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When Due Process Is of No Consequence: Moral Mandates and Presumed Defendant Guilt or Innocence

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Most current theories of justice are focused on how social identity, instrumental concerns, or both shape how people decide whether something is fair or unfair. A neglected consideration is that people may also be concerned with justice because they strive to be authentic moral beings by acting on the basis of values closely tied to their personal identity. We posited that self-expressive moral positions or stands ("moral mandates") are important determinants of how people reason about fairness. Supporting this notion, we found that (a) people see some trial outcomes in morally mandated terms, e.g., that the guilty must be convicted and punished, and the innocent must not; (b) convicting a defendant believed to be innocent or acquitting a defendant believed to be guilty were seen as unfair, regardless of whether the verdict was achieved by a fair or unfair investigation and trial (Study 1); and (c) a guilty defendant's death was seen as equally fair, and an innocent defendant's death was equally unfair, if it was achieved by a trial that led to the death penalty or by vigilantism (Study 2). Procedural propriety only mattered when defendant guilt was ambiguous.

KEY WORDS: moral mandates; fairness; procedural justice; due process; attitudes.

In the abstract, American jury trials exemplify the principles of fair procedures articulated by recent theorists (e.g., Lind and Tyler, 1988): Involved parties have the opportunity to voice their position either directly or through their defense, the decision makers (judge and jury) collect facts and evidence before making their determinations, and juries are representative of one's peers and moreover

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are selected on the basis of having no a priori biases about the case. However, public reactions to recent high profile trials (e.g., the trial of the police officers that allegedly beat Rodney King, the Menendez brothers' two trials for murder, the O. J. Simpson murder trial and then civil case, the trial of Timothy McVeigh for the Oklahoma City Bombing, the "Nanny" trial of Louise Woodward for the shaking death of an infant under her care)[4] demonstrate that people often have a very strong sense of just outcomes, seemingly independent of the procedures used to decide them.

Although the public's judgment of fairness is often not accurate in a strictly legal sense (legal definitions of justice strongly emphasize procedures and law), public perception seems nonetheless to be important. It seems that when the "just" verdict is reached by the court, it only produces mild public reaction in the form of approval and confidence in the legal system (e.g., Timothy McVeigh's conviction and subsequent penalty), but produces bitter denunciations of the lack of justice, and loss of faith in the system when the "just" outcome is not achieved (e.g., the riots following the first trial of the police officers accused of beating Rodney King, the wildly varying reactions to each of the two O. J. Simpson trials depending upon the perceivers' view of the true guilt or innocence of the defendant).

For example, did people riot following media reports of the acquittal of the police officers charged with beating Rodney King because the case was decided by an unrepresentative jury (Rodney King was an African American; the jury and police officers were Caucasian), because the jury returned with the "wrong" verdict from a normative point of view, or some combination of both? Do violations of procedural justice matter more under some circumstances, and violations of outcome justice matter more under others? The goal of the studies that will be presented here was to attempt to account for why people sometimes reject the outcomes of fair procedures.

PERSONAL IDENTITY AND MORAL CONVICTIONS

People strive for congruence between their personal moral values and their thoughts and behavior, because lack of congruence leads to feelings of inauthenticity. Whenever people experience a threat to their personal identity when they witness a violation of their moral standards, they will be highly motivated to act in ways that allow for public and private reaffirmation of the belief that they are authentically good and moral beings (Steele, 1988). People value the self-respect and the self-satisfaction that comes with living up to and defending their internalized moral standards, and will sometimes defend their moral positions even in the face

[4]See http://www.courttv.com/casefiles for trial transcripts and details for each of the court cases mentioned in this paper.

of extreme costs for doing so (Bandura, 1986). Although most current theorizing and research has focused on the role of people's social and material motives in shaping how they decide whether something is fair or unfair (see Cropanzano and Greenberg, 1997, for a review), it seems very likely that people sometimes judge whether events are fair or unfair against the yardstick of their internalized moral values (see also Folger and Cropanzano, 2001).

Given that moral values are central to personal identity (Rokeach, 1973), people should be motivated to affirm their sense of self by selectively endorsing self-expressive moral positions or stands, or what Skitka (in press) referred to as moral mandates (i.e., "to know who I am is to know where I stand," Taylor, 1989). A commitment to a moral mandate allows perceivers to classify the actions of institutions, authorities, in-group or out-group members, and even themselves, into the mutually exclusive categories of legitimate thought or deed versus fundamental transgression. Therefore, outcomes and procedures will be perceived as legitimate and fair if they are consistent with perceivers' moral mandates, and will be perceived as illegitimate and unfair if they are inconsistent with perceivers' moral mandates (Skitka, in press; Skitka and Mullen, submitted).

MORAL MANDATES

Moral mandates are conceived as representing a special class of strong attitudes, where strong attitudes are defined in terms of extremity and importance (e.g., Boninger *et al.*, 1995; Krosnick, 1988) and/or attitude extremity and certainty (e.g., Gross *et al.*, 1995). Strong attitudes represent the class of attitudes that are particularly stable, consequential, and difficult to change (Hovland, 1959; Hyman and Sheatley, 1947). Moral mandates are also characterized by attitude strength, importance, and certainty, but include the additional layer of moral conviction. Therefore, all moral mandates are strong attitudes, but not all strong attitudes are moral mandates.

Moral mandates result from heavily internalized norms (e.g., "thou shall not kill") and personal commitment to terminal values, such as freedom, equality, or the sanctity of life (Rokeach, 1973). Moral mandates are related to and consistent with Judd and Krosnick's notion of "crowning moral values," (Judd and Krosnick, 1989) that is, those that trump other possibly relevant moral standards or values, and with Locke's emphasis on values as the motivational force that drives individual reasoning and choice (Locke, 1991).

