to demonstrate that,

when guessing the real content hidden in blurred images, participants are quicker to distinguish weapons from tools when they have been previously primed with pictures of Black faces, comparing with White faces. Another (more indirect) example comes from research by Eberhardt and colleagues (Eberhardt, Goff, Purdie, & Davies, 2004) showing that people have a stronger tendency to turn their attention to Black faces, than to White faces, when they have been primed with the concept of crime.

Charge and plea bargain.

There are few studies that describe what happens in the phase in which prosecutors decide to charge or not to charge someone of a given crime. Furthermore, from the results of these studies it is not possible to describe a consistent pattern, with analysis of justice data sets suggesting either some (Radelet & Pierce, 1985) or no disparate decisions by prosecutors (Caravelis, Chiricos, & Bales, 2013). As such, studies that can isolate the effect of race or status in the charge and plea bargain phase are in need.

Trial and sentencing.

More attention has been given to the trial and sentencing phases. In the context of mock trials, Mazzella and Feingold (1994) conducted a meta-analysis including 29 studies which revealed a non-significant effect of racial bias on either trial judgments or sentences, but with an effect of the defendant race on sentences qualified by the type of crime. On the other hand, a meta-analysis conducted by Sweeney and Haney (1992), including 14 studies, reported a small but significant racial bias in the sentencing phase, with White participants giving Black defendants longer sentences than to White defendants.

To integrate these inconsistent findings, Mitchell and colleagues conducted another meta-analysis exploring possible moderators of this racial bias effect (Mitchell et al., 2005). The authors defined racial bias specifically as “a juror’s disparate treatment of a defendant from a racial out-group, when compared with a defendant of the juror’s own-race, in verdict and sentencing decisions”. As such, the authors aimed at extending this effect to an other-race context. Results unequivocally demonstrated the existence of a small but significant other-race racial bias in studies addressing juror decision-making,

where other-race defendants are generally targeted with more negative decisions. This racial bias, nonetheless, became more pronounced when White jurors evaluated Black defendants.

Data coming from studies conducted in natural contexts is consistent with the prior evidence. At the Portuguese level, Oliveira and Gomes (2014) demonstrated that foreigners are sentenced for longer periods of time than national citizens convicted of the same crimes. Graham and Lowery (2004) tried to experimentally isolate the effect of race in sentencing by natural groups in the legal system (police and probation officers). The authors demonstrated that when primed with content related to the Black group the proposed sentence was harsher. Furthermore, Baldus and colleagues (1998) found that Black defendants were more likely than White defendants to be sentenced to death. In one of the most comprehensive studies to date, Baldus and colleagues (1998) found that the race of the defendant and the race of the victim each influence sentencing, in the sense that not only did Black defendants were more likely to be sentenced to death, but also killing a White person rather than a Black person increase the likelihood of being sentenced to death.

Another line of research still within the description of racial bias in SCD has moved away from the analysis of racial category to focus specifically on the physical traits associated with Blacks traits (i.e., Afrocentric features, such as darker skin tone or wider nose). On a series of five studies using different laboratorial paradigms, Eberhardt and colleagues (2004) have shown that both lay participants and police officers associate stereotypicality with criminality. After that, moving beyond the laboratory in their analysis, Eberhardt, Davies, Purdie-Vaughns, and Johnson (2006) went through a large legal US database (Baldus et al., 1998) to analyse real-life criminal decisions. They selected actual black murder defendants advancing to penalty in order to test their hypothesis that the display of Afrocentric features would predict the likelihood of their conviction turning into a death sentence. In two studies with naïve participants, the authors proved that, even when controlling for a large set of covariates, such as the circumstances of the crime and criminal record, defendants perceived as more stereotypically Black were more likely to have been sentenced to death when the victim was White, but not when the victim was Black (Eberhardt et al., 2006).

Blair, Judd and Chapleau (2004) directly tested the effect of group race against Afrocentric features and found evidence that the effect of Afrocentric features do

prevail over the effects driven by group race. These results are still in line with the explanation of the differential treatment in terms of prejudice, and in particular in terms of implicit prejudice (Faigman et al., 2012). Some evidence suggests that stereotypical information (e.g., Afrocentric features) is linked to perception (e.g. of criminality), regardless of individual explicit bias (Eberhardt et al., 2004). In the same direction and more directly linked to SCD in the criminal context, Sommers and Ellsworth (2000; 2001) shown that, when the race dimension was made salient in the courtroom, discrimination did not occur, whereas when it was explicitly ignored, the bias in sentencing for Blacks and Whites emerged.

Thus, overall, research does suggest the existence of more unfavourable criminal decisions towards low status group members. However, research has been more focused in showing this group-based discrimination in SCD than in explaining it. Indeed, although a significant part of these studies explored the pivotal role played by implicit prejudice in the existence of this bias in decision-making, no other variable that is usually predictive of biased attitudes and behaviour in intergroup asymmetrical contexts has been considered. Importantly, a significant factor that has been consistently shown to impact on group-based distinctions and intergroup biases (Costa-Lopes, Wigboldus, & Vala, 2017; McCoy & Major, 2007; Vala, Lima, & Lopes, 2004) has been neglected by this line of research: that is, the impact of a meritocratic norm.

The Role of Meritocracy on Socially Critical Decisions towards Low Status Groups

Meritocracy is a social norm that defines that social status and rewards depend or should depend on individual effort and hard work (Kluegel & Smith, 1986). This norm is a component of status-legitimizing beliefs (SLBs)² that stresses that “merit or talent is the basis for sorting people into positions and distributing rewards” (Scully, 1997), as it refers to the belief that people are or should be rewarded based on their efforts. This distinction between “depend” and “should depend” or between “are” and “should be” is a fundamental one that applies to all social norms: that is, the distinction between prescriptive and descriptive norms (Costa-Lopes & Pereira, 2012).

² Status-legitimizing beliefs (SLBs) are ideologies which justify existing inequality in social systems suggesting that one’s position within the hierarchy is earned and can change based on hard work (Kluegel & Smith, 1986; Wellman, Liu, & Wilkins, 2015).

On the one hand, descriptive norms describe what typically happens in a society and derive from the way people normally act in certain situations. On the other hand, prescriptive norms characterize groups' moral norms and the perception about what most people approve or disapprove, while not describing necessarily what happens in fact (Cialdini, 1993; Deutsch & Gerard, 1955). Basically, descriptive and prescriptive norms refer to the distinction between what is more often observed and what people would like to be more often observed (Costa-Lopes & Pereira, 2012). In this sense, a descriptive meritocratic norm stresses that social status and rewards depend on individual effort and hard work and that people are indeed rewarded based on their efforts. Thereby, it is expected that only descriptive Meritocracy (but not prescriptive Meritocracy) may be on the basis of unfavorable SCD towards low status group members. The belief that success and social status are directly proportional to individuals' effort, skills and intelligence allows to infer how responsible individuals are for their own situation. On the other hand, prescriptive Meritocracy states that although success and social status should be directly proportional to individuals' merit, it does not necessarily happen, impairing judgments based on a regulatory principle that eventually does not exist.

At first, when the term "Meritocracy" was used by the sociologist Young (1958) in his book called "*The Rise of the Meritocracy*", it had a negative meaning, as the author considered objectionable to determine social status by intelligence quotient and individual effort (Pita, 2016). However, Meritocracy has become a positive phenomenon in Western societies, being considered a fair system wherein social status depends merely on one's merit, talent and hard-work and not on matters such as social class, race or sex (Bilhim, 2012; Sealy, 2010). Therefore, it can be a "powerful vehicle for social mobility" and encourage people to work hard and reach their potential, which will result in benefits not only for the individual but also for society, as it reduces corruption and improves rates of economic growth (Everest-Phillips, 2015).

Since the mid-19th century, Meritocracy has been considered as an evidence of modernity and higher efficiency in organisations both in the private sector and in the public administration (Pita, 2016). As Max Weber mentioned, Public Administration workers are responsible for their own professional performance and should be selected based on their technical qualifications and skills (which can be assessed by exams, diplomas and degrees), and not on their parentage and lineage (Bilhim, 2013a; 2013b;

Sager & Rosser, 2009; Oliveira Rocha, 2013). This way, Meritocracy is assumed to be a democratic value of contemporary societies (Bilhim, 2013a).

While Meritocracy is seen as a social norm more typical of an Anglo Saxon society like the U.S.A., it is nonetheless something that is to some extent also conveyed in more collectivistic societies like Portugal (Green, Deschamps, & Páez, 2005). Moreover, countries that endorse the meritocratic norm tend to defend the *laissez-faire* capitalism, i.e. economic liberalism (Gaspard, 2004), which assumes that free markets should operate freely, without interference from the government in the means of regulation, subsidies and privileges (Hayek, 1960; Smith, 1776). As Mises (1944) stated, “Under capitalism everybody is the architect of his own fortune”, meaning that rich are rich because they are talented and hard-working and the poor are poor because they are ineffective, lazy and weak (Mises, 1944; Rosas & Ferreira, 2014). This statement reveals that it is assumed in this ideology a universal egalitarian level, which is guided by the principle of fair reward for people who deserve it. However, the myth of an existing Meritocracy is used to support the maintenance of a social hierarchy formed by inherited wealth, which makes the meritocratic norm an inconsistent ideology (Rosas & Ferreira, 2014).

Furthermore, despite being seen as an important and useful social norm - one that regulates society and that defines a fair criterion for the distribution of resources - Meritocracy has been however associated with higher justifications and stronger acceptance of inequality (Furnham, 1982; McCoy & Major, 2007) and also to more negative attitudes towards low status groups, both at the explicit level (Vala et al., 2004) and the implicit level (Costa-Lopes et al., 2017). As Rusch, Todd, Bodenhausen, and Corrigan (2010) have shown in the health field, meritocratic worldviews that stress personal responsibility, such as the Protestant ethic or general beliefs in a just world, are typically associated with stigmatizing attitudes and could explain the persistence of mental illness stigma. Authors found a consistent positive link between endorsing the Protestant ethic and stigmatizing attitudes (e.g., perceived responsibility, perceived dangerousness, general agreement with negative stereotypes).

