

When Do Observers Deprioritize Due Process for the Perpetrator and Prioritize Safety for the Victim in Response to Information-Poor Allegations of Harm?



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Abstract

We examined how observers assess information-poor allegations of harm (e.g., “my word against yours” cases), in which the outcomes of procedurally fair investigations may favor the alleged perpetrator because the evidentiary standards are unmet. Yet this lack of evidence does not mean no harm occurred, and some observers may be charged with deciding whether the allegation is actionable within a collective. On the basis of theories of moral typecasting, procedural justice, and uncertainty management, we hypothesized that observers would be more likely to prioritize the victim’s safety (vs. to prioritize due process for the perpetrator) and view the allegation as actionable when the victim-alleged perpetrator dyad members exhibit features that align with stereotypes of victims and perpetrators. We supported our hypothesis with four studies using various contexts, sources of perceived prototypicality, due-process prioritization, and samples (students from New Zealand, $Ns = 137$ and 114 ; Mechanical Turk workers from the United States; $Ns = 260$ and 336).

Keywords

cognitive appraisal, judgment, organizations, social cognition, justice, open data, open materials, preregistered

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Learning that someone has been harmed by another often leads observers to demand punishment for the perpetrator and safety for the victim (Darley & Pittman, 2003). However, there are many cases in which it is difficult to obtain definitive proof of what actually happened. Examples include allegations of psychological harm, “my word against yours” claims, wrongdoings that have occurred in the distant past, and instances in which the parties involved present conflicting narratives about the event (Baumeister et al., 1990). These cases can be described as ambiguous, information poor, or radically uncertain (Inman & Baron, 1996; Johnson et al., 2022). Third parties charged with responding to such allegations (e.g., managers, university administrators) thus face major

decision-making challenges because they need to fill in gaps in their knowledge to reduce uncertainty before deciding whether the allegation is credible and actionable (i.e., the alleged perpetrator should be disciplined or punished).

To alleviate uncertainty, best-practices advocates recommend conducting a procedurally fair investigation (e.g., Meinert, 2017). This means that observers should treat the case and the parties involved with impartiality

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and ethicality, rely on accurate information, and grant due process to the accused (Leventhal, 1980; Tyler et al., 1985). Central to the provision of due process is a presumption of innocence that requires a certain evidentiary standard to be met before assigning culpability to the accused and taking action against them (Baradaran, 2011; Skitka & Houston, 2001). Although procedural justice can be an effective tool for reducing informational uncertainty (Lind & van den Bos, 2002; van den Bos, 2001; van den Bos & Lind, 2002), it is unclear whether decision-makers will consistently choose to follow its tenets or whether other information-processing biases will influence when they rely on procedural justice in situations that approach radical uncertainty (Camps et al., 2022; Graso et al., 2019).

The limits of procedural justice under these conditions emerge as decision-makers try to avoid one of two possible errors. One is to exonerate a real perpetrator because the evidence of their guilt is insufficient according to the standards of due process. The other is to prioritize safety by believing a victim's allegation and punishing a person inaccurately accused when the evidence fails to meet the required standard. If the evidentiary standards set by procedural justice are unmet, due process entails deeming the allegation non-actionable. However, deciding that inaction is justified does not mean the alleged harm did not happen.

Derogatory comments, threats to inflict harm, and even attempts at physical assault often leave no trace but are nonetheless harmful to victims. When the perpetrator is actually guilty, dismissing a victim's claim because of insufficient evidence violates the *just-deserts* requirement of justice and potentially threatens the victim's and others' safety by failing to deter the wrongdoer (Darley, 2009; Kant, 1780/2012). It can also prevent other individuals from reporting similar harms in the future (Bergman et al., 2002). On the other hand, prioritizing safety for the victim and punishment of the accused over due process also has costs and can produce a different kind of victim. If decision-makers engage in swift blame (Skarlicki et al., 2017) and punish someone who should have been exonerated (e.g., Bowers, 2008; Yamamoto & Maeder, 2019), the just-deserts principle is also violated by making the grave error of punishing an innocent party.

We propose that when evidence is insufficient to determine whether an allegation is credible and actionable, and when both action and inaction can harm different parties, decision-makers are vulnerable to violating the procedural justice tenet of impartiality (Leventhal, 1980). One reason why is that decision-makers may turn to mental shortcuts in an effort to justify and make sense of whatever outcome they

Statement of Relevance

How do people assess allegations of harm that leave no evidence (e.g., *my word against yours* cases, allegations involving psychological harm, and incidents that happened in the distant past)? In these situations, decision-makers may be required to intervene because an absence of clear evidence does not mean no harm occurred. Furthermore, whether decision-makers take action or choose inaction can be consequential for the parties involved because either could result in punishing an innocent person or failing to protect an actual victim. We show that when deciding whether to prioritize due process for the perpetrator or safety for the victim, observers rely on perceptions about who fits the role of "typical" victims and perpetrators. Political ideology also leads people to prioritize justice over safety when the accused is a member of their political in-group. This illustrates the challenges of adjudicating claims of harm under conditions of radical uncertainty.

believe is appropriate (Inman & Baron, 1996) because even procedurally fair investigations may not sufficiently reduce decision-makers' uncertainty when ambiguity is high¹ (Lind & van den Bos, 2002; van den Bos & Lind, 2002).

One mental shortcut used to make sense of incidents involving harm is *moral typecasting* (Gray & Wegner, 2009), which we expect to be particularly influential in situations of radical uncertainty. Moral typecasting is a reflexive assignment of individuals to the roles of victim or perpetrator of harm on the basis of their prototypicality (Gray & Wegner, 2009; Hester & Gray, 2020), which refers to stereotypes about who is more likely to fit into these categories. Prototypes are "easy on the mind" and make processing more expedient (Winkielman et al., 2006). For instance, in an allegation of sexual harassment, it is easier to envision women as prototypical targets and men as prototypical perpetrators (Goh et al., 2022; Reynolds et al., 2020). On the basis of the assumption that stereotypes about the parties involved can influence moral typecasting (Hester & Gray, 2020), we propose that decision-makers will often appraise allegations as either (a) *prototypical*, meaning that it is cognitively easier to typecast parties into victim-perpetrator roles, or (b) *nontypical*, meaning that it is relatively more difficult to imagine the parties as belonging to this particular victim-perpetrator dyad. We hypothesize that when an allegation involves parties

who fit prototypical victim–perpetrator roles, observers are more likely to deprioritize due process for the perpetrator and prioritize safety for the victim because it is cognitively easier to imagine the event as having occurred. When evaluating nontypical allegations, however, observers are more likely to defer to the result of due process because they view the uncertainty-reducing benefits of procedural justice as more rationalizable and possibly more justifiable to an audience (Lind & van den Bos, 2002; van den Bos & Lind, 2002).