Although moral mandates are rooted in core moral values, moral mandates are not values per se. Moral mandates are the *selective expression* of a core moral value or values. The emphasis on selective expression is important. For example, even though there are many positions that people should theoretically endorse if they have a strong commitment to the value of equality, we know that people are cognitive misers (Fiske and Taylor, 1996) who rarely have perfectly constrained

ideological belief systems (Converse, 1964). Most people choose a finite number of strong moral positions to represent their commitment to a given value. For example, if someone deeply values the sanctity of life and sees their commitment to this value as a reflection of themselves as a decent and moral person, they may selectively express this commitment through a prolife position on abortion. Having a moral position could well be psychologically sufficient for people to persuade themselves that they are authentic moral beings. Once an expression of their commitment to a specific value has been identified, people may feel little pressure to develop other attitudes around that same value (e.g., to also be against capital punishment). Therefore, even though values are the personal ideals that provide moral mandates with their motivational force, an attachment to a specific moral value may or may not logically lead to a logically constrained belief system or a specific *set* of moral mandates.

Although some moral mandates will be well rehearsed (e.g., a specific position on abortion), others will be constructed more on the fly when people are presented with an opportunity to affirm their moral status as good and decent people. For example, public opinion polls clearly indicated that many people were convinced of the guilt of the police officers charged with using unnecessary force in the Rodney King incident, were morally outraged by this incident, and wanted the officers involved to be convicted and punished (Cannon, 1999). In short, many appeared to have developed a moral mandate about the outcome of this case (as well as many other cases that receive this kind of publicity) that in turn shaped their reactions to the subsequent verdict.

Moral Mandates and Perceived Outcome Fairness

The first proposition of the moral mandate hypothesis is that when people have a moral mandate about an outcome (e.g., have a morally mandated stance on abortion, or the outcome of a trial), procedural fairness will become a much less important determinant of whether people will judge an outcome to be fair. At first glance, this prediction would seem to be inconsistent with a large body of research that has found evidence of the "fair process effect," that is, the phenomenon whereby people are generally willing to accept unfavorable outcomes, so long as the procedures leading to them were fair (e.g., Greenberg and Folger, 1983).

However, recent research has found that the availability of social comparison information moderates the fair process effect. It is only when social comparison information is absent that people use procedural information as a heuristic replacement for it in forming outcome fairness judgments (Lind *et al.*, 1993; Van den Bos *et al.*, 1998). In short, important reference points besides procedures shape people's justice judgments when that information is sufficiently available to perceivers. We propose that moral mandates may be one important reference point that people use to decide whether outcomes—and perhaps even procedures—are

fair or unfair. When people do not have a moral mandate, they will use procedural fairness as a heuristic replacement for it in deciding whether the event is fair or unfair.

The Revision Proposition of the Moral Mandate Hypothesis

The moral mandate hypothesis also predicts that when procedures yield outcomes that are inconsistent with a moral mandate, the relative fairness of the procedures will do little to offset the sense of injustice that will result. Instead, this sense of injustice is predicted to motivate people to attempt to explain how the procedure could fail to yield the mandated outcome. Toward this end, they will search memory for procedural flaws to support the conclusion that the procedure was in fact unfair. Our "revision" proposition of the moral mandate hypothesis is consistent with considerable other research investigating the effects of prior beliefs on judgment (see Kunda, 1990, for a review). For example, in Lord *et al.*'s now classic study (Lord *et al.*, 1979), people found much more fault with the procedures researchers used for collecting data when the results of those studies contradicted, rather than supported, their beliefs (see also Houston and Fazio, 1989). Similar findings have been found in multiple domains. Information consistent with a prior belief is uncritically accepted, whereas inconsistent information receives much greater scrutiny, and is more likely than consistent information to be perceived as invalid or confounded (Ditto and Lopez, 1992; Edwards and Smith, 1996; Klein and Kunda, 1992; Kunda, 1987).

When outcomes match moral standards, the outcome will validate the procedure's legitimacy, and could be argued to lead people to perceive the procedure to be even fairer than they did preoutcome. However, because there is little motivation to devote much thought to either outcomes or procedures when morally mandated outcomes are achieved, an upward revision of one's procedural impression is expected to be much less likely than a downward revision when mandated outcomes are not achieved (see also Rutte and Messick, 1995). The prediction that revisionary effects should occur primarily when outcomes fail to match moral mandates is also consistent with research on the effects of validated versus unvalidated prior beliefs (e.g., Ditto and Lopez, 1992; Klein and Kunda, 1992; Koehler, 1993; Kunda, 1987, 1990; Ross and Lepper, 1980).

There is some support for the notion that moral mandates play an important role in how people reason about fairness. For example, Skitka and Mullen (submitted) conducted a longitudinal investigation of people's reactions to the Elián González case. Elián González was the 5-year old found floating in an inner tube off the Florida coast, after the small boat in which he had been trying to reach the United States from Cuba capsized, drowning his mother and most of the other passengers. Elián became the target of a large custody battle between his Cuban father and his Miami extended family. After months of attempting to negotiate

Elián's return to his father, Federal officials retrieved Elián by force in a predawn raid at his Miami relative's home. Several weeks later, Elián returned to Cuba with his father.

Skitka and Mullen (submitted) assessed the degree that a national random sample believed that the government and associated authorities were handling the case in a procedurally fair way, and the extent that people had a moral mandate about how the case should be resolved several weeks before the government raid. Reactions to the case were also assessed immediately following the raid, and then the day that Elián returned to Cuba with his father. The strength of people's moral mandate about the case emerged as the strongest predictor of postraid and postresolution judgments of procedural fairness, as well as decision acceptance and outcome fairness. Including preraid judgments of procedural fairness did not significantly improve the predictive model.

Although the Elián study supported the premise of the moral mandate hypothesis, it seems especially important to explore the cross-situational generalizability of these effects, and to validate the results of this field survey with results of carefully controlled experiments.