Therefore, Meritocracy can be logically associated with more unfavourable decisions towards low status groups. For example, research has shown that participants primed with status-legitimizing beliefs reported significantly less support for

programmes aimed at reducing social inequality such as Affirmative Action³ compared to the control condition (Wellman, Liu, & Wilkins, 2015). Within moral dilemmas, research has shown that making a meritocratic norm salient has led (high status) participants to view decisions involving the sacrifice of low status group members as more acceptable (Moreira, 2016). In addition, research focused on medical decisions (Madeira & Costa-Lopes, 2018) has shown that, when asked to make decisions about organ transplants, Portuguese participants, to whom the same meritocratic norm has been made salient, attribute less priority to black Cape Verdean patients (controlling for symptoms and medical history).

The potential reason for that may be that when people assume or believe that social status is a reflection of one's own merit or individual effort (i.e. when people endorse descriptive meritocratic beliefs), one can make the individual "accountable" for the status that individual has and, therefore, Meritocracy legitimizes the status differences between individuals and between groups and helps to justify the status quo (Jost & Hunyady, 2005; McCoy & Major, 2007). Thus, if hierarchical status is based on merit, a possible (yet fallacious) inference indicates that individuals with a higher social status are more talented, hard-working and valuable. Using the same logic, low status individuals will be seen as lacking in worth and as possessing several negative features. If a descriptive Meritocratic norm is salient, these low status individuals are no longer seen as victims of a discriminatory system, but as individually responsible for their own negative situation (Cozzarelli, Wilkinson, & Tagler, 2001; Wellman et al., 2015). These inferences may underlie decisions that are more negative towards the targets in those negative situations.

Particularly in criminal decisions, making the norm of Meritocracy salient in a given context may lead to more penalizing criminal decisions where low status group members are more likely to be considered guilty and sentenced to harsher sentences. Nonetheless, to our knowledge, the impact of Meritocracy has never been studied within the research on criminal decisions. Moreover, and specifically regarding the Portuguese context, the existence of such bias in criminal decisions has not been experimentally addressed, even though there are indirect indications of its existence, as aforementioned.

³ Affirmative Action is a policy that intends to reduce social inequality by promoting equality in education, employment, payment, and culture for members of historically excluded and stigmatized groups (Fullinwider, 2018; Wellman, Liu, & Wilkins, 2015).

Furthermore, there is a tendency to associate certain crimes to specific social groups, which leads to different beliefs and attitudes towards defendants depending on the committed crime (Jones & Kaplan, 2003).

Racially Stereotyped Crimes?

As Sunnafrank and Fontes (1983) affirmed, defendant's race is stereotypically associated with certain crimes leading to the appearance of bias in criminal and legal decisions (Hagan, 1974; Johnson, 1985). Crimes such as soliciting, assault-mugging, grandtheft auto, and assault on a police officer were perceived as more likely to be committed by Black targets. On the other hand, embezzlement, child molestation, counterfeiting, fraud, and rape were perceived as more likely to be engaged by Whites (Boetcher, 2009; Jones & Kaplan, 2003; Skorinko & Spellman, 2013; Sunnafrank & Fontes, 1983).

As Bodenhausen (1988) has shown, when assessing judgment-relevant evidence judgmental discrimination against the members of stereotyped social groups emerges from biased evidence processing rather than interpretation biases. This author proved that stereotype-based discrimination is caused by a selective processing of the evidence, in the sense that stereotype-consistent evidence is processed more extensively than inconsistent evidence. Thus, a Black defendant who commits a Black-stereotyped crime will receive a longer sentence than a White defendant convicted of the same crime, as Jones and Kaplan (2003) have pointed. This suggests that matching the specific crime stereotype has a greater biasing effect than the general racial identity (Jones & Kaplan, 2003).

Another explanation for the effects of racially stereotyped crimes was proposed by Gordon, Bindrim, McNicholas, and Walden (1988) based on the participants' evaluations of the defendants. Authors proposed that people form attributions regarding the defendant's behaviour based mostly on the typicality of the crime. If a defendant is charged with a crime thought to be typical for his/her race, participants will form dispositional attributions regarding the criminal behaviour which, in turn, increase the culpability of the defendant and produce more severe punishments. On the contrary, if the crime is not typical of the defendant, participants will more likely make an external attribution for the defendant's behaviour, leading to greater leniency.

Hence, it is expected that participants make dispositional attributions about the criminal behaviour of the Black defendant when presented with a Black-stereotyped crime. Consequently, they will perceive higher culpability and intention in Black defendant's actions and attribute harsher sentences.

Given the relevance in the distinction of stereotypical or not-stereotypical crime for the possible racial bias in this legal SCD, we should further consider it when advancing our hypotheses.

Experimental Study

Overview

The envisioned experimental study is thought to address several unsolved issues: Are low status group members targeted with more negative criminal-sentence decisions in the Portuguese context? Does the salience of a descriptive meritocratic norm have an impact on such criminal-sentence decisions? If so, how does that impact occur?

The main goals of this dissertation are to test the existence of discrimination in the sentencing phase in the Portuguese context and to study the impact of the meritocratic norm on criminal decisions that involve low status group members. In this work, low status group members are operationalized as Black people.

We argue that Black defendants are going to receive harsher sentences than White counterparts. Replicating research on stereotypicality of crimes, we expect that this effect will arise when a Black defendant is accused of committing a Black-stereotyped crime.

It is expected that making the concept of descriptive Meritocracy salient by presenting participants with cues will lead to more negative criminal-sentence decisions where low status group members will be more likely to be considered guiltier and sentenced to harsher sentences (i.e., participants in a meritocratic condition will make more unfavourable decisions towards Black defendants than participants in control-neutral condition (not exposed to Meritocracy-related cues)).

We also expect that participants will make more dispositional attributions and perceive more intent in the criminal behaviour of the defendant when presented with a

consistent-stereotyped crime. Because this effect could be expected to occur both with Black and White defendants, and because intent could be seen as a Meritocracy relevant concept, we will need to control for these variables when assessing our main hypotheses.

For this research, based on a large body of literature on racially stereotyped crimes (Boetcher, 2009; Jones & Kaplan, 2003; Skorinko & Spellman, 2013; Sunnafrank & Fontes, 1983), car theft will be the Black-stereotyped crime and embezzlement the one used as a White-stereotyped crime.

Method

Participants and experimental design.

Participants were 143 Portuguese citizens (87 female) with ages ranging from 18 to 52 ($M = 22.57$, $SD = 4.86$) distributed by a mixed experimental design $2_{(\text{Norm: Meritocratic vs. Neutral})} \times 2_{(\text{Target: White vs. Black})} \times 2_{(\text{Crime stereotypicality: White vs. Black})}$, whereby the norm and crime stereotypicality were manipulated between-subjects and the target within-subjects.

Participants were randomly assigned to each of the four between-participants conditions: meritocratic and White-stereotyped crime ($n = 35$), meritocratic and Black-stereotyped crime ($n = 35$), control and White-stereotyped crime ($n = 36$), or control and Black-stereotyped crime ($n = 37$).

Data from 2 participants was removed from further analysis based on their nationality.

Materials and procedure.

Before initiating the study, participants provided their informed consent. Then, each participant was randomly assigned to one of the aforementioned four experimental conditions. As the current study employed a two-study ruse, participants in both conditions were asked to complete two (supposedly independent and unrelated) studies, one on “Cognitive Performance” and the other on “Legal Decisions”. The “Cognitive

Performance” study served as the manipulation of Meritocracy, where participants performed a Scrambled Sentence Task which on half the cases contained Meritocracy-related words and on the other half neutral words (McCoy & Major, 2007). Participants then proceeded to the “Legal Decisions” study where they responded to two critical cases within a total of six criminal cases presented. They were randomly assigned to either the White-stereotyped crime condition or Black-stereotyped crime condition, previously described. Subtle cover stories were presented before each “study” to disguise the real purpose of the research.

Subjects were run in individual sessions or in groups of up to 8 people. They were seated at individual carrel desks that were widely separated from one another in order to minimize interaction between subjects and provide them with a sense of privacy while they completed the experiment.

Meritocracy manipulation.

To manipulate the salience of Meritocracy concept we have employed a priming technique in which a concept can be made salient by showing subtle cues that can influence people’s cognitions and behaviour (Bargh, 1989; McCoy & Major, 2007). This activation occurs without conscious awareness or intention and can influence subjects’ behaviour when they do not have knowledge about the activation of the concept and thereby are not aware of its influence (Moreira, 2016).

This priming process is presumed to operate because knowledge is organised and activating a concept in one part of that organized structure is presumed to facilitate retrieval of other related concepts (Katz & Hass, 1988). Researchers interested in the social consequences of cognition have found that increasing the momentary accessibility of information may often influence subsequent social judgments as the primed concept acts as a mental filter through which the later events are processed or recalled (Katz & Hass, 1988; Wyer, Bodenhausen, & Gorman, 1985).

To activate the concept of Meritocracy, we used an adaptation of the Scrambled Sentence Task (McCoy & Major, 2007; Srull & Wyer, 1979; Moreira, 2016). In this task, unscrambled sentences make either descriptive Meritocracy or neutral content salient. During this task, participants were presented with 20 sets of 5 or 6 words. These

words were randomly disposed. Participants were asked to organise those words and to make a meaningful sentence leaving one word out.