We tested our hypothesis across four studies using several indicators of the deprioritization of due process, including punishing the perpetrator in the absence of evidence (Studies 1 and 2), requiring less evidence before taking action (Study 3), and judging a decision by authorities that prioritized due process for the perpetrator more harshly than one that prioritized safety for the victim (Study 4). We designed our studies so that the allegation of nonphysical harm was the only piece of evidence available to observers. Because who is being judged and who is judging are both relevant inputs for deciding what course of action observers take (Hester & Gray, 2020), we tested our hypothesis in contexts in which the prototypicality of victim–perpetrator dyads could be elicited both by stereotypical features of the parties involved (Studies 1–3) and by the observer’s biases in favor of or against the alleged victim and perpetrator (Study 4). All four studies were reviewed and approved by the University of Otago Human Ethics Committee.

Open Practices Statement

Deidentified data are available on OSF (<https://osf.io/zpsyf/>). Complete materials and additional analyses are provided in the Supplemental Material on OSF (<https://osf.io/9g3n6/>). We preregistered Study 2 (<https://aspre.uct.ac.za/at677.pdf>) and Study 4 (<https://aspre.uct.ac.za/fa9vc.pdf>).

Study 1: Safety Trumps Due Process When Victim–Perpetrator Dyads are Prototypical

Method

We tested our hypothesis by asking people to evaluate information-poor allegations involving prototypical and nontypical dyads and to indicate whether the perpetrator should be punished despite the absence of definitive evidence.

Participants. We recruited undergraduate students at a large research university in New Zealand. A total of 137

students completed the study online as one of the opportunities for extra credit in participating courses (other opportunities were not research based). Participants were 57.2% female and had an average age of 20.2 years ($SD = 2.6$). The sample size was based on convenience, as it was not possible to determine how many students would choose to participate.

Procedures. Participants completed a study on perceptions of workplace practices. In addition to the measures reported here, we collected personality assessments (masculinity, femininity, political ideology, and leadership traits) at the end of the survey. Those were included for teaching purposes only and are available on request from the Corresponding Author. We created three contexts covering different allegations: (a) a hostile environment, (b) racism, and (c) harassment. Participants were assigned at random to one of two conditions in which the victim–perpetrator dyad in all three cases was (a) prototypical or (b) not prototypical. Pretests of prototypicality assignment are provided in the Supplemental Material (<https://osf.io/9g3n6/>).

Prototypical victim–perpetrator condition. Participants randomly assigned to the prototypical condition were asked to read about the following contexts. First, they read about Emily, a young New Zealand university graduate, accusing Gary (the “boomer”) of mistreatment. Second, they read about an allegation of mistreatment of JR, a New Zealander from a mixed-race background, who accused AW, a New Zealander from a White European background, of racism. Third, they were given a picture of two circles with a note that these circles represented employees. A large dark gray circle was pictured hovering above and to the left of a little orange circle. The little orange circle accused the large dark circle of mistreatment. The nature of harm was kept constant within both conditions of each scenario.

Guided by Goh et al.’s (2022) rigorous methodology in prototype research, we constructed our scenarios utilizing multiple prototypic features of the parties involved, including appearances, behaviors, and personality traits. First, we chose a dyad containing a prototypical victim (Emily, the recent university graduate) and a prototypical perpetrator (Gary, the “boomer”) on the basis of recent evidence that people more readily associate men with perpetrator roles and women with victim roles (Reynolds et al., 2020). We increased the salience of perpetrator prototypicality by describing Gary as a “boomer” because it is a pejorative term used by the younger generation to often disparage the older generation, which they hold responsible for failing to constructively tackle pressing social problems (Lorenz, 2019). New Zealand’s Green Party prime minister

popularized that term, which we expected would accentuate Gary's perpetrator-based role assignment within our sample of young New Zealand university students.

In our second dyad, we focused on racism. New Zealanders of Asian, Māori, and Pasifica Peoples backgrounds experience more acts of racism directed toward them than do New Zealanders of White/European background (New Zealand Ministry of Health, 2021; Statistics New Zealand Tatauranga Aotearoa, 2012). Therefore, we reasoned that people of White backgrounds would be seen as prototypical perpetrators of race-based mistreatment, whereas those from mixed-race backgrounds would be seen as prototypical victims. In our final dyad, we used visual portrayals of victims and perpetrators, where the gray circle was larger, darker, and positioned above the little orange circle, implying the gray circle's dominance. We used dark and light colors because of their metaphoric association with negative and positive stimuli (Meier et al., 2007).

Nontypical condition. The nontypical condition was identical to the prototypical one described above in all aspects except the mistreatment direction; instead of a prototypical perpetrator mistreating a prototypical victim, the dyad was nontypical, and the mistreatment allegation was directed toward a nontypical perpetrator: Gary accused Emily, JR (a White New Zealander) accused AW (a mixed-race New Zealander), and the big dark circle accused the little orange circle. Therefore, victims had prototypical perpetrator characteristics, and perpetrators had prototypical victim characteristics, according to the societal and psychological stereotypes noted above.

Measures. We used a single-item measure that required participants to choose between prioritizing due process over safety or safety over due process. Guided by the literature noted in our introduction (also see Kennedy & Schweitzer, 2018), we made participants aware that each decision had costs by providing a thorough description of the risks associated with erroneously prioritizing safety over due process and vice versa. If the institution disciplines or dismisses the alleged perpetrator on the basis of the accuser's word alone (i.e., in the absence of any evidence or witnesses) and if the allegation is not entirely true, decision-makers risk (a) compromising the principles of due process, (b) allowing people to misuse allegations for self-interest, (c) accidentally punishing an innocent employee, and (d) potentially ruining the wrongfully accused person's reputation, career, and well-being. The risks of prioritizing due process for the accused over safety for the victim and others (i.e., not disciplining or dismissing the perpetrator if the accuser's allegation is

true) are (a) compromising the psychological safety of employees, (b) signaling to others that employees' concerns will not be taken seriously, (c) allowing hostile behaviors to continue, and (d) allowing perpetrators to continue to abuse others.

Participants indicated what action they would take in each of the three contexts by indicating their response on a 6-point scale ranging from -3 on the left (*I would definitely prioritize safety*) to 3 on the right (*I would definitely prioritize justice*). The scale did not include 0 . We recoded the responses such that a higher score reflected prioritization of safety and a lower score indicated prioritization of justice ($1 = \textit{prioritize justice}$, $6 = \textit{prioritize safety}$).

Results

We tested whether the prioritization of justice or safety differed between the prototypical (coded as 1) and nontypical (coded as 0) conditions by using a random-intercepts multilevel regression model to account for nonindependence arising from multiple observations within the same participant. The results supported our hypothesis, as participants exhibited a stronger preference for prioritizing safety when the victim-perpetrator dyads were prototypical ($M = 4.35$, $SD = 1.01$) than when they were nontypical ($M = 3.88$, $SD = 1.12$), $\gamma = 0.47$, $SE = 0.13$, 95% confidence interval (CI) = [0.22, 0.73], $t(135) = 3.61$, $p = .0004$. For a robustness check, we examined whether this main effect varied as a function of the three scenarios. We found no main effects of scenario nor an interaction with prototypicality condition (prototypical vs. nontypical); our hypothesized main effect of prototypical condition remained unchanged, $\gamma = 0.69$, $SE = 0.25$, 95% CI = [0.19, 1.18], $t(398.62) = 2.70$, $p = .0073$.