Therefore, to further explore the impact of moral mandates on perceived outcome and procedural fairness, Study 1 investigated whether laypeople see trial outcomes in mandated terms, that is, whether people felt strongly that specific outcomes were required of legal trials. Study 1 then explored people's reactions to a "newspaper" account of a murder trial that varied in procedural fairness, insider knowledge of defendant guilt, and verdict. Study 2 explored reactions to a similar newspaper account of a trial, but used an even more egregious procedural violation (vigilantism) to provide a stronger test of hypotheses. It was predicted that (a) laypeople will believe that defendant guilt and innocence mandate specific trial outcomes (conviction and acquittal, respectively); (b) when people have a moral mandate, their sense of fairness will be shaped more by whether the mandate is achieved, than by whether it is achieved by a fair or unfair process; (c) outcomes that do not match moral mandates will prompt reevaluation of the procedures that led to them and to a post hoc judgment that the procedures were unfair; and (d) procedure propriety will matter more than outcomes in people's justice reasoning when they do not have a moral mandate about outcomes.

STUDY 1A

The first goal of Study 1 was to investigate whether laypeople in fact have moral mandates about trial outcomes when defendant guilt is known. To address this question, we asked undergraduates at a large urban university to complete a brief questionnaire that tapped the degree to which they believed the guilty must be convicted and punished, and the innocent must not be.

Method

Participants

Sixty-one (61) university undergraduates completed a brief questionnaire in exchange for partially fulfilling the requirements of an introductory psychology course.

Measures

Participants were asked the extent to which they agreed with the following statements: "For justice to be served, the innocent must be acquitted and the guilty convicted," "A criminal trial is just if it yields the right outcome," "It is extremely important to me that criminal trials arrive at the correct outcome, i.e., that the guilty are convicted and that the innocent go free," "The only just outcome of trials that involve defendants who actually committed the crime for which they are being tried is a conviction," and "The only just outcome of trials that involve defendants who did not actually commit the crime for which they are being tried is acquittal." In addition to these moral mandate items, a more legal definition of just outcomes was also rated: "Because it ensures a just legal system, I can tolerate the notion of some guilty people going free because their guilt could not be proven beyond a shadow of a doubt." Finally, one question tapped trial outcome apathy: "I never think about whether the outcomes of trials are fair." Participants were asked to indicate their level of agreement on 1 (very much disagree) to 9 (very much agree) scales.

If laypeople see trial outcomes in mandated terms (i.e., that the guilty must be convicted, and that the innocent must be acquitted), agreement with the moral mandate statements should be significantly higher than the midpoint of their scales. Conversely, if laypeople endorse a legal definition of justice, their agreement should be higher than the midpoint on the legal definition, and not different or lower than the midpoint on the mandate items. Finally, the notion that people see trial outcomes in mandated terms would not be supported if there were high agreement with the apathy item.

Results

Results supported the idea that people see the match between trial outcomes and true defendant guilt or innocence in mandated terms. One-sample t tests revealed higher than the midpoint and significant agreement with each of the mandate items (all means were above 7 on a 9-point scale). The legal item was not significantly different from the scale midpoint ($M = 5.08$, $t(59) = 0.28$, ns), and the apathy item was significantly below the scale midpoint ($M = 2.49$, $t(59) = -11.88$, $p < 0.001$).

Discussion

In summary, the results of Study 1a indicated that laypeople share a normative moral belief that the guilty must be convicted and the innocent acquitted. Study 1b was therefore launched to explore how people decide whether a verdict and trial are fair as a function of whether they had "inside knowledge" of defendant guilt and the relative propriety of trial procedures.

STUDY 1B

Method

Participants

Participants were 136 university undergraduates who participated in partial fulfillment of their course requirements.

Materials and Procedure

Twelve different versions of newspaper trial descriptions were constructed by fully crossing three factors: defendant guilt (presumed guilty, presumed innocent, or ambiguous as to guilt or innocence), trial outcome (conviction or acquittal), and procedural propriety (proper or improper). Participants read about a crime that involved the murder of a young married couple during the course of a burglary. The investigating detective received a tip from an informer, leading him to a suspect. The suspect was the cousin of one of the victims, and was described as an exconvict, recently paroled after serving time for burglary. The detective became convinced of the suspect's guilt. Acting on the tip, the detective applied for and obtained a search warrant for the suspect's apartment from a magistrate. Items possibly relating to the crime were then recovered from the suspect's apartment. Finally, the suspect was charged and brought before a judge and jury and tried for the murders.

The descriptions were identical to one another except for the following manipulations: (a) *The apparent guilt or innocence of the defendant.* The defendant was made obviously guilty (unknown to police, he had bragged to friends about committing the crime), obviously innocent (unknown to police, a friend of the defendant had bragged about committing the crime to some of his associates), or ambiguous as to guilt (persons knowledgeable about the investigation of the crime were described as being deeply divided over the issue of the defendant's guilt). (b) *The propriety of the procedures used during the crime's investigation and trial.* In the proper procedure condition, the detective was described as having no knowledge of the reliability of the informer who gave the tip, having never dealt with this particular informer in the past. This difficulty raised a question of

whether the tip constituted "probable cause" for granting a search warrant. The detective fully informed the magistrate of the nature of the tip and the informer, and the magistrate agreed to grant the search warrant. However, the trial judge later ruled that the search warrant should not have been granted and excluded evidence obtained via the warrant from the trial.

In the improper procedure condition, the investigating detective knowingly and deliberately lied to the magistrate, saying that he had a long professional relationship with the informer and that the informer had a long history of reliability as a source. Based on the detective's statement, the magistrate granted the search warrant. The judge, not knowing of the detective's lie, later allowed the evidence obtained under the warrant to be presented at the trial over the objections of the defendant's attorney. Procedural propriety was manipulated in this manner so the impropriety of the authorities' behavior would be clear to participants, without participants needing to know a great deal about legal procedures. The final manipulation involved (c) whether the trial resulted in the conviction or acquittal of the defendant.