In the meritocratic condition, 15 of the 20 sets transmitted Meritocracy-related content (e.g. “Quem se esforça tem sucesso.”, “As recompensas dependem do esforço.” – see Table 1, Appendix A) and the remaining 5 sets transmitted neutral content (e.g. “Lisboa é uma capital europeia.”, “A noite é boa conselheira.” – see Table 2, Appendix A), in order to keep participants unaware of this manipulation. In the control condition, all 20 sets transmitted neutral content.

Criminal cases.

For the “Legal Decisions” study, eight criminal cases were built, four of them mutual to both conditions and irrelevant for this research, two of them specifically for the White-stereotyped crime condition and the other two for the Black-stereotyped crime condition. These cases consisted of mock Legal/ Court Notifications (see Appendix B) and Judgments of the Supreme Judicial Court (see Appendix C) based on real ones. Our aim was to do it as real as possible and, therefore, we looked into the Portuguese Penal Code to identify attributed sentences and criminal determinants. Experts from the legal system were also consulted in order to make materials unfeigned. As previously mentioned, for each crime condition only two criminal cases out of the six cases presented were of interest to this research, namely the third and the sixth cases (Black and White defendants, respectively). The order of the presentation was made stable, having always the Black defendant first, so to ensure that participants regarded this information at an intergroup level (Simon, 1995). Defendants from these cases had the same age, gender and committed crime. They also had equivalent information regarding the way they behaved and the objects they had stolen. On the top of each Judgment of the Supreme Judicial Court, we included a photograph of the “defendant” as a way of manipulating defendants’ racial category. These photographs were downloaded from the Face Research Lab London Set project⁴ (DeBruine & Jones, 2017). Faces were blurred in order to exclude effects of facial features stereotypicality

⁴ Face Research Lab London Set gathers images of 102 adult faces 1350x1350 pixels in full colour. All individuals gave signed consent for their images to be "used in lab-based and web-based studies in their original or altered forms and to illustrate research (e.g., in scientific journals, news media or presentations)." (DeBruine & Jones, 2017).

(i.e., Afrocentric features, such as darker skin tone or wider nose), as Eberhardt and colleagues (2004) have shown to be associated with criminality by both lay participants and police officers. This way, we can assure that results are merely based on racial category.

Participants were told that they were going to find information about 6 criminal cases (namely, 6 Legal/ Court Notifications and 6 Judgments of the Supreme Judicial Court) followed by one question and some statements for which they will have to give their degree of agreement. They are also told that any information that can reveal defendants' identity will be erased or blurred. The first question measures our main dependent variable, i.e. recommended sentence for the committed crime. For this question, we cite the Portuguese Penal Code about the possible sentence for this type of crime⁵. The remaining statements are about the perceived intention in defendant's behaviour⁶, the perceived severity of his behaviour⁷, and causal attributions made to explain that behaviour (internal vs. external "causes" of behaviour)⁸. Participants gave their degree of agreement for these statements on a scale from 1 (Strongly Disagree) to 7 (Strongly Agree).

Perceived intention was calculated taking the mean of the 2 intention items, both for the third case ($\alpha = .76$) and for the sixth case ($\alpha = .81$). Perceived severity was also calculated taking the mean of the 2 severity items, both for the third case ($\alpha = .81$) and for the sixth case ($\alpha = .87$).

Manipulation check.

Participants continued the second study by answering to our manipulation-check.

⁵ Participants in Black-stereotyped crime condition read as follows: «Segundo o Código Penal, “quem utilizar automóvel ou outro veículo motorizado, sem autorização de quem de direito, é punido com pena de prisão até 3 anos.” **Na sua opinião, que pena de prisão recomendaria?**», and participants in White-stereotyped crime condition read as follows: «Segundo o Código Penal, “quem, com intenção de obter para si enriquecimento ilegítimo, por meio de erro ou engano, é punido com pena de prisão até 3 anos.” **Na sua opinião, que pena de prisão recomendaria?**».

⁶ “O arguido é culpado pelo crime.” and “O arguido cometeu o crime com intenção.”

⁷ “O crime descrito anteriormente representa um crime grave.” and “O crime cometido tem consequências severas.”

⁸ “A forma como o arguido se comportou reflete a sua personalidade.”

Our manipulation check is a Meritocracy scale made of 14 Likert items which are example items of descriptive Meritocracy and were gathered by SPIDeR research team⁹ (see Appendix D). As our study sample was composed of Portuguese citizens, these items had to be transculturally validated. An element of the team was responsible for translating them to Portuguese and another element for performing the retroversion from Portuguese to English. Subsequently, the team checked if the original version and the retroverted one matched (see Appendix E) and, after all the adjustments, it was ready to be introduced in the current study.

A reliability analysis ($N = 143$) has shown that this instrument has a good internal consistency ($\alpha = .87$), with all items contributing to this result. Factorial analysis revealed the existence of 3 factors within this scale. Factors 1 and 2 have a good internal consistency ($\alpha = .83$ and $\alpha = .80$, respectively) and factor 3 presents a questionable internal consistency ($\alpha = .65$).

There was not a significant difference in the Meritocracy scale scores for control ($M = 4.31$, $SD = .9$) and meritocratic ($M = 4.24$, $SD = .91$) conditions, $t(141) = .47$, $p = .64$. Even cutting off Meritocracy scale, there were not significant differences for control and meritocratic conditions for factor 1 of our manipulation check ($M_{\text{control}} = 5.43$, $SD = 1.05$; $M_{\text{Meritocratic}} = 5.15$, $SD = 1.08$), $t(141) = 1.57$, $p = .12$, neither for factor 2 ($M_{\text{control}} = 5.59$, $SD = 1.0$; $M_{\text{Meritocratic}} = 3.76$, $SD = 1.07$), $t(141) = -1.01$, $p = .32$, nor for factor 3 ($M_{\text{control}} = 3.9$, $SD = 1.25$; $M_{\text{Meritocratic}} = 3.68$, $SD = 1.17$), $t(141) = 1.08$, $p = .28$. From this data, we can conclude that the experimental manipulation of descriptive Meritocracy was ineffective and did not work as expected.

Concerning our dependent variables, Meritocracy manipulation is negatively correlated with perceived intention for White defendant, $r = -.16$, $p = .05$, and perceived intention for Black defendant, $r = -.19$, $p = .02$, which means that participants in the meritocratic condition perceived lower levels of intention for both defendants.

⁹ Social Psychology Intergroup Decisions Research team from ICS-ULisbon (Institute of Social Sciences – University of Lisbon).

Sociodemographic information.

Then, participants answered to demographic items of relevance for this work, such as their own nationality and if they worked in the legal field. Finally, they were thanked and debriefed about the real purpose of this study (see Appendix F).

Results

To test our hypotheses, we conducted a repeated measures Analysis of Variance (ANOVA) with the Meritocracy prime and crime type as between factors and attributed sentences to the White and the Black defendants as a within factor.

Differential attribution of sentences.

Our first hypothesis was that Black defendants were going to receive harsher sentences than White defendants and that this effect would be moderated by crime stereotypicality.

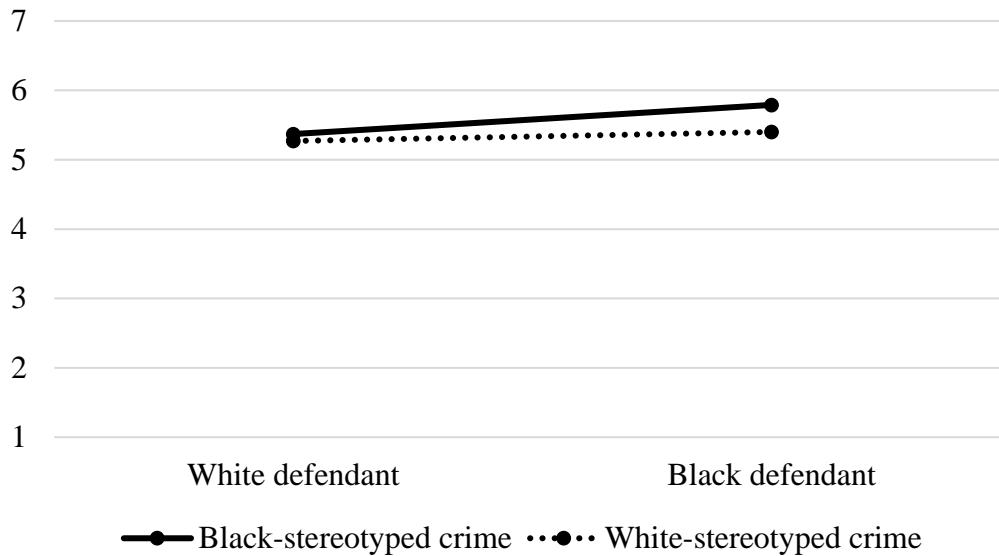
It was found that attributed sentences were significantly different for the White and for the Black defendants, $F(1, 139) = 9.65, p = .002, \eta_p^2 = .065$. As a main effect, participants did attribute longer sentences to the Black target ($M = 5.59, SD = 1.65$) than to the White one ($M = 5.32, SD = 1.69$).

The interaction between the defendant's race and crime type was marginally significant, $F(1, 139) = 3.11, p = .08, \eta_p^2 = .022$. As such, we conducted further contrast analysis, using *sidak* correction. When analysing separately each crime type, one can see that when the crime is stereotypically Black subjects attribute longer sentences to the Black defendant ($M = 5.79, SD = 1.38$) than to the White defendant ($M = 5.38, SD = 1.62$), $F(1, 139) = 11.94, p = .001, \eta_p^2 = .079$. On the other hand, when the crime is stereotypically White participants attribute similar sentences to the White ($M = 5.26, SD = 1.76$) and to the Black defendants ($M = 5.38, SD = 1.862$), $F(1, 139) = .9, p = .346$.

Summing up, participants attributed longer sentences to the Black defendant (vs. White defendant) when the crime was stereotypically Black and similar sentences when

the crime was stereotypically White. However, this effect was not more pronounced in the meritocratic condition (vs. neutral condition).