Study 2: Constructive Replication Across Different Harm Contexts

Method

Participants. We conducted a power simulation using the *R* package *simr* (Green & MacLeod, 2016) to determine the minimum number of participants needed to detect a small to medium effect ($d_s = 0.20\text{--}0.40$) with at least 80% power at the within-subject level (i.e., for the effect of prototypical vs. nontypical conditions) in a mixed design. On the basis of the power analysis, we recruited 350 participants from Amazon's Mechanical Turk (MTurk) to participate in a study about workplace conflicts. Following our preregistration, we included only participants who passed our attention check question in

our final sample. A total of 260 participants (159 men; age: $M = 37.63$ years, $SD = 10.78$) completed our study and were retained for analysis. Because we observed a higher-than-expected number of participants who failed the attention check, we conducted a follow-up simulation using the *simr* package in *R* to estimate the 95% CIs for the power of our observed main effects; all were in the range of 99.93% to 99.99%. This gives us confidence that our study had sufficient statistical power.

Procedures. Study 2 treated victim–perpetrator dyad prototypicality as a within-subject factor (Study 1 used a between-subjects approach) and consisted of four cases portraying allegations across diverse contexts. This study was preregistered on AsPredicted <https://aspredicted.org/at677.pdf>.

For each case domain, we included both a version in which the perpetrator and victim were prototypical and a version in which the perpetrator and victim were nontypical. This yielded a total of eight scenarios (4 case domains \times 2 versions for each domain). One additional case was an attention check. We sought to minimize participant fatigue and reduce the possibility of guessing the hypothesis by setting up the experiment such that each participant would view four (instead of eight) experimental cases but would be randomly assigned to read only the prototypical or nontypical version for each case domain. We also designed the study such that participants would be presented with two prototypical cases and two nontypical cases. This design ensured that participants responded to all cases in random order and were presented with an equal number of prototypical and nontypical cases.

Complete instructions, graphics, and exact descriptions of each case can be found at <https://osf.io/9g3n6/>. In summary, we used the following allegations: (a) engaging in workplace incivility and favoritism, (b) making sexually inappropriate comments, (c) engaging in generalized harassment, and (d) mistreating a customer. In line with our prototypicality descriptions detailed in our introduction and in Study 1, prototypical perpetrators were men, powerful individuals, White individuals, and large objects. Prototypical victims were women, people with reserved personalities, non-White individuals, and small objects. In nontypical conditions, the descriptions of the harm were identical to those in the prototypical conditions, but the actors were reversed (i.e., a nonprototypical victim accused a nonprototypical perpetrator of harm).

Measure. After reading each context, participants answered the following question: “In handling this case, it is better to: 1) *prioritize safety* [and protect employees], or 2)

prioritize justice [and risk causing additional harm].” The outcome was binary (1 = *safety*, 0 = *justice/due process*). We adjusted the exact wording in each of our four cases to make them relevant to the context (see <https://osf.io/9g3n6/> for full materials).

Results

Following our preregistered analysis plan, we tested our main hypothesis using a random-intercepts multilevel logistic regression model with multiple scenarios and prototypicality conditions (1 = *prototypical*, 0 = *nontypical*) nested within subjects. The results supported our hypothesis: Participants were significantly more likely to prioritize safety when the perpetrator and the victim were both prototypical (vs. nontypical), $\gamma = 0.78$, $SE = 0.13$, 95% CI = [0.52, 1.04], $z = 5.92$, $p < .0001$.

We also conducted supplemental robustness checks on our results. When we allowed the effect of prototypical condition to vary across conditions (i.e., by including a random-effect term for each participant), the main effect of prototypical condition remained unchanged, $\gamma = 0.83$, $SE = 0.15$, 95% CI = [0.53, 1.13], $z = 5.39$, $p < .0001$. We also examined whether the effect of the prototypical condition varied as a function of the different scenarios by including an interaction term between the prototypical condition and scenario case in the model. The results showed no significant interaction effects, and the effect of prototypical condition continued to hold, $\gamma = 0.86$, $SE = 0.27$, 95% CI = [0.33, 1.38], $z = 3.20$, $p = .0014$. Including age, gender, and self-reported political orientation in the model also did not affect the main effect of prototypical condition, $\gamma = 0.87$, $SE = 0.27$, 95% CI = [0.34, 1.40], $z = 3.21$, $p = .0014$.

Study 3: The Demand for More Evidence Depends on Victim–Perpetrator Prototypicality

Method

We examined whether observers evaluating nontypical (vs. typical) allegations would be cognitively motivated to justify inaction by requiring more evidence to establish that a claim is credible and actionable.

Participants. We recruited undergraduate students at a large research university in New Zealand. A total of 114 students completed the study online as one out of four research and non-research opportunities to earn credit. Participants were 64.0% female. We did not ask for age because, in this case, almost all students were under the age of 25, and we sought to ameliorate the possibility

that older students' identities could be revealed. As in Study 1, the sample size was based on convenience because it was not possible to determine how many students would choose to participate. In addition to demographic characteristics and political ideology, the measures mentioned here (and detailed in the Supplemental Material at <https://osf.io/9g3n6/>) were the only ones administered to participants (i.e., no additional data were collected for teaching purposes).

Procedures. We selected a similar prototype context as in Study 1, so each participant was randomly assigned to one of two conditions: (a) typical, in which a Māori student with *tā moko* (a tribal facial tattoo) alleged that two non-Māori students harassed him, and (b) nontypical, in which a conservative student wearing a MAGA hat (the New Zealand version is “Make Ardern Go Away”; Jacinda Ardern is New Zealand’s Prime Minister) alleged that two nonconservative residents harassed him.

We selected these prototypes because Māori people tend to face discrimination by non-Māori, in general, but particularly for facial tattoos (Nielson, 2019). For our other case, people with conservative views donning U.S.-based symbols such as MAGA hats are seen as instigators rather than victims of violence against others in New Zealand (Franks, 2020), arguably making them more challenging to envision as victims (Gray & Wegner, 2009). Moreover, preceding data collection, right-wing groups were associated with social unrest in New Zealand (e.g., Spoonley, 2022).

In both cases, we highlighted the prototypicality of the parties involved by noting that the student was the only person in his community who behaved differently (i.e., had *tā moko* or had conservative views). We asked participants to read cases involving New Zealand students in a residential college. In the typical condition, participants read the following:

Tane R. noted that he was recently ridiculed and faced verbal harassment for his *tā moko*. He is the only person in his residential college who has *tā moko*. The college is not culturally and ethnically diverse, and he knows that not everybody understands the meaning of his practices.

In the nontypical condition, participants read the following:

Tony R. noted he was recently ridiculed and faced verbal harassment for wearing a controversial, US-based MAGA hat he wears at protests (MAGA spelled as ‘Make Ardern Go Away’). The college is not politically diverse, and he knows that not everybody understands the meaning of his practices.

Participants in both conditions then read the following additional text:

He noted it is not unusual for him to get looks. Occasionally, people ask him questions about his background and attitudes, which he always welcomes. However, recently two residents mocked him with gestures, laughed at him, and made disgusting insults about his appearance and culture/beliefs.