These three factors were fully crossed to produce a 3 (defendant: guilty, innocent, or ambiguous as to guilt or innocence) $\times$ 2 (procedure: proper or improper) $\times$ 2 (trial outcome: conviction or acquittal) between-subjects factorial design.

Participants were explicitly asked to rate their perception of how fair the trial procedures and outcomes were from their *own* point of view as an outside observer, not as someone taking the role of any of the trial participants.

Measures

Manipulation Checks. To ensure that participants used the intended perceptual frame when evaluating the trial materials, we collected several manipulation checks including participants' own judgments of the defendant's guilt or innocence of the murders (definitely guilty $= -4$ and definitely innocent $= +4$ on a 9-point scale) and their recall of the verdict in the trial. To tap whether we successfully manipulated procedural propriety, participants were asked to evaluate the propriety of the detective's behavior in Smith's case. Specifically, participants were asked to express their agreement or disagreement with two statements concerning the detective's actions: "The Detective showed concern about the legal rights of the Defendant in his investigation of the crime and his obtaining of the search warrant," and "The Detective acted in an unbiased and impartial manner in his investigation of the crime and his obtaining of the search warrant."

Measures of Procedural Fairness. Procedural fairness was assessed with two items that were scaled as a single measure of procedural fairness (Cronbach's $\alpha = 0.80$): "Taken as a whole, I believe that the investigation and trial of Smith for the murders was fair and just," and "The legal process as it applied to this case was fair."

Outcome Fairness. Participants were asked to express their agreement or disagreement with the following statement on −4 (strongly disagree) to +4 (strongly agree) scale: "The outcome of the defendant's trial was fair."

Results

Manipulation Checks

Manipulation checks indicated that the experimental manipulations of procedural propriety, defendant guilt, and trial verdict were perceived as intended. All participants successfully identified whether the defendant was convicted or acquitted in the scenario they read. In addition, participants' judgments of the defendant's guilt or innocence confirmed that participants perceived the defendant consistent with the experimental manipulations. Tukey tests indicated that the defendant in the guilty condition was rated guiltier ($M = -3.00$) than the defendant in the ambiguous condition ($M = -0.86$) who in turn was rated as guiltier than the defendant was in the innocent condition ($M = +2.14$, overall $F(2, 134) = 90.45$, $p < 0.0001$, $\omega^2 = 0.58$).

Two questions tapped whether the detective behaved in a procedurally fair way. Participants in the proper procedure condition felt the detective showed more concern about the legal rights of the defendant in his investigation ($M = 0.22$) than did those in the improper procedure condition ($M = -2.56$), $F(1, 134) = 61.70$, $p < 0.0001$, $\omega^2 = 0.32$. In addition, the detective was perceived to be more unbiased and impartial in the proper ($M = 2.56$) than improper ($M = -1.88$) procedure condition, $F(1, 134) = 26.95$, $p < 0.001$, $\omega^2 = 0.17$.

Outcome Fairness

We hypothesized that the match of defendant guilt with verdict would be the primary determinant of outcome fairness. Trial outcomes should be perceived as fair when a clearly guilty defendant was convicted, or a clearly innocent defendant was acquitted. The trial for the ambiguous defendant should be perceived as fair if the verdict was arrived at through a fair procedure. Results supported hypotheses.

As predicted, the defendant guilt by verdict interaction was significant, $F(2, 124) = 42.80$, $p < 0.001$, $\omega^2 = 0.41$, a result that was not qualified by procedure. Participants rated the trial outcome as more fair when the guilty defendant was convicted than acquitted, $F(1, 124) = 37.77$, $p < 0.001$, $\omega^2 = 0.16$, and when the innocent defendant was acquitted rather than convicted, $F(1, 124) = 47.64$, $p < 0.001$, $\omega^2 = 0.21$. In contrast, the ambiguous defendant's outcome was perceived to be equally fair, regardless of whether he was convicted or acquitted, $F(1, 124) = 1.29$, ns, $\omega^2 < 0.001$.

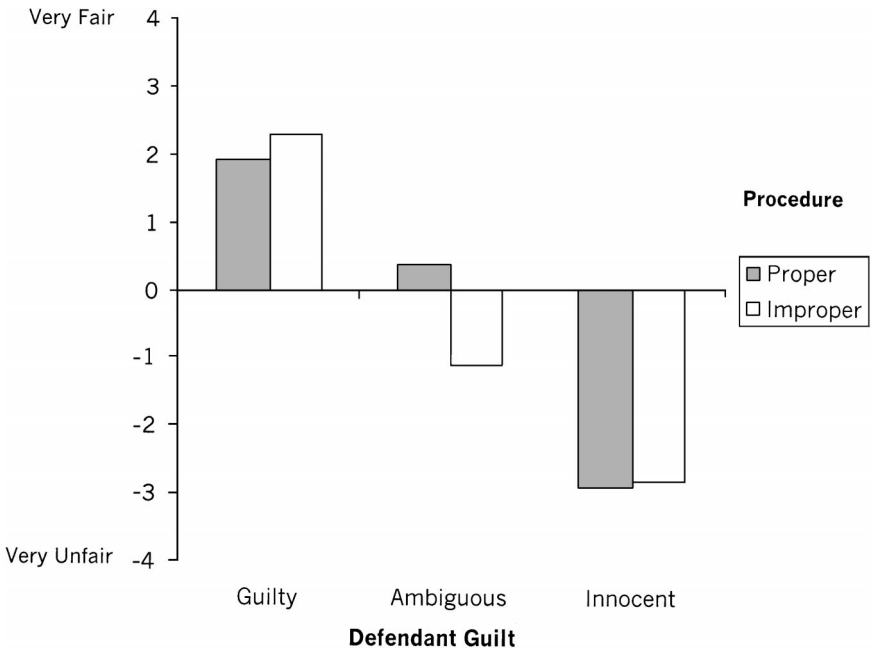

Fig. 1. Perceptions of outcome fairness as a function of procedures and defendant guilt in Study 1. Procedural propriety did not significantly affect perceptions of outcome fairness for the innocent or guilty defendant, but had a significant effect when defendant guilt was ambiguous. The ambiguous defendant's outcome was seen as more fair in the proper than the improper procedure condition.