Graphic 1. Attributed sentences by defendant's race and crime stereotypicality



Effects of Meritocracy.

The failure to prove an effect of our experimental priming of Meritocracy on the manipulation check weakens the perspective of a successful test of our Meritocracy hypothesis. Nonetheless, we proceeded with the following analyses, considering the possibility the null effects might be due to either the scale used as the manipulation check or the length between the prime and the actual completion of the scale.

Going back to the aforementioned repeated measures ANOVA, results clearly show an absence of a qualifying effect of the Meritocracy prime. Indeed, the interaction between the race of the defendants and the Meritocracy prime was not significant, $F(1, 139) = .06, p = .808$, as was not the triple interaction considering the race of the defendants, the stereotypicality of the crime and the Meritocracy prime, $F(1, 139) = 1.59, p = .21$.

Alternative explanations.

Previous literature has shown that stereotypical crimes are attributed to more internal causes (Gordon et al., 1988). We aimed at testing whether attributing more intent could explain the differences in the sentences proposed to Black and White defendants. Simultaneously, because intent could be seen as a Meritocracy-relevant word, this presented itself as a plausible alternative pattern to our predictions.

As such, we ran a repeated measures ANOVA with intentions by target's race as a within factor and Meritocracy and crime stereotypicality as between factors. Results show that there were no significant differences between perceived intention for the White and for the Black defendants, $F(1, 139) = .61, p = .438$, meaning that participants in both conditions perceived similar levels of intention regardless of defendant's race ($M_{\text{White}} = 6.56; SD_{\text{White}} = .68; M_{\text{Black}} = 6.60; SD_{\text{Black}} = .69$).

No interactions proved significant, whether between defendant's race and Meritocracy salience, neither between defendant's race and crime type, neither the triple interaction, all $F_s < 1$.

We did not find any significant interactions between defendant's race and Meritocracy salience, between defendant's race and crime type, or the triple interaction, all $F_s < 1$.

Based on the same reasoning, the same analysis was run on the causal attributions. Results showed again no significant differences in the type of attributions made by participants as a function of defendant's race, $F(1, 139) = .27, p = .603$. Crimes are perceived as reflecting defendant's personality ($M_{\text{overall}} = 5.74; SD_{\text{overall}} = 1.2$), regardless of defendant's race effect.

Furthermore, we did not find significant interactions between defendant's race and Meritocracy salience, $F(1, 139) = .06, p = .814$, neither the triple interaction between defendant's race, Meritocracy salience and crime type, $F(1, 139) = 2.1, p = .149$. The interaction between defendant's race and crime type was marginally significant, $F(1, 139) = 2.9, p = .091, \eta_p^2 = .02$. Contrast analysis with *sidak* adjustments show that there were no significant differences regarding causal attributions for White ($M = 5.56; SD = .14$) and for Black ($M = 5.5; SD = .14$) defendants in Black-stereotyped crime condition, $F(1, 139) = .7, p = .403$, neither for White ($M = 5.86; SD = .14$) and for Black ($M =$

5.98; $SD = .14$) defendants in the White-stereotyped crime condition, $F(1, 139) = 2.46$, $p = .119$. However, these analysis show that although there were no significant differences between crime conditions for the White defendant, $F(1, 139) = 2.22$, $p = .138$, there were significant differences for the Black defendant in the sense that causal attributions were more dispositional in the White-stereotyped crime condition than in the Black-stereotyped crime condition, $F(1, 139) = 6.11$, $p = .015$, $\eta_p^2 = .042$. This goes in the opposite direction to what was expected (Gordon et al., 1988). Still, this effect allows us to understand that attributions cannot explain the main effect of racial bias found in criminal-sentence recommendations, as participants attribute harsher sentences to the Black defendant but form more dispositional attributions to the Black defendant only in the White-stereotyped crime.

Finally, we needed to assure that there was no effect of the material, specifically of the severity of the crimes. For this variable, we did find a main effect of the defendant's race, $F(1, 139) = 5.02$, $p = .03$, $\eta_p^2 = .035$, in the sense that participants tend to perceive more severity in the committed crime when the defendant is White compared to Black ($M_{\text{White}} = 5.65$, $SD_{\text{White}} = 1.11$; $M_{\text{Black}} = 5.51$; $SD_{\text{Black}} = 1.11$). However, this result suggests that perceived severity of the crime cannot explain the main effect of differential sentencing, as even being equivalent to the crime committed by the Black defendant, the crime committed by the White defendant is perceived as more severe, while it is the Black defendant the one receiving harsher sentences.

Additionally, interaction between defendant's race and crime type was significant, $F(1, 139) = 4.0$, $p = .05$, $\eta_p^2 = .028$. Contrast analysis with *sidak* adjustments show that there were no significant differences regarding perceived severity for White ($M = 5.64$; $SD = .13$) and for Black ($M = 5.63$; $SD = .13$) defendants in Black-stereotyped crime condition, $F(1, 139) = .03$, $p = .86$, $\eta_p^2 = .00$, while in the White-stereotyped crime condition participants perceived higher levels of severity when the crime was committed by the White defendant ($M = 5.65$; $SD = .13$) than by the Black one ($M = 5.39$; $SD = .13$), $F(1, 139) = 8.9$, $p = .003$, $\eta_p^2 = .06$. Again, these analyses show that severity cannot explain race effects on sentencing, as it is the White defendant who committed the White-stereotyped crime who was judged as committing the most severe crime, while it is the Black defendant convicted of committing the Black-stereotyped crime the one receiving the harsher sentence.

Discussion

As we expected, participants attributed significantly different sentences to White and Black defendants. Based on a large body of research (Baldus et al., 1998; Henriques, 2017; Mitchell et al., 2005; Oliveira & Gomes, 2014; Roldão, 2016; Schiraldi et al., 2003; Seabra & Santos, 2006; Sweeney & Haney, 1992), our hypothesis predicted that Black people would receive harsher sentences. As results have shown, Black defendants were targeted with longer sentences, showing that defendant's race has an effect on criminal-sentence decisions.

Specifically, participants attributed longer sentences to the Black defendant (vs. White defendant) only when the crime was stereotypically Black and similar sentences when the crime was stereotypically White (Bodenhausen, 1988; Gordon et al., 1988; Jones & Kaplan, 2003). According to these authors, a Black defendant who commits a Black-stereotyped crime, such as car theft, receives a longer sentence than a White defendant convicted of the same crime. This can be explained by the more extensive processing of evidence that is consistent with the stereotype that individuals hold leading to the attribution of harsher sentences to Blacks when presented with a Black-stereotyped crime (Bodenhausen, 1988). Another explanation presented by Gordon and colleagues (1988) stresses that a defendant who is charged with a crime thought to be typical for his race will be seen as guiltier as his criminal behaviour will be seen as more internal and dispositional, which produces more severe punishments.

Indeed, participants did make dispositional attributions about the criminal behaviour of the Black defendant and perceived high levels of intention in Black defendant's behaviours, but this was not exclusive of Black-stereotyped crime neither of Black defendant. Nevertheless, criminal-sentence decision was more severe for the Black defendant who committed the Black-stereotyped crime.

As we can conclude, participants perceived similar levels of intention regardless of defendant's race, which means that race did not have an effect on this variable neither when defendants committed a White nor a Black-stereotyped crime. White and Black defendants were perceived as having the same levels of intention when committing either a White-stereotyped crime or a Black-stereotyped crime. Thus, in this study, crime stereotypicality had no effect on perceived intentionality.

Furthermore, participants perceived the commitment of crimes as reflecting defendant's personality, regardless of defendant's race effect, which means that race did not have an effect on causal attributions neither when defendants committed a White or a Black-stereotyped crime. This allows us to conclude that crime stereotypicality also did not have an effect on causal attributions.

Finally, the crime committed by the White defendant is perceived as more severe and as having harsher consequences than the one committed by the Black defendant, especially in the White-stereotyped crime condition. It seems as if the White defendant committing embezzlement is being seen as a black sheep (Marques, Yzerbyt, & Leyens, 1988). Black-sheep effect states that group members tend to favour and judge likeable ingroup members more positively and unlikeable (i.e., deviant) ingroup members more negatively, relatively to comparable unlikeable and likeable outgroup members (Branscombe, Wann, Noel, & Coleman, 1993; Marques, Yzerbyt, & Leyens, 1988).

An explanation for this effect can be derived from Social Identity Theory (Tajfel, & Turner, 1979; 1986). According to this theory, the groups to which people belong are an important source of self-esteem, giving them a sense of social identity (i.e., a portion of an individual's self-concept which is based on perceived group(s) membership and identification; Turner, & Oakes, 1986; Turner, & Reynolds, 2010). Therefore, if people are motivated to protect and bolster a positive image of their ingroup (Turner, Hogg, Oakes, Reicher, & Wetherell, 1987; Worchel, & Austin, 1979) they will derogate ingroup members who deviate from a relevant group norm and threaten their positive social identity more harshly than deviants of an outgroup (Eidelman, & Biernat, 2003; Marques, Abrams, Paez, & Hogg, 2002) resulting in more negative perceptions, evaluations and attitudes towards unlikeable and deviant ingroup members.

Hence, it would be expected that subjects perceive as more agentic (i.e., higher levels of intention and agency when committing the crime) and as committing a more severe crime (i.e., higher levels of severity) when presented with a White-stereotyped crime.

As so, given that all participants were White they may have perceived the White defendant as committing a more severe crime (i.e., higher levels of severity) when presented with a White-stereotyped crime but not with a Black-stereotyped crime.

Interestingly, this effect does not show up in the criminal-sentence recommendation. It seems that perceptions and attitudes might have been affected by the black-sheep effect, but not critical decisions, an effect that is left with no explanation. Still, although all participants were White, ingroup identification should have been assessed.