Participants were then informed that the residential college finds this type of behavior completely unacceptable, and Tane/Tony demanded that the university immediately take action against the two residents. The residential college appointed an independent committee to investigate the issue. The committee comprised human resources (HR) staff, legal consultants, employee representatives selected by the parties involved, and two outside experts. This committee proceeded to investigate the allegation by granting both parties confidentiality, interviewing them, seeking evidence of the actual misconduct, and seeking evidence of related misconduct, among other approaches.

Measures. We asked participants how much evidence supporting Tony’s/Tane’s allegation is needed before the university concludes that the allegation is credible and actionable. We deliberately did not specify what we meant by “actionable” to minimize the possibility that participants’ evaluations would be influenced by the proportionality of the response. Participants indicated how much evidence the university should need by moving a sliding cursor from 0, *Tony’s/Tane’s word is sufficient in this case*, to 100%, *Tony/Tane needs to provide much more evidence to prove that the two students harassed him*.

In addition, we administered one more indicator titled “Evidence Count,” which required that participants check the minimum amount of evidence required before determining that the allegation is actionable. The evidence count results were nonsignificant, possibly because of imprecise wording and operationalization challenges. For those reasons, we focused on the simpler, percentage-based variable. However, see <https://osf.io/9g3n6/> for the exact item, *t* test results, and discussion of these results; Study 4 for a constructive replication; and the General Discussion for limitations pertaining to interpreting these findings.

Results

We conducted an independent-samples *t* test to examine whether the allegations involving typical (vs. nontypical) pairs are held to a higher evidentiary standard

before determining whether they are actionable. Participants required less evidence for typical ($M = 47.35$, $SD = 22.83$) than nontypical ($M = 57.60$, $SD = 17.65$) allegations, $t(103) = 2.58$, $p = .0110$, 95% CI = [2.37, 18.15], which represents a form of justice-based motivated cognition (Barclay et al., 2017; Skitka & Houston, 2001) to avoid searching for additional and potentially exculpatory evidence during the investigation process.

Study 4: Prioritizing Justice Over Safety for In-Group Members

Method

Study 4 extended our previous work in three ways. First, we examined other indicators of due-process prioritization (or deprioritization) by assessing how participants evaluated a decision that prioritized due process (vs. prioritized safety) following a procedurally fair investigation of a harassment allegation. Second, we replicated our Study 3 findings pertaining to the amount of evidence required to take action. Finally, we tested our hypothesis in contexts in which typecasting could be driven by observers' (i.e., the judges') worldviews (Hester & Gray, 2020). We focused on an observer's likely social identification with the parties involved because identification processes are known to be a reliable predictor of beliefs, stereotyping, moral judgment (i.e., moral tribalism; Bocian et al., 2021), fairness perceptions, and motivated cognition (Barclay et al., 2017; Skitka, 2003). Social identification is especially consequential when it is based on a "political tribe" (Clark & Winegard, 2020; Hogg & Rinella, 2018). For example, liberals and conservatives have both been found to view members of the other party as stupid, morally deficient, or evil, which can lead them to deviate from impartiality when appraising the actions of those who belong to either their tribe or a different political tribe (Finkel et al., 2020; Hartman et al., 2022; Yudkin et al., 2022). We hypothesized that when a victim–perpetrator dyad is liberal-conservative, and the institution prioritizes due process for the perpetrator (vs. safety for the victim), conservative observers will evaluate the decision more positively than liberal observers will. However, when the dyad is reversed and the victim is conservative and the perpetrator is liberal, conservative observers will evaluate the decision more negatively than liberal observers will.

Participants. We recruited 350 participants from MTurk. A total of 336 participants (141 men; age: $M = 40.39$ years, $SD = 11.90$) who passed our preregistered inclusion criteria were included in the analysis. Specifically, participants completed six true/false questions to show their

attentiveness. Participants who missed one or more of these questions were asked to read the case one more time. If they missed one or more follow-up true/false questions again, their responses were eliminated from our analyses.

Procedure. We preregistered the study methods, sample size, and exclusion criteria on AsPredicted <https://aspredicted.org/fa9vc.pdf>. There were three factors in this study: (a) manipulated ideology-based prototypicality of victim–perpetrator dyad (liberal victim/conservative perpetrator vs. conservative victim/liberal perpetrator); (b) manipulated institutional decision in response to a procedurally fair, evidence-free allegation (prioritize due process for the perpetrator vs. prioritize safety for the victim); and (c) participants' political ideology. We asked participants to indicate their political orientation (liberal vs. conservative) by rating themselves on a continuous scale (1 = *very liberal*, 9 = *very conservative*) and by selecting the political candidate they voted for during the 2020 U.S. presidential election. Participants were classified as liberals if they voted for Biden and conservatives if they voted for Trump. If participants voted for neither candidate, they were excluded from the binary voting-based analysis ($n = 68$).

Participants evaluated the decision on the allegation using three criteria: moral outrage in response to the decision, perceived justice failure, and perceived threat to the victim's safety.

In-group manipulation: conservative and liberal dyads. We constructed an allegation depicting ongoing interpersonal harassment based on ideological disagreements, which may be seen as threatening to different observers depending on their political ideology. As a major component of one's identity and world views (Bocian et al., 2021; Skitka, 2003), political allegiance can motivate participants to cast parties involved in the allegation into victim and perpetrator roles on the basis of stereotypes associated with their ideology.

We asked all participants to evaluate an allegation made by Tony (a student) against Mr. Rollins (an instructor). We designed descriptions of Tony with the intent to elicit prototypicality assessments for liberals and conservatives (Blee & Creasap, 2010), and we once again relied on Goh et al.'s (2022) example to introduce multiple prototypical features of their respective categories. Tony supported Black Lives Matter and lesbian, gay, bisexual, and transgender groups (liberal condition) or wore a MAGA hat (conservative condition) and in general held liberal or conservative views, respectively. In both cases, the student Tony claimed that the instructor, whose political views were the opposite of Tony's, verbally harassed him for his views on multiple

occasions. Furthermore, although the student claimed that he faced harassment on multiple occasions, there was no evidence of harm, and some other students interpreted the instructor's alleged rude behavior toward Tony simply as the instructor's preference for dynamic and spirited class discussion.

In explicitly stating that nobody else thought Mr. Rollins harassed Tony and in emphasizing that Tony's harm was unverifiable by observers, we maintained the case as highly ambiguous and information poor, with Tony's subjective experiences and his own allegation standing as the only evidence of incurred harm. After the participants read the initial description, they completed six true/false questions to show their attentiveness before reading the next component of the case.

Decision manipulation: prioritize due process or safety.

Next, participants were informed that the university had examined the allegation. They appointed an independent committee composed of multiple parties (HR staff, legal consultants, outside experts, and student representatives) to investigate Tony's claim, establish its credibility, and determine whether it is actionable. Participants in both conditions read the following:

During the lengthy investigation, the committee could not find evidence of the alleged wrongdoing and harassment. Nobody reported Mr. Rollins harassing students. Mr. Rollins is known to have dynamic and 'spirited' discussions, but nobody thought Mr. Rollins mistreated Tony. The search for evidence did not produce anything that would give credibility to Tony's allegation. There was also no evidence that Mr. Rollins harassed anybody in the past. He denied every aspect of the allegation, except that he met with Tony and had a spirited discussion.