The moral mandate hypothesis also proposed that the fairness of trial procedures would have little to no impact on people's perceptions of outcome justice for defendants that the participant believed were either guilty or innocent, but that procedural propriety would predict outcome fairness judgments for ambiguous defendants. Planned comparisons of the effect of procedures on perceived outcome fairness indicated that as predicted, procedural propriety did not affect outcome fairness judgments with respect to either the guilty, $F(1, 124) < 1$, $\omega^2 < 0.01$, or innocent $F(1, 124) < 1$, $\omega^2 < 0.01$ defendants. However, there was a marginally significant, but from an effect size perspective meaningful, impact of procedural propriety on how fair trial outcomes were perceived to be for the ambiguous defendant, $F(1, 124) = 3.62$, $p = 0.06$, $\omega^2 = 0.08$ (see Fig. 1 for detail). Participants in the proper procedure condition rated the ambiguous defendant's outcome as more procedurally fair ($M = 1.04$) than did those in the improper procedure condition ($M = -.41$). This difference represents a medium effect size for procedures on outcome fairness judgments in this condition (Cohen, 1977).

In sum, when people had a moral mandate about outcomes (i.e., they knew the true guilt or innocence of the defendant), their perceptions of outcome justice were shaped more by whether the mandated outcome was achieved (41% of the

variance) than by the fairness of the procedures used to arrive at the outcome (3% of the variance). When no moral mandate was available (perceivers did not have inside knowledge about the true guilt or innocence of the defendant), outcome fairness was determined more by whether the procedures were fair, than by the trial verdict. Procedural propriety only influenced perceptions of outcome fairness for defendants with unclear guilt, and for whom participants did not therefore have a morally mandated outcome.

Procedural Fairness

The moral mandate hypothesis also proposes that trial procedures will be found wanting when they failed to arrive at mandated outcomes. In other words, procedural fairness judgments should be affected by the defendant guilt by verdict interaction. Perceived procedural fairness should vary as a function of verdict for the innocent and guilty, but not for a defendant with unclear or ambiguous guilt. Results were consistent with this prediction (see Fig. 2).

The main effect for manipulated procedure independently validated that the detective's behavior successfully affected people's more global impressions of procedural fairness. Participants in the proper procedure condition rated the trial and legal procedures as more procedurally fair ($M = 0.29$) than did those in the improper procedure condition ($M = -1.29$), $F(1, 124) = 25.27$, $p < 0.001$, $\omega^2 = 0.17$. This main effect was qualified, however, by the predicted defendant guilt by verdict interaction, $F(2, 124) = 10.45$, $p < 0.001$, $\omega^2 = 0.14$. Participants thought that the trial was more procedurally fair when it yielded a conviction ($M = 1.06$) than when it yielded an acquittal ($M = -0.09$) of a guilty defendant $F(1, 124) = 13.53$, $p < 0.001$, $\omega^2 = 0.06$. Participants also thought that the trial was more procedurally fair when it yielded an acquittal ($M = 1.66$) than a conviction ($M = -2.21$) of an innocent defendant, $F(1, 124) = 7.72$, $p < 0.01$, $\omega^2 = 0.03$. The ambiguous defendant's trial was seen to be similar in procedural fairness, regardless of whether it yielded a conviction ($M = -0.21$) or an acquittal ($M = -0.21$).

In addition to these predicted effects, defendant guilt also independently influenced participants' perception of procedural fairness, $F(2, 124) = 8.59$, $p < 0.001$, $\omega^2 = 0.12$. Not surprisingly, trying guilty or ambiguous defendants was seen as more procedurally fair ($M = 1.08$ and 0.79, respectively, no differences between these two groups, $F(1, 124) < 1$) than trying a defendant who was innocent, $M = -0.45$, $F(1, 124) = 7.42$, $p < 0.01$, $\omega^2 = 0.03$. No other effects were significant.

In sum, analysis of the effects of procedures, defendant guilt, and verdict on perceptions of procedural fairness supported the moral mandate hypothesis. When there was not a match between moral mandate and trial outcomes (e.g., when a guilty defendant was acquitted, or an innocent defendant was convicted)

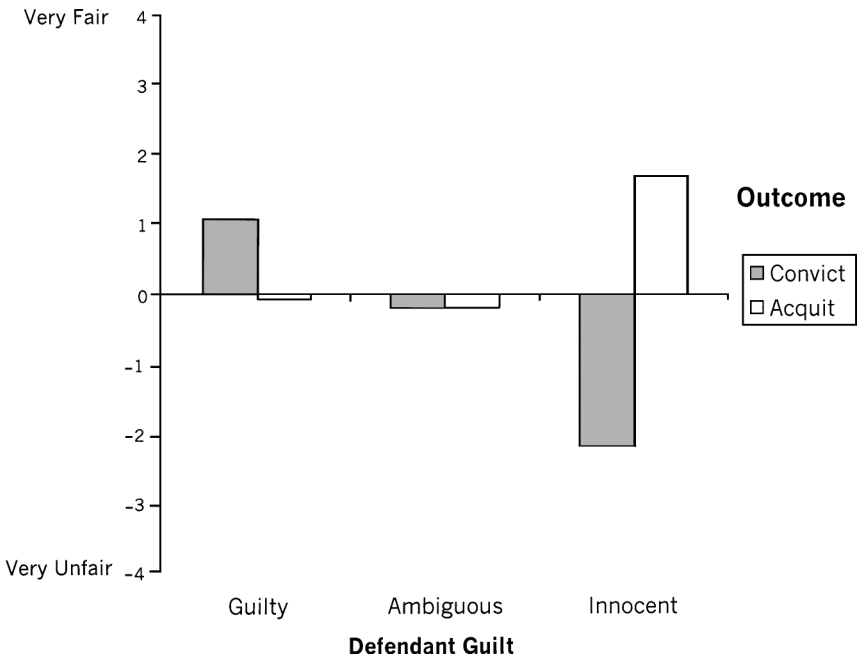

Fig. 2. Perceptions of procedural fairness as a function of verdict and defendant guilt in Study 1. Procedures were seen as more fair when the guilty defendant was convicted, but more unfair when the guilty defendant was acquitted. Similarly, procedures were seen as more fair when the innocent defendant was acquitted, and more unfair when the innocent defendant was convicted. Conviction and acquittal were seen as equally procedurally fair for the ambiguous guilt defendant. Procedural propriety did not qualify these results.

participants devalued the fairness of both proper and improper procedures. When there was no moral mandate (the defendant's guilt was ambiguous), perceptions of procedural fairness were unaffected by trial verdict.