Concerning the experimental manipulation of descriptive Meritocracy, results clearly showed an absence of its effect on criminal-sentence decisions, contrary to what was expected (Madeira & Costa-Lopes, 2018; McCoy & Major, 2007; Moreira, 2016; Wellman et al., 2015). Nonetheless, the fact that the manipulation check did not yield the expected results, and that the manipulation itself had no effect on any other variable on the Study points us more than a revision of our hypothesis to a revision of the manipulation itself. This will be further explored in the section about study limitations.

Advantages and Implications for Policy

To our knowledge, the existence of racial bias in criminal-sentence decisions in the Portuguese context had not been experimentally addressed up to this point, even though there are indirect indications of its existence. Besides, the impact of Meritocracy has never been studied within the research on criminal-sentence decisions.

Using blurred photographs to represent defendants allowed us to study the impact of race over and above effects of Afrocentric facial features, babyfacedness and attractiveness on criminal-sentence decisions.

Nevertheless, as social scientists working in the pursuit of knowledge we must keep in mind that our findings have social implications. Findings regarding the existence of racial bias in the attribution of criminal sentences have broader implications for societies and their criminal justice systems. As Article 14 of the European Convention on Human Rights secures, the enjoyment of the rights and freedom valued in the Convention has to be secured without distinction on any grounds such as gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status (Coussey, 2000). Sharing such results with not only social scientists and academics, but also with governments and decision-makers in public authorities, policy makers, legislators, non-governmental authorities and media could make people more sensitive to racism and to

ethnic-racial inequalities and empower appropriate public policies concerning racial inequalities. Specifically, integration policies may be designed and implemented with the goal of promoting equal opportunities and legal protection to minorities (e.g., both short and long-term immigrants and also for multicultural societies with an ethnically diverse population).

In addition, it is relevant to study the impact of normative and ideological factors on the facilitation of negative attitudes and discrimination of low status group members. This way, we will be able to prevent certain circumstances under which discrimination towards minorities occurs.

Limitations and Future Directions

Contrary to what was expected, the Meritocracy manipulation has not worked making it a point to improve in further studies. A main goal for future research studies is to improve the experimental manipulation of descriptive Meritocracy. Working from our manipulation, one could add some feedback after the completion of the Scrambled Sentence Task to give participants in Meritocratic condition a more practical view of the Meritocratic norm and, at the same time, to prime them doubly.

A limitation of our manipulation is related to the fact that the control condition is merely the absence of priming of Meritocracy-related content. We do not know which concepts and attitudes it primes. Thus, one should consider an egalitarianism condition.

However, as Tirole (2018) has stated, results from the World Values Survey show that European citizens, unlike Americans, tend to believe that success derives from luck and not from effort, hard-work or academic education. This fact shows that European people do not strongly endorse descriptive Meritocracy. What may have happened is that participants started reacting against our Meritocracy manipulation because they had time to reflect how Meritocracy is not in fact the norm ruling Portuguese society. Therefore, adding a time pressure when subjects have to make the critical decision could prevent them from reacting against Meritocracy manipulation.

In addition, although information about social status is not given either for the White or for the Black defendant, there is a possible confound in terms of target group because participants can have inferred social status from the defendants' race.

Therefore, we do not know if results derive from the fact that the defendant is Black or a member of a low social status group. In future studies, target group should be operationalized through four conditions, namely White-high status, White-low status, Black-high status and Black-low status. This way, it would be possible to test whether results derive from defendants' social status or race.

In our study, participants were excluded based on their own nationality. However, it should be based on their own and their parents' nationality, as a way of controlling for effects of kinship and lineage. After the Revolution of 1974 in Portugal, around six hundred thousand people returned from PALOP to Portugal, in the aftermath of the decolonization process, originating also a flow of Black people among them (Ferrão, 1996). Hence, if participants are PALOP descendents, results can be contaminated by their higher empathy for the Black defendant because of the higher identification with his social group. Under these circumstances, it would be preferable to exclude data from participants based on their own and their parents' nationality and also to assess their social identity and identification with certain social groups.

In further studies, it could also be of interest to use samples of professionals with formal implication in legal processes, namely judges or law graduates studying to become judges and legal workers who are responsible for producing assessments that form the bases of judges' decisions to attribute (or not attribute) parole.

Follow-up

The current follow-up consists of three experiments. As the results from our study have shown, manipulation of descriptive Meritocracy did not work as expected, making it a point to improve in further studies. Therefore, in this follow-up chapter we try, at first, to attain a better experimental manipulation of this social norm. Secondly, we propose a methodological improvement concerning our dependent variable. And finally, we design an experiment with a different natured dependent variable.

Study 1

This first study was designed to improve our manipulation of descriptive Meritocracy. The implementation of changes in experimental materials is crucial to obtain more accurate and robust results about the influence of Meritocracy on criminal-sentencing decisions towards Black individuals.

Method.

After agreeing on participating voluntarily, each participant will be randomly assigned to one of the four experimental conditions (meritocratic and White-stereotyped crime, meritocratic and Black-stereotyped crime, control and White-stereotyped crime, or control and Black-stereotyped crime). Participants will be, as in our experiment, asked to complete two (supposedly independent and unrelated) studies, one on “Cognitive Performance” and the other on “Legal Decisions”. The “Cognitive Performance” study would serve once more as the manipulation of Meritocracy, using the same Scrambled Sentence Task used in our study to prime half of our participants with the concept of descriptive Meritocracy and the other half with neutral words (McCoy & Major, 2007). Participants will then proceed to the “Legal Decisions” study where they are going to respond to the same 2 critical cases within a total of 6 criminal cases presented. Again, subtle cover stories will be presented before each “study” to disguise the real purpose of our research. This time, however, there is a second manipulation of Meritocracy in the cover story presented between “Cognitive Performance” and “Legal Decisions” studies.

Meritocracy manipulation.

To manipulate the salience of the meritocratic norm, one would use the same priming technique as the one used in the study of this dissertation, i.e. Scrambled Sentence Task (McCoy & Major, 2007; Srull & Wyer, 1979; Moreira, 2016). Although it has not worked as expected in Study 1, it has been demonstrated to be effective in priming the concept of Meritocracy (McCoy & Major, 2007; Moreira, 2016). For this experiment, we decided to add an extra manipulation after this task.

After completing the supposedly “first” study (i.e., Scrambled Sentence Task), participants in the meritocratic condition are presented with the following text as a debriefing:

“Muito obrigado pelo tempo dispensado!”

Acabou de completar o primeiro estudo. Com a sua participação neste estudo está a contribuir para o conhecimento científico no campo da Psicologia.

A Agência Internacional de Soluções Globais para o Desenvolvimento (AISGD) promove, desde há duas décadas, e em colaboração com as mais prestigiadas Universidades mundiais, um Teste Psicológico. A Universidade de Lisboa está agora a adaptá-lo para o contexto português.

Avance se quer conhecer os seus **resultados**.

Através do tempo que despendeu na tarefa anterior, o teste conclui que **apoiá fortemente a meritocracia. Cerca de 76% dos participantes obtiveram o mesmo resultado.**

As pessoas que apoiam a meritocracia apoiam ideias como:

- O sucesso é possível para qualquer pessoa que esteja disposta a trabalhar arduamente.
- Todos conseguem encontrar trabalho se procurarem arduamente.
- Os indivíduos são responsáveis pelo seu próprio sucesso financeiro.

- A maioria das pessoas que não progride não deveria culpar o sistema, dado que elas são responsáveis pela sua situação.”

This way, we intend to prime participants in meritocratic condition with meritocratic principles and ideas, showing them that they endorse this social norm and, more importantly, that this norm is also endorsed by many. After this manipulation, participants continue to “Legal Decisions” study (supposedly unrelated).

Instead, participants in the control condition are presented the following text:

“Muito obrigado pelo tempo dispensado!

Acabou de completar o primeiro estudo. Com a sua participação neste estudo está a contribuir para o conhecimento científico no campo da Psicologia.

A Agência Internacional de Soluções Globais para o Desenvolvimento (AISGD) promove, desde há duas décadas e em colaboração com as mais prestigiadas Universidades mundiais, um Teste Psicológico. A Universidade de Lisboa está agora a adaptá-lo para o contexto português.

Avance se quer conhecer os seus **resultados**.

Na tarefa anterior, desempenhou um teste de fluência verbal. Os testes de fluência verbal são instrumentos utilizados para avaliar a linguagem, o funcionamento executivo e a memória semântica. Assim, foi utilizado um teste de fluência verbal para perceber se a realização com sucesso de uma tarefa cognitiva está relacionada com a fluência semântica do indivíduo, e se é possível tipificar um padrão em frases geradas com erros de concordância verbal e/ou nominal. Os seus resultados permitem concluir que **o seu desempenho cognitivo está relacionado com a sua fluência semântica sem tipificação de padrões.**”

For the control condition, our aim is to show participants information that is not related to Meritocracy. In this case, debriefing information is related to verbal fluency.

Criminal cases.

For the “Legal Decisions” study, we would keep the same 6 criminal cases design. The critical cases (the ones with equivalent information varying only in the picture of the “defendant”) are again stereotypical of White people (embezzlement) or stereotypical of Black people (car theft). Participants will be randomly assigned to one of these conditions.

Then, participants will answer some manipulation-check items (such as Meritocracy and SDO scales) and demographic items of relevance for this work. Apart from their own nationality, subjects will be asked about their parents’ nationality. Finally, they will be thanked and debriefed about the real purpose of this study.

Expected Results.

We expect that participants will attribute harsher sentences to the Black defendant (vs. White defendant) when the crime is stereotypically Black and similar sentences when the crime is stereotypically White, and that this effect would be more pronounced in the meritocratic condition (vs. neutral condition).

Study 2

After improving the experimental manipulation of descriptive meritocratic norm, we propose another methodological refinement. Specifically, we aim at introducing time pressure on items related to criminal-sentence recommendations made by participants.