Tony noted that just because nobody else experienced harassment from Mr. Rollins, it does NOT mean he should just get away with such behavior and continue harassing students who think differently.

In light of these conclusions, the committee then made its decision to prioritize either safety or due process. Each participant was assigned at random to the prioritized-due-process or prioritized-safety condition. In the prioritized-due-process condition, participants were told the following:

The committee expressed understanding of Tony's concerns. However, they replied that they could not treat Mr. Rollins as guilty and discipline him

without any evidence or witnesses, or past hints of misbehavior. There was nothing else they could do but offer Tony alternative teaching arrangements. They noted that the university respects due process and they would put the matter to rest.

In the prioritized-safety condition, participants were told the following:

The committee expressed understanding of Tony's concerns. Although the allegation could not be substantiated with any external evidence or witnesses, it does not mean Tony's allegation is invalid or that Tony did not experience harassment. Therefore, the committee must act on it nonetheless. They indicated that they accept Tony's allegation as credible and will take disciplinary action against Mr. Rollins. The university seeks to create a safe, inclusive community, and it does not have any tolerance for bullying or harassment.

Measures.

Moral outrage. We adapted Skitka et al.'s (2004) assessment of moral outrage. We asked participants to report the extent to which the committee's decision (a) "makes me angry," (b) "is morally wrong," (c) "upsets me," and (d) "is the right thing to do" (the last was reverse scored). Responses ranged from 1, *strongly disagree*, to 7, *strongly agree* ($\alpha = .95$).

Justice failure. We created three items based on the principles of procedural justice (Leventhal, 1980). Participants reported the extent to which they agree that (a) "the decision represents a failure of justice," (b) "the investigation committee acted in bad faith," and (c) "the investigation process was flawed." Responses ranged from 1, *strongly disagree*, to 7, *strongly agree* ($\alpha = .93$).

Safety. Participants reported the extent to which the committee's decision made the victim feel (a) "safe," (b) "protected," and (c) "secure." Responses ranged from 1, *definitely NO*, to 7, *definitely YES* ($\alpha = .99$).

Evidence requirement (percentage). As in Study 3, we asked participants to indicate "How much evidence (in %) should Tony be required to provide before the university accepts his allegation as credible and actionable (and assumes that his instructor is guilty of harassment)?" Participants noted their responses using the sliding scale with 10-point increments from 0, *no additional evidence is needed. The testimony from the victim (i.e., the allegation) itself is sufficient*, to 100, *much more evidence is needed (e.g., additional testimonies, electronic records, etc.) in addition to the testimony from Tony (i.e., the*

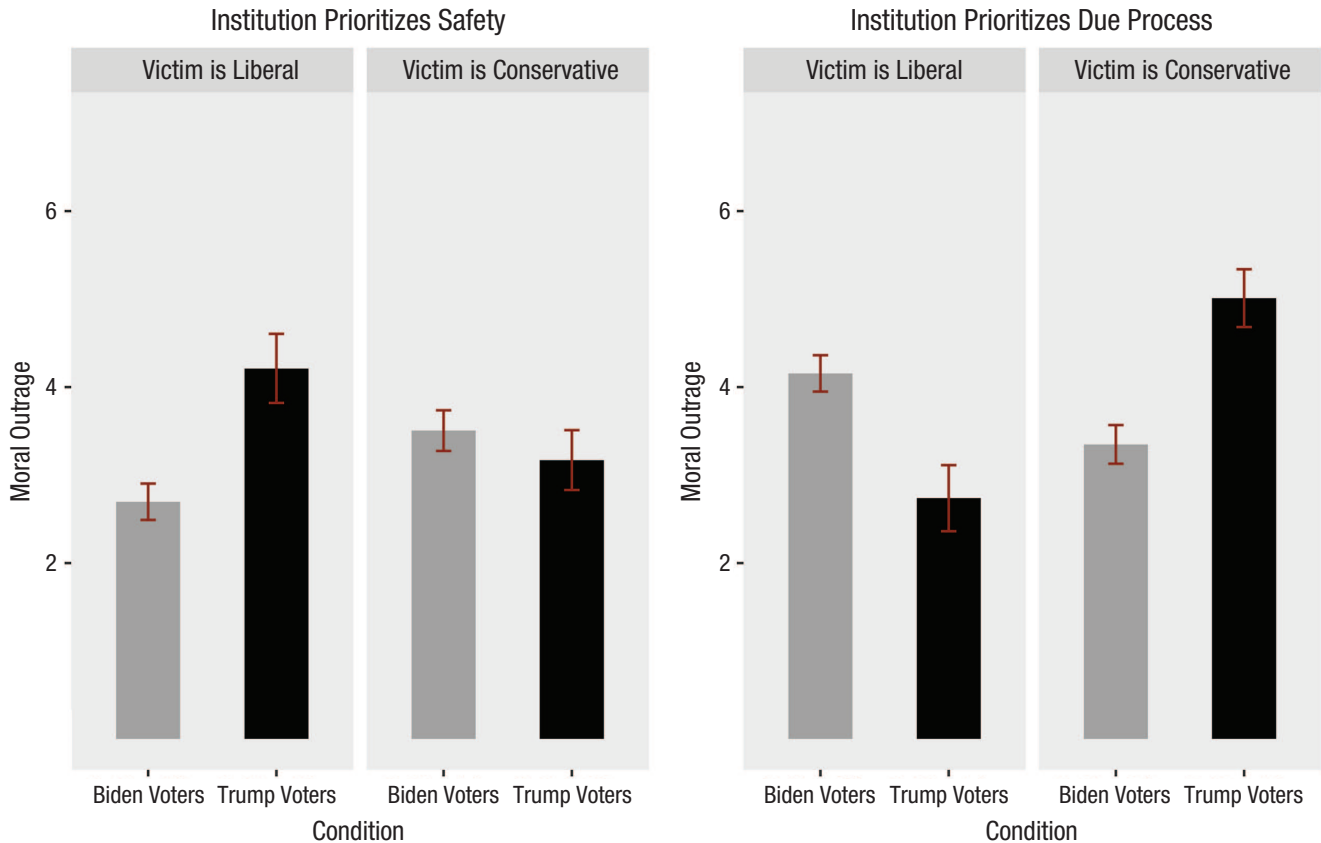


Fig. 1. Mean moral outrage of participants in Study 4 who voted for Biden and Trump, separately for situations in which the victim was liberal and the victim was conservative. Results for institutions that prioritized safety versus due process are shown in separate graphs. Error bars represent ± 1 SEM. The DV is on a scale from 1–7.

allegation). Because this measure was of secondary interest, participants saw it last.

Results

Main analysis. Following the preregistration, we first tested our hypotheses using an analysis of variance (ANOVA) framework, with the three factors entered as predictors in the model. For our initial analysis, we used voting history (Biden or Trump) as an indicator of ideology. We were primarily interested in the three-way interaction effect between victim–perpetrator prototypicality, the institutional decision, and participants’ political orientation. We then tested our hypotheses using the continuous indicator to examine whether our findings remained the same with different operationalizations of political ideology.