Discussion

Study 1 first examined whether people felt morally mandated that the guilty must be convicted, and the innocent must be acquitted. Although the current system of American law is designed to minimize the possibility that the innocent could be convicted, it does so at the expense of allowing there to be a higher error rate on correctly convicting the guilty. Even though Americans are well-steeped with the notions such as "innocent until proven guilty," "beyond reasonable doubt," and the not uncommon phenomena of defendants going free on the basis of procedural violations despite rather clear guilt, they nonetheless strongly endorsed the notion that justice *demands* that the guilty be convicted and punished, and with as much

vehemence as they felt that justice demands that the innocent go free. In short, despite the cultural emphasis on the protections of due process, laypeople nonetheless saw trial outcomes in morally mandated terms when guilt or innocence was believed to be known.

We then examined people's perceptions of procedural and outcome fairness in response to a trial that varied in procedural propriety, perceived defendant guilt, and verdict. Consistent with hypotheses, the match of defendant guilt and verdict was the strongest predictor of people's sense of outcome fairness (accounting for 41% of the variance in perceived outcome fairness). When people had a moral mandate, their perceptions of outcome justice were determined by whether that mandate was achieved, and procedural propriety had little to no impact on outcome fairness assessments. When there was no moral mandate (when defendant guilt was not clearly known), verdict had no impact on perceived outcome fairness. Procedural propriety emerged as a meaningful predictor of outcome fairness only of the ambiguous defendant's trial, explaining 8% of the variance, and did not explain any outcome fairness variance when the defendant was very likely to be innocent or guilty.

Whether a moral mandate was achieved also emerged as a strong predictor of perceived procedural propriety. When outcomes failed to match moral standards (e.g., when the guilty were acquitted, or the innocent were convicted), people devalued the procedural fairness of even proper procedures. However, when there was no clear moral mandate (defendant guilt was ambiguous), verdict had no significant impact on procedural fairness ratings.

Although consistent with the predictions of the moral mandate hypothesis, one alternative explanation for the failure of procedures to explain more variance could be that procedural fairness was not manipulated strongly enough. Convicting the innocent and acquitting the guilty may be seen as more egregious violations of outcome fairness than lack of a proper investigation or inappropriate introduction of evidence is a violation of procedural fairness.

To address this possibility, Study 2 was designed to investigate the moral mandate hypothesis under conditions that compared proper procedures against a more extreme procedural violation. We used the same murder case that was used in Study 1 with some modifications. Instead of describing various improprieties in the introduction of evidence, procedural impropriety was this time instantiated by describing the defendant as shot and killed by an enraged family member of one of the murder victims before he could be tried for his alleged crime. In short, procedural propriety was manipulated by describing the defendant as receiving a proper trial (using the same description of the trial procedures in the proper procedure condition of Study 1b), or not having due process, and instead being the victim of vigilantism.

In Study 1b, the newspaper stories ended with a trial verdict; participants did not learn anything about sentencing if the defendant was convicted. To keep the defendant's fate constant across conditions in this version of the study, we

dropped the acquittal condition, and described the convicted defendant as receiving the death penalty for his crime. Therefore, regardless of procedure, participants learned that the defendant died for his alleged crime.

We predicted that the defendant's outcome would be seen as more fair if the perceiver had inside knowledge of the defendant's guilt and as more unfair if there was inside knowledge of the defendant's innocence, regardless of whether the guilty or innocent defendant died as a function of a sentence following a fair trial or by vigilantism. Procedure, however, should be the critical determinant of how perceivers respond to the ambiguous defendant. His outcome should be seen as fair if it is the result of a fair trial, and unfair if it is the result of vigilantism.

In addition, the revision proposition leads us to predict that perceivers will rate the trial and vigilantism as equally procedurally fair for defendants who are presumed to be guilty, and equally unfair for defendants presumed to be innocent. However, the trial will be perceived as more procedurally fair than vigilantism for defendants' whose guilt is unknown or ambiguous.

STUDY 2

Method

Participants

One hundred and twenty-three (123) university undergraduates received partial fulfillment of course requirements for participating in the study.

Design

The experiment was a 3 (defendant guilt: guilty, innocent, or ambiguous) $\times$ 2 (procedure: trial or vigilante justice) between-subjects design.

Procedure

All participants read the same newspaper description of the crime and investigation procedures as used in proper procedure condition of Study 1. Again, the criminal case was described as real, and so participants believed they were reacting to events that had actually occurred. Procedural fairness in this study was manipulated by whether the target received a trial or was killed by a vigilante before a trial. Participants in the vigilante condition read the following after learning about the investigation that led to Smith's arrest:

> The day that Smith's trial was to begin arrived. Smith was taken from the local jail in a police car to the courthouse. As officers were escorting him into the courthouse, there was a sudden commotion and several gunshots were fired. Jack Green's father had shot Smith

to death. The father instantly collapsed and sobbed about avenging the death of his son and his son's wife, and was easily taken into custody by the police.

In contrast, participants in the trial procedure condition read the proper trial description used in Study 1, with the addition that the defendant was convicted, sentenced to death, and subsequently killed.