As Tirole (2018) has stated, results from the World Values Survey show that European citizens, unlike Americans, tend to believe that success derives from luck and not from effort, hard-work or academic education. In addition to that, only 26% believe that poor people are poor because they are lazy and have lack of ambition or determination, in opposition to 60% of Americans.

Therefore, we believe that participants can start reacting against our Meritocracy manipulation, if they have enough time to reflect. So, we suppose that adding a time

pressure when subjects have to make a critical decision will thwart them from reacting against Meritocracy manipulation. Given that Portuguese society is not truly meritocratic (Tirole, 2018), if participants have enough time to reflect they can react in the opposite way to the manipulated norm, as they have time to think over how Meritocracy is not in fact the norm ruling Portuguese society.

Furthermore, this may also increase the magnitude of the already found bias effect. Indeed, according to the literature on implicit attitudes (Dovidio, Kawakami, Johnson, Johnson, & Howard, 1997; Fazio, 1990; Wilson, Lindsey, & Schooler, 2000) when participants become aware of study intent (e.g. racial issue), if they have the opportunity and motivation to think beforehand about the consequences of their decisions (e.g. discrimination), explicit attitudes will primary drive their responses. On the contrary, when the opportunity is not permitted (e.g., due to time pressure) implicit attitudes are more influential (Dovidio et al., 1997; Fazio, 1990; Wilson et al., 2000). This goes in line with dual-process theory, which stresses the existence of two distinct types of processing operating on judgment and decision-making processes (Denes-Raj & Epstein, 1994; Evans & Stanovich, 2013; Ferreira, Garcia-Marques, Sherman, & Sherman, 2006; Pennycook, Fugelsang, & Koehler, 2015; Tversky & Kahneman, 1974). According to this authors, type 1 processing is more automatic, intuitive and heuristic, while type 2 processing is more slow, deliberate and analytic. Faster responses are generally more consistent with type 1 processing (Thompson, Turner, & Pennycook, 2011). Following up on these ideas, in this follow up we will add a time pressure condition sought to examine the effects under circumstances that not only reflect more accurately the real decision-making contexts but also provide an opportunity for the emergence of more automatic and genuine responses.

The introduction of this time pressure will allow us to obtain more precise and genuine results about the existence of racial bias on criminal-sentencing decisions and about the influence of Meritocracy on these SCD towards Black individuals.

Method.

After providing their informed consent, participants will be randomly assigned to one of the two experimental conditions (meritocratic or control). Participants will be, as usual in our experiment, asked to complete two (supposedly independent and unrelated)

studies, one on “Cognitive Performance” and the other on “Legal Decisions”. The “Cognitive Performance” study would serve once more as the manipulation of Meritocracy, using the experimental manipulation described in study 1 of the current follow-up. Participants will then proceed to the “Legal Decisions” study where they are going to respond to the same 2 critical cases within a total of 6 criminal cases presented but, this time, with a time pressure. Again, subtle cover stories will be presented before each “study” to disguise the real purpose of our research.

Criminal cases.

For the “Legal Decisions” study, we kept the same 6 criminal cases design. The critical cases (varying only in the picture of the “defendant”) are equally composed of White-stereotyped crime (embezzlement) or Black-stereotyped crime (car theft) and participants will be randomly assigned to one of these two conditions.

Within each of these experimental conditions, we will have a variable called “time pressure” with two conditions: high-pressure and low-pressure. The introduction of a time pressure will happen on the high-pressure condition on items related to criminal-sentence recommendations. Participants will have a limited amount of time to read the criminal cases and answer to our main dependent variable (i.e., criminal-sentence recommendation). Study instructions will be as follows:

“Nos slides seguintes, vai encontrar, para cada caso criminal, as **notificações** enviadas pelo Tribunal Judicial e os **Acórdãos** do Supremo Tribunal de Justiça.

Por questões de confidencialidade, qualquer informação reveladora da identidade do indivíduo aparecerá rasurada ou desfocada.

O seu nível de conhecimento técnico nesta matéria não é importante. Pedimos-lhe, assim, que **avalie** e **dê a sua opinião** sobre cada caso.

Considerando que, no quotidiano, muitas vezes tomamos decisões com tempo limitado, para tornar a sua tarefa próxima da realidade, terá **50 segundos** para cada caso criminal.

Pedimos que leia a descrição de cada um dos casos e, em seguida, pedimos que **responda o mais rapidamente** possível às questões apresentadas, dentro dos **X segundos** que dispõe para cada caso.”

Therefore, this study will follow a mixed experimental design $2_{(\text{Norm: Meritocratic vs. Neutral})} \times 2_{(\text{Target: White vs. Black})} \times 2_{(\text{Crime stereotypicality: White vs. Black})} \times 2_{(\text{Time pressure: High-pressure vs. Low-pressure})}$, whereby the norm, crime stereotypicality and time pressure were manipulated between-subjects and the target within-subjects.

Participants will also answer some manipulation-check items (such as Meritocracy and SDO scales) and demographic items of relevance for this work. Apart from their own nationality, subjects will be asked about their parents' nationality. Finally, they will be thanked and debriefed about the real purpose of this study.

Expected Results.

We expect that participants will recommend harsher sentences to the Black defendant (vs. White defendant) only when he had committed a Black-stereotyped crime, and that this effect will be more pronounced when subjects were primed with meritocratic-related content and have a time pressure while deciding.

Study 3

Finally, we designed an experiment with a less agentic dependent variable. Instead of criminal-sentence recommendations, the main dependent variable in this study would consist of parole recommendations, where subjects have to answer if they would recommend inmates to get out of jail under parole. This is a different type of decision from the decision of recommending a prison sentence used in our Study, far more agentic. To make this decision, it is assumed that the inmate is already in prison, seeming that making this decision has a lower cost than deciding to imprison a defendant. Thus, less discriminatory agency will be given to participants. Therefore, it

allows us to test the existence of racial bias when the decisions to be made by participants presume less agency from them.

As literature related with the Trolley Dilemma has shown, the decisions of killing someone or of letting die (by not saving) are different (Foot, 1967; 2002).

This dilemma has several versions but the most common one is a version with a lever: “There is a runaway trolley barrelling down the railway tracks. Ahead, on the tracks, there are five people tied up and unable to move. The trolley is headed straight for them. You are standing some distance off in the train yard, next to a lever. If you pull this lever, the trolley will switch to a different set of tracks. However, you notice that there is one person tied up on the side track.” Thus, you have two options, you either do nothing, which means the trolley will kill the five people on the main track, or you decide to pull the lever, which diverts the trolley to the side track, saving five people but killing one.

Another version of this dilemma is the one where you are standing on a footbridge and you can push a fat man onto the track to stop the train, avoiding again the death of five people tied up in the railway tracks.

The two fundamental principles that are evoked by those making one decision or the other have already been identified. A deontological principle states that the morality of an action lies on its intrinsic nature (Kant, 1785/1959), which means that causing harm is always wrong, regardless of any positive consequences that may derive from that action. This principle is evoked by people who choose not to do anything. The utilitarian principle states that the morality of an action depends indeed on its consequences and that we should make the decision that maximizes the wellbeing of the majority of people involved (Mill, 1861/1998). This is the principle evoked by people who choose to kill one in order to save five, as the number of lives saved with that decision is larger than the number of the sacrificed victims. The trolley dilemma and its lever version have been responded by hundreds of thousands of people, and although there is no consensus, the majority of individuals is in favour of the utilitarian principle that you should kill one to save many (Cushman, Young, & Hauser, 2006; Greene, Sommerville, Nystrom, Darley, & Cohen, 2001).

However, if both dilemmas above have the same consequence, yet most people would only be willing to pull the lever, but not push the fat man, does that mean our

moral intuitions are not always reliable, logical or consistent? Perhaps there's another factor beyond the consequences that influences our moral intuitions?

Philippa Foot, who invented the Trolley Problem, answered the question of why it seems permissible to steer a trolley aimed at five people toward one person while it seems impermissible to do something such as killing one healthy man to use his organs to save five people who will otherwise die. The answer lies on agency (Foot, 1967; 2002). Foot argued that there's a distinction between killing and letting die. The former is active and agentic while the latter is passive.

In the first trolley dilemma, the person who pulls the lever is saving the life of the five workers and letting the one person die. After all, pulling the lever does not inflict direct harm on the person on the side track. But in the footbridge scenario, pushing the fat man over the side is an intentional act of killing. This is sometimes described as the principle of double effect, which states that it's permissible to indirectly cause harm (as a side or "double" effect) if the action promotes an even greater good. However, it's not permissible to directly cause harm, even in the pursuit of a greater good.

Hence, our main conclusion lies on the existence of a fundamental difference between a more agentic posture (i.e., actively killing someone) and a more passive one (i.e., letting someone die), and that difference indeed impacts participants' decisions in the sense that most people would only be willing to throw the lever, but not push the fat man (Foot, 2002).

Making a shift from Trolley Dilemma to criminal decisions, we can assume that there will be differences in study results when the decision presumes more discriminatory agency (i.e., recommending a prison sentence) or a more passive posture (i.e., parole recommendations).

Method.

After agreeing on participating voluntarily, each participant will be randomly assigned to one of the two experimental conditions (meritocratic or control). Participants will be, as in our experiment, asked to complete two (supposedly independent and unrelated) studies, one on "Cognitive Performance" and the other on "Legal Decisions". The "Cognitive Performance" study would serve once more as the

manipulation of Meritocracy, using the experimental manipulation described in study 1 of the current follow-up. Participants will then proceed to the “Legal Decisions” study where they are going to respond to 2 critical cases within a total of 6 criminal cases presented, but this time, instead of recommending a criminal sentence, participants will have to answer to which degree they would recommend inmates to get out of jail with parole.

Criminal cases.