As we detail below, our results show that when a victim–perpetrator dyad was liberal–conservative, and the institution prioritized due process for the alleged perpetrator (vs. safety for the victim), liberal participants rated the decision more negatively than conservative

participants did. Under the same circumstances involving the conservative–liberal dyad, the conservative participants evaluated the same decision more negatively than liberal participants did.

Moral outrage. Our results revealed a significant three-way interaction effect on moral outrage, $F(1, 260) = 37.79$, $p < .0001$ (see Fig. 1). When the institution prioritized safety, the interaction between victim–perpetrator prototypicality and participants’ political orientation was significant, $F(1, 133) = 10.19$, $p = .0018$; specifically, when the victim–perpetrator dyad was liberal–conservative, conservative participants ($M = 4.21$, $SD = 1.76$) expressed greater moral outrage than liberal participants ($M = 2.69$, $SD = 1.42$), $b = 1.52$, $SE = 0.41$, $t(65) = 3.72$, $p = .0004$. When the victim–perpetrator dyad was conservative–liberal, we found no significant difference between conservative ($M = 3.17$, $SD = 1.59$) and liberal participants ($M = 3.51$, $SD = 1.60$), $b = -0.34$, $SE = 0.41$, $t(68) = -0.81$, $p = .4192$.

When the institution prioritized due process, the interaction between victim–perpetrator prototypicality

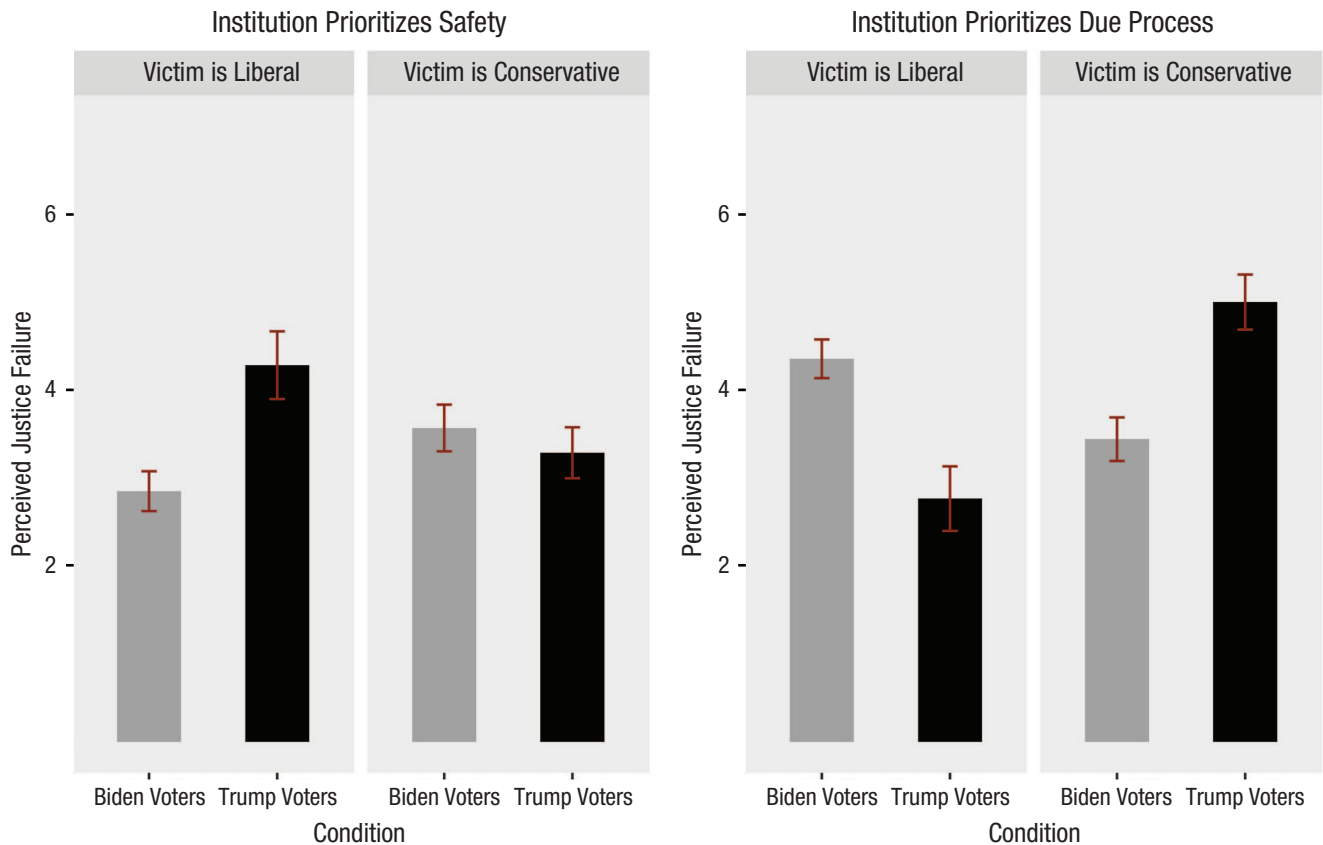


Fig. 2. Mean perceptions of justice failure by participants in Study 4 who voted for Biden and Trump, separately for situations in which the victim was liberal and the victim was conservative. Results for institutions that prioritized safety versus due process are shown in separate graphs. Error bars represent ± 1 SEM. The DV is on a scale from 1–7.

and participants' political orientation was also significant, $F(1, 127) = 30.98, p < .0001$. When the victim–perpetrator dyad involved liberal–conservative parties, conservatives ($M = 2.74, SD = 1.68$) expressed a lower level of moral outrage than liberals ($M = 4.16, SD = 1.39$), $b = -1.42, SE = 0.40, t(63) = -3.56, p = .0007$. When the victim–perpetrator dyad was conservative–liberal, conservatives ($M = 5.01, SD = 1.57$) expressed a higher level of moral outrage than liberals ($M = 3.35, SD = 1.44$), $b = 1.66, SE = 0.38, t(64) = 4.32, p < .0001$.

Justice failure. The results also revealed a significant three-way interaction for justice failure, $F(1, 260) = 33.08, p < .0001$ (see Fig. 2). When the institution prioritized safety, the interaction between victim–perpetrator prototypicality and participants' political orientation was significant, $F(1, 133) = 7.79, p = .0060$; specifically, when the victim–perpetrator dyad was liberal–conservative, conservative participants ($M = 4.28, SD = 1.72$) reported more justice failure than liberal participants ($M = 2.85, SD = 1.55$), $b = 1.43, SE = 0.43, t(65) = 3.35, p = .0014$. When the victim–perpetrator dyad was conservative–liberal, we

found no significant difference between conservatives ($M = 3.29, SD = 1.36$) and liberal ($M = 3.57, SD = 1.84$) participants, $b = -0.28, SE = 0.44, t(68) = -0.64, p = .5230$.

When the institution prioritized due process, the interaction between victim–perpetrator prototypicality and participants' political orientation was significant, $F(1, 127) = 29.49, p < .0001$. When the victim–perpetrator dyad was liberal–conservative, conservatives ($M = 2.77, SD = 1.64$) perceived a lower level of justice failure than liberals ($M = 4.36, SD = 1.47$), $b = -1.59, SE = 0.41, t(63) = -3.87, p = .0003$. When the victim–perpetrator dyad was conservative–liberal, conservatives ($M = 5.00, SD = 1.50$) perceived more justice failure than liberals ($M = 3.44, SD = 1.62$), $b = 1.56, SE = 0.41, t(64) = 3.81, p = .0003$.