Measures

Manipulation Checks. To tap whether the procedural propriety manipulation was successful, participants were asked their agreement with the items "Smith was given a fair opportunity to present his case" and "The defense was able to present their version of the events." When scaled, the procedural propriety manipulation check items yielded a Cronbach's $\alpha = 0.76$. Two items assessed whether participants felt morally mandated that Smith be acquitted, or not punished for the crime: "True justice in this case required that the defendant be acquitted" and "True justice required that Smith be set free." When scaled, these items had a Cronbach's $\alpha = 0.83$. Finally, two items assessed whether participants felt morally mandated that Smith be convicted, or punished for the crime: "True justice in this case required that the defendant be convicted," and "True justice required that Smith be punished for his crimes." These items scaled yielded a Cronbach's $\alpha = 0.86$.

Measures of Procedural Fairness. Procedural fairness was assessed with two items, measured on -4 (strongly disagree) to $+4$ (strongly agree) scales. Items were: "Justice was served because the process by which Smith was judged was fair," and "Taken as a whole, the procedures used to determine Smith's punishment were fair." When scaled, the postverdict measures of procedural fairness yielded a Cronbach's $\alpha = 0.86$.

Outcome Fairness. Outcome fairness was assessed with three items, measured on -4 (strongly disagree) to $+4$ (strongly agree) scales. These items were "The outcome of the defendant's case was fair," "Justice was served because Smith got the outcome he deserved," and "Smith deserved what happened to him." This scale yielded a Cronbach's $\alpha = 0.93$.

Results

Manipulation Checks

Manipulation checks indicated that defendants who received a trial were perceived as being treated with more procedural fairness ($M = 1.87$) than defendants who were shot on their way to trial ($M = -1.13$), $F(1, 121) = 13.65$, $p < 0.001$, $\omega^2 = 0.10$. In addition, perceived mandated punishment varied as intended as a

function of defendant guilt, $F(2, 121) = 40.64$, $p < 0.01$, $\omega^2 = 0.40$. Tukey tests indicated that participants strongly agreed that true justice required that the guilty defendant be punished ($M = 3.19$), moderately agreed that the ambiguous defendant should be punished ($M = 1.56$), and disagreed that the innocent defendant be punished ($M = -0.50$), all pairwise comparisons significant. Analysis of the question tapping whether participants agreed that true justice required that the defendant be acquitted or set free mirrored these results, $F(2, 120) = 36.37$, $p < 0.01$, $\omega^2 = 0.38$. Specifically, Tukey tests indicated agreement that true justice required that innocent defendant be acquitted or set free, $M = 1.19$, and strong disagreement that the ambiguous or guilty defendants be acquitted or set free ($M = -1.77$ and -3.28, respectively, all pairwise comparisons significant). Results therefore indicated that laypeople saw the connection between defendant guilt and punishment in morally mandated terms.

Outcome Fairness

Regardless of procedure, the moral mandate hypothesis predicted that outcome fairness judgments would be determined more by the match between the actual and mandated outcome than by procedures. In this case, Smith's punishment should be seen as equally fair or unfair regardless of procedure in the guilty and innocent defendant conditions. Procedure, however, should have a significant impact on the perceived fairness of the punishment given to the ambiguous defendant. When Smith's guilt was ambiguous, his outcome should be rated as more fair in the trial than the vigilante procedure conditions. Results supported these predictions (see Fig. 3 for detail).

As predicted, the procedure by outcome interaction was significant, $F(2, 117) = 5.64$, $p < 0.05$. Planned comparisons indicated that procedure (trial or vigilante justice) did not influence the perceived fairness of the outcome for the guilty defendant, $F(1, 117) = 2.09$, ns, $\omega^2 = 0.03$, or the innocent defendant, $F(1, 117) = 0.06$, ns, $\omega^2 < 0.01$. Procedure did, however, impact the perceived fairness of the outcome for the ambiguous defendant, $F(1, 117) = 5.84$, $p < 0.05$, $\omega^2 = 0.10$. Being killed through a guilty verdict in a death penalty case was seen as a fairer outcome ($M = 0.35$) than being killed by a vigilante before receiving trial ($M = -1.29$) when the defendant's true guilt was ambiguous.

In sum, whether the defendant was killed because of vigilante or legal justice affected outcome fairness judgments only when the defendant's guilt was unknown. When participants felt confident of the defendant's guilt or innocence, the perceived fairness of the defendant's outcome was determined solely by whether it matched participants' moral mandate that the guilty be punished, and that the innocent be set free.