For the “Legal Decisions” study, we decided to use only the Black-stereotyped crime (car theft) as our study revealed it is the condition where racial bias towards a Black defendant occurs. We kept the same six criminal cases design with two critical ones (the ones with equivalent information varying only in the picture of the “inmate”: White vs. Black). For this study, instead of criminal-sentence recommendations, the main dependent variable consists of parole recommendations, where subjects have to answer if they would recommend inmates to get out of jail under parole.

In addition to the previously used items on perceived intention, severity of the crime and causal attributions, other variable of interest will be added, i.e. perceptions of recidivism. The fact that the crime will be a Black-stereotyped crime can lead participants to think that the Black inmate will relapse if he gets out of jail and, therefore, participants will not recommend the Black inmate to get out with parole as much as they will recommend the White inmate because he does not deserve to get out of jail and, if he does, he will commit again car theft felony.

Then, participants will answer some manipulation-check items (such as Meritocracy and SDO scales) and demographic items of relevance for this work. Apart from their own nationality, subjects will be asked about their parents’ nationality. Finally, they will be thanked and debriefed about the real purpose of this study.

Expected Results.

We hypothesize that mock-jurors’ parole recommendations are influenced by the inmates’ race and that when Meritocracy is made salient, participants tend to

recommend the parole less strongly to Black defendants. In addition, we expect that participants will perceive higher levels of recidivism for the Black defendant than for the White defendant.

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Appendices

Appendix A.

Table 1. Sets of scrambled words priming meritocracy-related content and matching phrases.

Scrambled words	Resulting phrase
longe leva-te ambição flores a	A ambição leva-te longe
prosperidade traz esforço o luz	O esforço traz prosperidade
o cadeira da salário depende competência	O salário depende da competência
tem se quem sucesso dossier esforça	Quem se esforça tem sucesso
persistência iogurtes traz sucesso a	A persistência traz sucesso
riqueza resulta trabalho orientação a do	A riqueza resulta do trabalho
são tipo pessoas bem-sucedidas competentes as	As pessoas bem-sucedidas são competentes
safam os melhores catos se só	Só os melhores se safam
trabalho ganhar compensa o árduo sempre	O trabalho árduo compensa sempre
o flor é sucesso conquistado	O sucesso é conquistado
se dinheiro berlinde muito trabalhou tem	Se trabalhou tem muito dinheiro
não saudável preguiçosas pessoas sucesso têm	Pessoas preguiçosas não têm sucesso
quem encontrar mais mais recebe trabalha	Quem mais trabalha mais recebe
o trabalhar é importante mérito	O mérito é importante
as esforço competem dependem recompensas do	As recompensas dependem do esforço

Table 2. Sets of scrambled words priming neutral content and matching phrases.

Scrambled words	Resulting phrase
cheiram milagrosa flores as bem*	As flores cheiram bem
desporto o futebol é prático*	O futebol é desporto
uma europeia capital Turquia é Lisboa*	Lisboa é uma capital europeia
passa faculdade o tempo depressa*	O tempo passa depressa
triciclo calculadora poupa usar tempo*	Usar calculadora poupa tempo

velocidade da tempo à luz	À velocidade da luz
o esplanada é bom cinema	O cinema é bom
conselheira a dia é boa noite	A noite é boa conselheira
o chuva é útil impermeável	O impermeável é útil
filme um ler faz-nos livro viajar	Ler um livro faz-nos viajar
voam pássaros os hipopótamos alto muito	Os pássaros voam muito alto
canais relógios televisão muitos a tem	A televisão tem muitos canais
os a gravidade puxa bananas objetos	A gravidade puxa os objetos
horas amigos importantes são os	Os amigos são importantes
o é curto bonito pôr-do-sol	O pôr-do-sol é bonito
o é curto bonito pôr-do-sol	O pôr-do-sol é bonito
abre coisas o conhecimento portas	O conhecimento abre portas
viagem é experiência aprendizagem a	A experiência é aprendizagem
o tranquilidade mar folhas transmite	O mar transmite tranquilidade
conduzo se bebo como não	Se bebo não conduzo

*Sets of scrambled words priming neutral content presented in the meritocratic condition.

Appendix B. – White-stereotyped Crime

B-19

Tribunal Judicial da Comarca de Lisboa
Juízo Local Criminal de Lisboa – Juiz 2
Av. D. João II, N.º1.08.01 Edifício B
1990-097 Lisboa
Telef: 213505500 Fax: 211545130 Mail:
lisboa.localcriminal@tribunais.org.pt



Notifique

3485/74.6STREB

845215885

Exmo(a). Senhor(a)

[REDACTED]
[REDACTED]
[REDACTED]

Processo: 3485/74.6STREB	Processo Comum (Tribunal Singular)	Referência: 845215885 Data: 01-11-2017
Autor: Ministério Público		
Arguido: [REDACTED]		
Idade-Sexo: 19-M		
Crime: Burla		

Assunto: NOTIFICAÇÃO POR VIA POSTAL SIMPLES COM PROVA DE DEPÓSITO.

Fica V. Ex.ª notificado, na qualidade de Arguido, nos termos e para os efeitos a seguir mencionados:

Para comparecer neste Tribunal, **no próximo dia 15-12-2017, às 14:00 horas**, a fim de ser ouvido em audiência de julgamento.

A presente notificação considera-se efetuada no 5º dia posterior ao do seu depósito na caixa de correio do destinatário, constante do sobrescrito.

B-15

Tribunal Judicial da Comarca de Lisboa
Juízo Local Criminal de Lisboa – Juiz 2
Av. D. João II, N.º1.08.01 Edifício B
1990-097 Lisboa
Telef: 213505500 Fax: 211545130 Mail:
lisboa.localcriminal@tribunais.org.pt



Notifique

3468/28.6SFPED

656987485

Exmo(a). Senhor(a)

[REDACTED]
[REDACTED]
[REDACTED]

Processo: 3468/28.6SFPED	Processo Comum (Tribunal Singular)	Referência: 656987485 Data: 03-10-2017
Autor: Ministério Público		
Arguido: [REDACTED]		
Idade-Sexo: 19-M		
Crime: Burla		

Assunto: NOTIFICAÇÃO POR VIA POSTAL SIMPLES COM PROVA DE DEPÓSITO.

Fica V. Ex.ª notificado, na qualidade de Arguido, nos termos e para os efeitos a seguir mencionados:

Para comparecer neste Tribunal, **no próximo dia 30-10-2017, às 15:00 horas**, a fim de ser ouvido em audiência de julgamento.

A presente notificação considera-se efetuada no 5º dia posterior ao do seu depósito na caixa de correio do destinatário, constante do sobrescrito.

Appendix B. – Black-stereotyped Crime

B-18

Tribunal Judicial da Comarca de Lisboa
Juízo Local Criminal de Lisboa – Juiz 2
Av. D. João II, Nº1.08.01 Edifício B
1990-097 Lisboa
Telef: 213505500 Fax: 211545130 Mail:
lisboa.localcriminal@tribunais.org.pt



Notificação

3485/74.6STREB 845215885

Exmo(a). Senhor(a)

Processo: 3485/74.6STREB	Processo Comum (Tribunal Singular)	Referência: 845215885 Data: 03-12-2017
Autor: Ministério Público		
Arguido: [REDACTED]		
Idade-Sexo: 19-M		
Crime: Furto de uso de veículo		

Assunto: NOTIFICAÇÃO POR VIA POSTAL SIMPLES COM PROVA DE DEPÓSITO.

Fica V. Ex^a notificado, na qualidade de Arguido, nos termos e para os efeitos a seguir mencionados:

Para comparecer neste Tribunal, **no próximo dia 15-12-2017, às 14:00 horas**, a fim de ser ouvido em audiência de julgamento.

A presente notificação considera-se efetuada no 5º dia posterior ao do seu depósito na caixa de correio do destinatário, constante do sobrescrito.

B-15

Tribunal Judicial da Comarca de Lisboa
Juízo Local Criminal de Lisboa – Juiz 2
Av. D. João II, Nº1.08.01 Edifício B
1990-097 Lisboa
Telef: 213505500 Fax: 211545130 Mail:
lisboa.localcriminal@tribunais.org.pt



Notificação

3468/28.6SFPED 656987485

Exmo(a). Senhor(a)

Processo: 3468/28.6SFPED	Processo Comum (Tribunal Singular)	Referência: 656987485 Data: 12-10-2017
Autor: Ministério Público		
Arguido: [REDACTED]		
Idade-Sexo: 19-M		
Crime: Furto de uso de veículo		

Assunto: NOTIFICAÇÃO POR VIA POSTAL SIMPLES COM PROVA DE DEPÓSITO.

Fica V. Ex^a notificado, na qualidade de Arguido, nos termos e para os efeitos a seguir mencionados:

Para comparecer neste Tribunal, **no próximo dia 30-10-2017, às 15:00 horas**, a fim de ser ouvido em audiência de julgamento.

A presente notificação considera-se efetuada no 5º dia posterior ao do seu depósito na caixa de correio do destinatário, constante do sobrescrito.

Appendix C. – White-stereotyped Crime



B-18

TRIBUNAL DA RELAÇÃO DE LISBOA

Acórdão do Supremo Tribunal de Justiça

Processo: 3485/74.6STREB
Relator: Fernando Ramos Costa
Data do Acórdão: 15-12-2017
Arguido: ██████████
Idade-Sexo: 19-M
Crime: Burla

"(...) O Tribunal Colectivo deu como provados os seguintes factos:

O arguido, até 1 de Novembro de 2017, era tesoureiro na ████████ de Lisboa. A 6 de Outubro, atendeu M. G., dono de um Café-Pastelaria, que pretendia expandir o seu estabelecimento para a categoria de "Snack-Bar" (de forma a servir refeições). O arguido informou M. G. de que era a pessoa indicada para legalmente tratar do assunto, e pediu-lhe a quantia de 7.500€. Convencido que se tratava de uma taxa devida ao Estado, o M. G. entregou essa quantia. Em vez de encaminhar o processo para o Governo Civil, o arguido acrescentou à licença a palavra "Snack-Bar" e devolveu-o a M. G. Através desta falsificação, conseguiu um enriquecimento ilegítimo de 7.500€.