Perceived safety. The three-way interaction effect was nonsignificant for the judgments of victim safety, $F(1, 260) = 1.94, p = .1623$ (see Fig. 3), which was contrary to our expectations. When the institution prioritized safety, no significant two-way interaction was found between victim–perpetrator prototypicality and participants' political

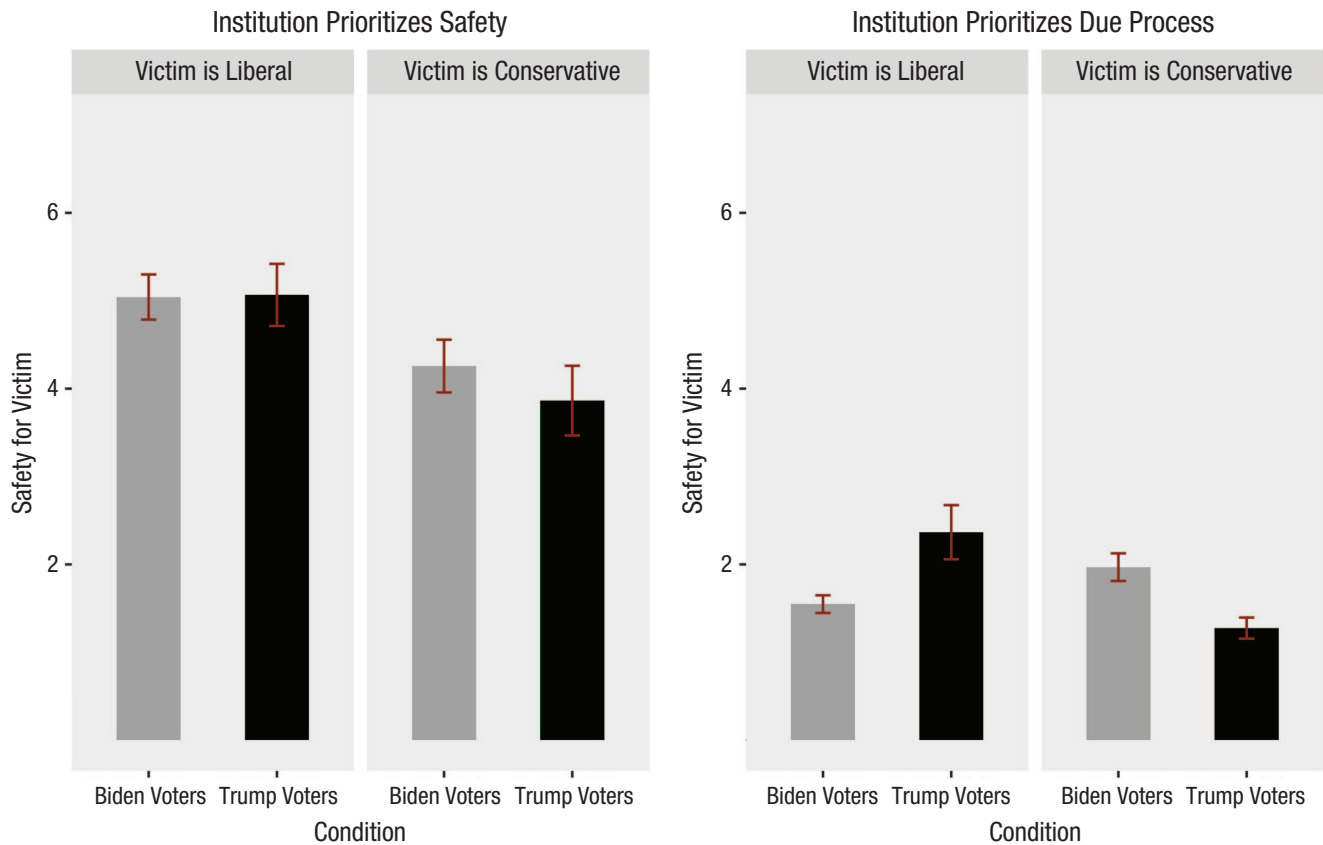


Fig. 3. Mean judgments of the victim's safety by participants in Study 4 who voted for Biden and Trump, separately for situations in which the victim was liberal and the victim was conservative. Results for institutions that prioritized safety versus due process are shown in separate graphs. Error bars represent ± 1 SEM. The DV is on a scale from 1–7.

orientation, $F(1, 133) = 0.36, p = .5486$. When the victim–perpetrator dyad was liberal-conservative, participants who identified as conservatives ($M = 5.07, SD = 1.58$) did not view the decision as safer for the victim than liberal participants did ($M = 5.04, SD = 1.76$), $b = 0.03, SE = 0.46, t(65) = 0.05, p = .9580$; when the victim–perpetrator dyad was conservative–liberal, we found no significant difference between conservative ($M = 3.86, SD = 1.86$) and liberal participants ($M = 4.26, SD = 2.08$), $b = -0.39, SE = 0.52, t(68) = -0.76, p = .4511$.

In contrast, when the institution prioritized due process, the interaction between victim–perpetrator prototypicality and participants' political orientation was significant, $F(1, 127) = 19.37, p < .0001$. When the victim–perpetrator dyad was liberal-conservative, conservatives ($M = 2.37, SD = 1.38$) perceived that the decision resulted in more safety for the victim than liberals did ($M = 1.55, SD = 0.68$), $b = 0.82, SE = 0.25, t(63) = 3.23, p = .0020$. When the victim–perpetrator dyad was conservative–liberal, conservatives ($M = 1.28, SD = 0.57$) thought the victim was less safe than liberals did ($M = 1.97, SD = 1.03$), $b = -0.69, SE = 0.23, t(64) = -2.98, p = .0041$.

We repeated all analyses above using multiple regression and replacing the binary, voting-based indicator of ideology (1 = *voted for Trump*, 0 = *voted for Biden*) with a continuous measure we termed *conservatism* (1 = *very liberal or left-wing*, 9 = *very conservative or right-wing*). We observed the same, three-way interaction effect on moral outrage, $b = 0.99, SE = 0.15, t(325) = 6.82, p < .0001$, and perceived justice failure, $b = 0.95, SE = 0.15, t(325) = 6.21, p < .0001$, and the same non-significant effect on safety for the victim, $b = -0.13, SE = 0.15, t(325) = -0.91, p = .3634$. All simple slopes were also in the same direction.