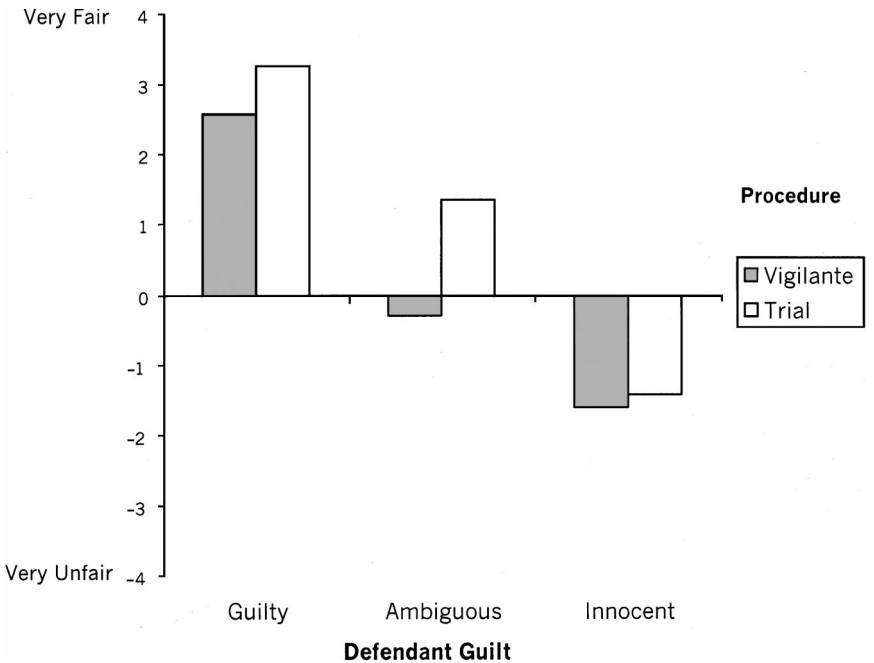

Fig. 3. Perceptions of outcome fairness as a function of procedure (trial or vigilantism) and defendant guilt in Study 2. Participants thought putting a guilty defendant to death was fair, and an innocent defendant to death was unfair, regardless of whether it was the result of a fair trial or vigilantism. Procedure only significantly impacted judgments of outcome fairness when defendant guilt was ambiguous: Participants viewed the trial to be more procedurally fair than vigilantism when defendant guilt was ambiguous.

Procedural Fairness

The revision prediction of the moral mandate hypothesis also predicted that people would devalue their perceptions of procedural fairness when outcomes failed to match moral mandates. Results supported this proposition of the moral mandate hypothesis. Analysis of the defendant by procedure ANOVA with the dependent variable of perceived procedural fairness yielded significant main effects for procedure, $F(1, 117) = 11.32,\ p < 0.01,\ \omega^2 = 0.09$, and for defendant, $F(2, 117) = 17.21,\ p < 0.01,\ \omega^2 = 0.23$, with no significant interaction, $F(2, 117) < 1$.

As expected, the trial was seen as more procedurally fair ($M = 0.30$) than vigilante justice ($M = -0.23$). Consistent with hypotheses, the match between defendant guilt and outcome, however, also impacted people's judgments of procedural fairness. The proper trial and vigilante justice were both perceived as more procedurally unfair when applied to an innocent defendant ($M = -0.59$)

than when applied to an ambiguous ($M = 0.32$) or guilty ($M = 1.44$) defendant (Tukey tests indicated that all pair wise comparisons were significant at $p < 0.05$).

DISCUSSION

The results of the studies presented here supported the propositions of the moral mandate hypothesis. Moral mandates led people to judge outcomes as fair only if the mandate was achieved, regardless of whether that outcome was arrived through a fair or unfair process. Procedural fairness was more important in contexts in which people did not have a clear notion of just outcomes (a finding also consistent with the predictions of fairness heuristic theory, e.g., Van den Bos *et al.*, 1998). When people were not sure about a given defendant's guilt, they felt that the outcome was fair if the trial procedures were fair (Study 1), or when the defendant had the protections of due process (Study 2). These results were consistent with but also expand on recent research by Van den Bos *et al*. (1998) that found that people use procedures as a substitute for solid references to equity-based social comparisons. The present work builds on this base to suggest that other outcome justice reference points—not just social comparisons—can similarly moderate the fair process effect. Taken together, these results indicated that when people have a clear moral standard, their assessments of justice done were shaped more by *whether* the standard was achieved, than by *how* it was achieved.

There are some disturbing implications of these results. Moral mandates may well go beyond being a moral standard that allows people to evaluate the fairness of outcomes and the procedures that yield them. Moral mandates appear to legitimize any procedure so long as the mandated end is achieved. Moreover, moral mandates could form the foundation and justification for extreme actions taken in the name of justice, such as civil disobedience, rioting, and vigilantism. How far is it from accepting "deserved" vigilantism on the part of others, to justifying one's own behavior to achieve just ends outside of the procedures designed to maintain civil society?

Although the results of the studies conducted here were consistent with the revision proposition (people rated even fair procedures as less fair when they did not yield fair outcomes, i.e., when the guilty were acquitted, or the innocent were convicted), future research is needed to fully support this component of the moral mandate hypothesis. We did not test the motivational processes theorized to underlie why perceptions of procedural fairness are revised downward following a failure to achieve a moral mandate. Future research will need to more explicitly examine whether people hesitate and explicitly seek out additional procedural information to enable them to revise their assessments of procedural fairness after outcomes fail to match a moral mandate.

Finally, additional research is needed to more clearly establish that the moral mandate construct adds unique explanatory power beyond current measures of strong attitudes. Because moral mandates are hypothesized to have a privileged

status because of their ties to the self, they should theoretically be more resistant to persuasion or change than equally strong, but nonmoral, attitudes. Similarly, they should also prove to be stronger predictors of variables such as liking versus social distance from others who either do or do not share the perceiver's perspective. Preliminary results of work in progress are revealing support for the premise that moral mandates are different from strong attitudes. For example, the degree to which people indicated that their candidate preference in the 2000 U.S. presidential election was tied to their core moral values and convictions predicted who reported voting in the election, and reactions to proposed solutions to the election impasse (e.g., hand counts, let the courts decide), even when controlling for attitude strength ("I feel very strongly about who should win the election") and for strength of party identification (Skitka and Bauman, unpublished). However, if moral mandates do not consistently turn out to be different from strong attitudes, these results nonetheless demonstrate the importance of personal moral beliefs in predicting how people decide whether something is fair or unfair.

CONCLUSION

This line of inquiry supports the notion that moral standards have an important impact on how people decide whether a given event is fair or unfair, and on people's willingness to accept legal decisions as just. Taken together with other recent theorizing (e.g., Cropanzano *et al.*, 2001; Folger and Cropanzano, 2001; Haidt, in press) and research (Skitka, in press; Skitka and Mullen, submitted), it is clear that greater attention needs to be focused on how the justice reasoning process is affected by people's core moral beliefs and convictions, and the cognitive, affective, and behavioral consequences of violating or validating moral mandates. Moreover, we need to come to a better understanding about how all of James' (1948/1892) aspects of the self—the material self, the social self, and the personal/moral self—shape how and when people think about justice and injustice, and the conditions when the concerns of each self-system will predict how people think, feel, and react to just and unjust events.

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