O arguido tem antecedentes criminais."



B-15

TRIBUNAL DA RELAÇÃO DE LISBOA

Acórdão do Supremo Tribunal de Justiça

Processo: 3468/28.6SFPED
Relator: Albino Assunção Caeiro
Data do Acórdão: 30-10-2017
Arguido: ██████████
Idade-Sexo: 19-M
Crime: Burla

"(...) O Tribunal Colectivo deu como provados os seguintes factos:

O arguido, até 3 de Outubro de 2017, era funcionário numa ██████████. A 24 de Maio de 2017, atendeu D. F., empresário, que pretendia regularizar as dívidas da sua empresa ao fisco. O arguido informou D. F. de que era a pessoa indicada para tratar legalmente do assunto, e pediu-lhe a quantia de 7.600€. Pensando que se tratava do valor da dívida e de alguma taxa acrescida, D. F. entregou essa quantia ao arguido. Este procedeu à realização de um comprovativo ilegal que entregou depois a D. F., em vez de dar início ao processo. Através desta falsificação, conseguiu um enriquecimento ilegítimo de 7.600€.

O arguido tem antecedentes criminais."

Appendix C. – Black-stereotyped Crime

B-18



TRIBUNAL DA RELAÇÃO DE LISBOA

Acórdão do Supremo Tribunal de Justiça

Processo: 3485/74.6STREB
Relator: Fernando Ramos Costa
Data do Acórdão: 15-12-2017
Arguido: ██████████
Idade-Sexo: 19-M
Crime: Furto de uso de veículo

“(…) O Tribunal Colectivo deu como provados os seguintes factos:

No dia 1 de Novembro de 2017, o arguido apoderou-se do veículo com a matrícula XXXX, no valor de 7.500€, pertencente a P. J. F., que se encontrava parado num semáforo, na Rua XXXX, em Lisboa. Depois de ter ameaçado e expulsado o proprietário do veículo, apropriou-se deste e passou a transportar-se no referido automóvel.

O arguido tem antecedentes criminais.”

B-15



TRIBUNAL DA RELAÇÃO DE LISBOA

Acórdão do Supremo Tribunal de Justiça

Processo: 3468/28.6SFPED
Relator: Albino Assunção Caeiro
Data do Acórdão: 30-10-2017
Arguido: ██████████
Idade-Sexo: 19-M
Crime: Furto de uso de veículo

“(…) O Tribunal Colectivo deu como provados os seguintes factos:

No dia 3 de Outubro de 2017, o arguido apoderou-se do veículo pertencente a S. C., com a matrícula XX-XX-XXXX, no valor de 7.600€, num estacionamento público, em Lisboa. O proprietário acabava de estacionar o veículo quando foi ameaçado e expulso do carro pelo arguido. Este apropriou-se do veículo e beneficiou do seu uso.

O arguido tem antecedentes criminais.”

Appendix D.

DESCRIPTIVE MERITOCRACY

Example Items

Dimensions of Meritocracy

Dimension	Main Idea	Items	Reference	M	SD
1. Effort/Reward/ hard work	Societal rewards are based on effort and ability	1. If people work hard they almost always get what they want.	Wilkins et al., 2015; Feldman, 1988	4,70	1.78
		2. Effort is the largest component of success.	Garcia et al., 2005	5,23	1,635
		3. Success is possible for anyone who is willing to work hard enough.	Garcia et al., 2005	5	1,56
		4. Everyone can find work if they look hard enough.	Garcia et al., 2005		
		5. In organizations, if every person in an office has the same abilities, the promotion is always given to the person who puts in the most effort.	Adapted from Davey, et al.,1999	3,76	2,053
		6. Anyone who is willing and able to work hard has a good chance of succeeding.	Katz & Hass, 1988	5,11	1,66
		7. If people work hard enough they are likely to make a good life for themselves.	Katz & Hass, 1988	5,17	1,71

			8. Most people who don't get ahead should not blame the system; they really have only themselves to blame	Feldman, 1988	4,13	1,86
2.	Internal Control	People have control over their own success and failures	9. Individuals are responsible for their own financial success.	Garcia et al., 2005	5.11	1.48
			10. Most people who don't succeed in life are just plain lazy.	Katz & Hass, 1988	3.27	1.84
			11. People who fail at their job have usually not tried hard enough.	Katz & Hass, 1988	3.59	1.73
			12. A distaste for hard work usually reflects a weakness of character	Katz & Hass, 1988	4.36	2.11
	Traits					
3.	Social Mobility	People can achieve social mobility	13. America is an open society where all individuals can achieve higher status	Major, et al., 2002	4.41	1.91
			14. In life, people who do their job well rise to the top.	Adapted from Davey et al., 1999	4.41	1.77

Appendix E.

Original	Translation	Retroversion	Adjustments
1. If people work hard they almost always get what they want.	1. Se as pessoas trabalharem arduamente conseguem quase sempre o que querem.	1. If people work hard they can get what they want most of the times.	
2. Effort is the largest component of success.	2. O esforço é o maior componente do sucesso.	2. Effort is the major part of success.	
3. Success is possible for anyone who is willing to work hard enough.	3. O sucesso é possível para qualquer pessoa que esteja disposta a trabalhar arduamente.	3. Success is obtainable for anyone who is willing to work hard.	
4. Everyone can find work if they look hard enough.	4. Todos conseguem encontrar trabalho, se procurarem arduamente.	4. Everyone can find a job, if they look hard enough.	
5. In organizations, if every person in an office has the same abilities, the promotion is always given to the person who puts in the most effort.	5. Se, numa empresa, todas as pessoas tiverem as mesmas habilidades, a promoção é sempre atribuída à pessoa que se empenha mais.	5. If, in a company, all people have the same skills, the promotion is always assigned to the person who makes the most effort.	5. Se, numa organização , todas as pessoas tiverem as mesmas competências , a promoção é sempre atribuída à pessoa que se empenha mais.
6. Anyone who is willing and able to work hard has a good chance of succeeding.	6. Qualquer pessoa que esteja disposta e capaz para trabalhar arduamente tem uma boa probabilidade de ser bem-sucedida.	6. Any person who is willing and able to work hard has a good chance of being successful.	

7. If people work hard enough they are likely to make a good life for themselves.	7. Se as pessoas trabalharem arduamente tenderão a criar uma vida boa para si próprias.	7. If people work hard they will tend to create a good life for themselves.	7. Se as pessoas trabalharem arduamente terão maior probabilidade de criar uma vida boa para si próprias.
8. Most people who don't get ahead should not blame the system; they really have only themselves to blame.	8. A maioria das pessoas que não progridem não deveria culpar o sistema; elas só se têm mesmo a si próprias para culpar.	8. Most people who do not progress should not blame the system; they only have themselves to blame.	8. A maioria das pessoas que não progridem não deveria culpar o sistema; elas só se têm mesmo a si próprias para culpar.
9. Individuals are responsible for their own financial success.	9. Os indivíduos são responsáveis pelo seu próprio sucesso financeiro.	9. Individuals are responsible for their own financial success.	
10. Most people who don't succeed in life are just plain lazy.	10. A maioria das pessoas que não é bem-sucedida na vida é simplesmente preguiçosa.	10. Most people who are not successful in life are simply lazy.	
11. People who fail at their job have usually not tried hard enough.	11. As pessoas que falham no seu trabalho geralmente não tentaram o suficiente.	11. People who fail in their work generally did not try enough.	11. Normalmente, as pessoas que falham no seu trabalho é porque não tentam o suficiente.
12. A distaste for hard work usually reflects a weakness of character.	12. Aversão ao esforço reflete geralmente uma fraqueza de carácter.	12. Aversion to the effort generally reflects a weakness of character.	12. Aversão ao trabalho árduo, normalmente, reflete uma fraqueza de carácter.
13. America is an open society where all individuals can achieve higher status.	13. Portugal é uma sociedade aberta onde todos os indivíduos podem alcançar estatutos mais elevados.	13. Portugal is an open society where all individuals can achieve a higher status.	13. Portugal é uma sociedade aberta onde todos os indivíduos podem alcançar um estatuto mais elevado.

14. In life, people who do their job well rise to the top.

14. Na vida, as pessoas que desempenham bem o seu trabalho ascendem ao topo.

14. In life, people who perform well in their work rise to the top.

Appendix F.

A sua participação neste conjunto de estudos terminou.

Muito obrigado pela sua colaboração!

Por favor clique no botão **Continuar para validar o envio das suas respostas.**

Muito obrigado pelo tempo dispensado! Com a sua participação está a apoiar a realização da minha investigação de mestrado, e de forma mais ampla, a contribuir para o conhecimento científico no campo da Psicologia. Neste sentido, o parágrafo seguinte destina-se a dar-lhe mais informações sobre o objetivo da nossa investigação.

O primeiro estudo pretendeu perceber se a realização de determinada tarefa cognitiva - a criação de frases com sentido - permite a activação de normas sociais com as quais interagimos no dia-a-dia, como a norma meritocrática, e qual o seu impacto na realização do segundo estudo. Especificamente, estamos interessados em investigar o papel da norma meritocrática na tomada de decisões em contexto legal.

Agradecemos mais uma vez a sua participação. Se tiver questões sobre este estudo, pode agora pedir esclarecimentos ou, mais tarde, contactar o investigador, Gonçalo Freitas, através do seguinte e-mail: goncalo.freitas@ics.ulisboa.pt, ou o seu orientador, Rui Costa Lopes, através do seguinte e-mail: rui.lopes@ics.ulisboa.pt.