Supplemental analysis. One of the objectives of Study 4 was to constructively replicate the finding from Study 3 that participants will ask for less evidence for typical than for nontypical allegations. In light of the inconsistent findings on different evidence-based variables (see <https://osf.io/9g3n6/> for a discussion), we wanted to minimize the possibility that our significant results from Study 3 were due to a methodological artifact or random error. Therefore, we also tested the interaction effect

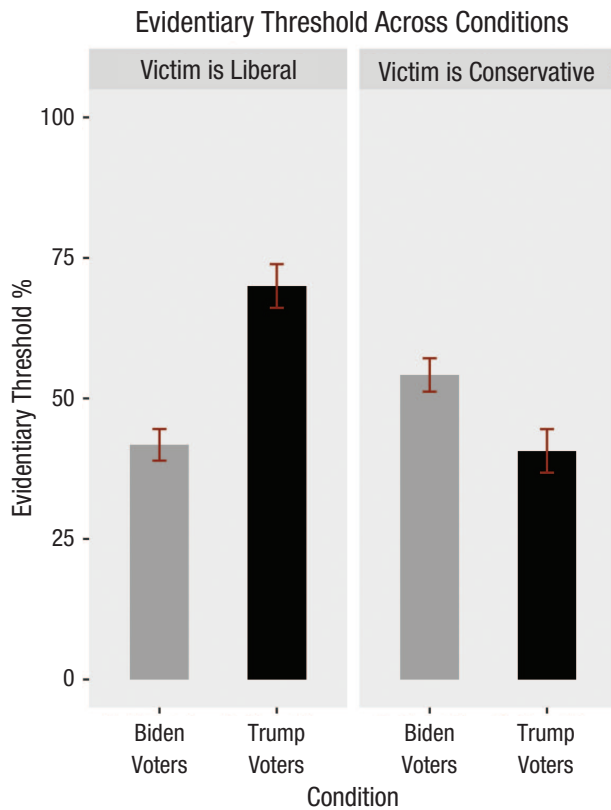


Fig. 4. Evidentiary standard for participants in the supplemental analysis who voted for Biden and Trump, separately for situations in which the victim was liberal and the victim was conservative. Error bars represent ± 1 SEM.

between prototypicality condition and self-rated political orientation on the required evidence in percentages, which was the simplest indicator. We did not test the three-way interaction effect because the institutional decision in response to the allegation should be conceptually irrelevant to the required evidentiary standard (i.e., the evidentiary standard that one demands in certain cases should not be influenced by the decision made by another formal party). Regardless, including the institutional decision in response to the allegation as either a moderator or covariate in the model did not change the conclusion of this supplemental analysis.

A two-way ANOVA revealed a significant interaction effect, $F(1, 264) = 34.80, p < .0001$ (see Fig. 4). Simple-effects analysis showed that when the victim–perpetrator dyad was liberal–conservative, conservative participants ($M = 70.01, SD = 24.60$) adopted a higher evidentiary threshold to justify taking action than did those who identified as a liberal ($M = 41.70, SD = 27.00$), mean difference = 28.31, $t(130) = 5.68, p < .0001$. When the victim–perpetrator dyad was conservative–liberal, conservative participants ($M = 40.70, SD = 26.00$) adopted a lower evidentiary threshold for action than did those who identified

as a liberal ($M = 54.20, SD = 28.30$), mean difference = 13.50, $t(134) = -2.69, p = .0081$.

General Discussion

We examined how observers perceive cases of alleged harm when the allegation itself is the only piece of evidence available for reducing uncertainty. Our findings supported our hypothesis that observers will be more likely to prioritize due process for the perpetrator (as indicated by lower punishment intentions, higher requirements for evidence, and more favorable judgments of decisions that prioritize due process) when the allegation involves a nonprototypical victim–perpetrator dyad but to prioritize safety for the victim when the dyad is prototypical (Studies 1–3). We also found that the identities of both observers and victim–perpetrator dyads influence harm perceptions (e.g., DeCelles et al., 2021; Hester & Gray, 2020). Specifically, our final study focused on prototypicality perceptions based on political ideology, as we showed that when a victim–perpetrator dyad was liberal–conservative, and the institution prioritized due process for the perpetrator (vs. safety for the victim), liberal observers evaluated the decision more negatively than conservative observers. Under the same circumstances involving the conservative/liberal dyad, conservative observers evaluated the decision more negatively than liberal observers.

Simultaneously achieving the goals of due process for accused perpetrators and safety for putative victims is extremely difficult in situations in which there is a dearth of concrete evidence and greater potential for error. Thus, we argued that observers would often rely on mental shortcuts to decide which goal is more appropriate to prioritize. Yet no matter how seemingly fair a particular solution might appear to the adjudicator, when maximizing both safety and justice are difficult, the extent to which prioritizing one over the other is seen as erroneous may depend on the audience. There may be times when both outcomes can be simultaneously achieved. However, we submit that to observers confronted with radical uncertainty, optimizing both due process and safety is likely to be challenging because humans are neither omniscient, capable of perfect impartiality, or impervious to tribal allegiance.

Our studies have limitations that influence the generalizability of our findings. First, we examined third parties' attitudes and intentions, so future work should include behavioral reactions in real-world contexts if practical. Second, we selected only a small subset of prototypes. We anticipate that our effects will replicate with other prototypes, where people who are seen as prototypical perpetrators will find it more challenging

to be granted due process (when they are accused of harm) or safety (when they are the victim) than those who are seen as prototypical victims. However, there are numerous individual, cultural, or ideological factors that may drive prototype perceptions and biases (MacLaury, 1991) and the extent to which the observers will prioritize due process or safety (for a discussion, see Graso et al., 2020). Multiple stereotypes might even clash to yield mixed effects, so we invite researchers to consider the intersectional influences of all the parties involved (see Ponce De Leon & Rosette, 2022; O'Brien & Merritt, 2022). Third, despite observing the effects of prototypicality on lower requests for evidence in Studies 3 and 4 using a percentage-based variable, we encourage caution in interpreting these findings, as these effects may vary across measurement approaches (see Study 3 Results discussion). We encourage researchers in future work to examine different ways of operationalizing evidence acceptance and test whether they influence the results we observed. Fourth, our results should not be used to provide insight into criminal allegations. Finally, our cultural samples are limited to university students and working professionals from New Zealand and the United States, so the effects—and the stereotypes we used—may not generalize to other countries and their subcultures. How and why people in different cultures assess evidence-poor allegations and prioritize victims' safety (vs. due process for the alleged perpetrators) are challenging questions that require future research.

Conclusion

Our research offers insight into how people evaluating highly ambiguous allegations of harm rely on certain mental shortcuts to unevenly prioritize the principles of due process for the perpetrator or safety for the victim. Decisions made under high uncertainty may not be fully satisfying to everyone, but as Carl Jung reminded readers many years ago: “No outward form of life could be devised, however equitable and just it might appear, that would not involve injustice for one or the other human type” (Jung, 1971/2017, p. 446).

Transparency

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Karl Aquino: Conceptualization; Writing – original draft; Writing – review & editing.

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Jeroen Camps: Conceptualization; Writing – original draft; Writing – review & editing.

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Kees van den Bos: Conceptualization; Writing – review & editing.

Declaration of Conflicting Interests

The author(s) declared that there were no conflicts of interest with respect to the authorship or the publication of this article.

Open Practices

This article has received the badges for Open Data, Open Materials, and Preregistration. More information about the Open Practices badges can be found at <http://www.psychologicalscience.org/publications/badges>.



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Note

1. We tested these uncertainty-management assumptions and report the results in the Supplemental Material on OSF (<https://osf.io/9g3n6/>).

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