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Rap Lyrics as Evidence: An Examination of Rap Music, Perceptions of Threat, and Juror Decision Making

DISSERTATION

submitted in partial satisfaction of the requirements
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DOCTOR OF PHILOSOPHY

in Criminology, Law and Society

by

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Abstract of The Dissertation

Rap Lyrics as Evidence: An Examination of Rap Music, Perceptions of Threat, and Juror Decision Making

By

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Doctor of Philosophy in Criminology, Law and Society

University of California, Irvine, 2017

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In courtrooms across the U.S., defendant-authored rap lyrics are being introduced as incriminating evidence. Prosecutors describe these lyrics as an admission of guilt. Others, however, fear rap lyrics are being used as evidence because of stereotypes about the genre and the artists associated with it, which may affect trial outcomes. Only a handful of studies have empirically examined concerns about this practice, and these studies are methodologically limited and becoming increasingly outdated. My dissertation involves a set of studies that address these limitations and build upon previous research. In Study 1, which consists of three experiments, I examined the impact of genre-specific stereotypes on the evaluation of violent song lyrics by manipulating the musical genre ascribed to the lyrics while holding constant the actual lyrics. Experiment 1, a direct replication of previous research, found that participants deemed identical lyrics more literal, offensive, and in greater need of regulation when they were characterized as rap compared to country**.** I found in Experiment 2 that this genre effect was not unique to one set of lyrics and in Experiment 3 that it was not influenced by the race of the songwriter. Findings from Study 2, which used a similar design as Study 1, revealed that the

songwriter of the lyrics was viewed more negatively across a number of dimensions when the lyrics were categorized as rap rather than country, punk, or heavy metal. Finally, in Study 3, I examined the adjudicative consequences of using rap lyrics as evidence in a criminal trial. In particular, participants evaluated rap lyrics in two contexts, one of which was a trial, and then provided a verdict for the trial. Results revealed that participants who believe a defendant is guilty were more likely to treat rap lyrics as an admission of guilt compared to when the lyrics were not presented in the trial context, however evaluations of the lyrics did not predict verdict. Ultimately, these findings provide insight into the potential consequences of introducing rap lyrics as evidence at trial.

Chapter 1

Introduction

Rap music is rhymed story-telling that represents the political and social experiences common to inner-city communities throughout the United States (Perry, 2004; Rose, 1994). Scholars have described rap music as a vehicle to express the economic and social frustration of the black community (Rose, 1994), as a form of communication that is indecipherable to outsiders (Gilroy, 1995; Keyes, 2002), and as a means to construct identity through music (Fricke & Ahearn, 2002; Krims, 2000; Perkins, 1996). The music commonly discusses poverty (Perry, 2004), crime and violence (Kubrin, 2005), the loss of loved ones (Rose, 1994; Kubrin 2005), police surveillance (Nielson, 2009; Rose, 1994), and distrust of the criminal justice system (Kubrin, 2005; Martinez, 1997; Nielson, 2009, 2011; Steinmetz & Henderson, 2012). These different characterizations, in one way or another, all emphasize that rap is a form of cultural expression that prioritizes black voices and communicates the marginalization of black communities.

Although rap music was created, in large part, as a response to social marginalization (Rose, 1994) and police oppression (Nielson, 2011), negative characterizations of the music have often depicted the black community as violent and dangerous (Anderson, 2015; Saucier & Woods, 2014; Schneider, 2011). For example, public and media representations of the music often highlight a one-dimensional stereotype of black men that focuses on guns and drugs, rather than the verbal dexterity and the creativity of those who create the music (Russell-Brown, 2009). This is especially true for some subgenres of rap, like gangsta rap, which often reference violence, criminality, and misogyny to challenge social conditions in many black communities or to employ commercially lucrative tropes (Kubrin & Nielson 2014). In the 1990s, the perception

that rappers are threats to community safety was reinforced when parents, law enforcement officials, and the media reported studies showing a link between listening to rap music and acceptance of violence (Johnson, Jackson, & Gotto, 1995), misogynistic attitudes (Gan, Zillman, & Mitrook, 1997), and anti-social behavior (Hansen & Hansen, 1990). Analyzing how the news media portrays both rap and heavy metal music, Binder (1993) found that rap was often portrayed through a "danger to society" frame whereas heavy metal was portrayed through a "corruption" frame. In other words, the media often portrayed rap music as resulting in community violence and crime, but portrayed heavy metal as resulting in self-destructive behavior (e.g. drinking and self-harm).

Perhaps for this reason, rap music has had a contentious relationship with the legal system and been regulated in various ways. For example, early on, the distribution and performance of rap was often censored because the music was viewed as obscene and in need of regulation (Crenshaw, 1991; Dixon & Linz, 1997). During the 1980s and 1990s, artists like Too Short, LL Cool J, and 2 Live Crew were arrested for performances that authorities viewed as lewd and profane. Other rap music was regulated when law enforcement viewed songs as inciting violence in communities. While much of the music discussed themes such as police brutality and black empowerment, law enforcement argued that the music constituted a threat to public safety (Perry, 2004). In order to limit the distribution of the allegedly threatening music, law enforcement officials attempted to have albums pulled from stores shelves (Blecha, 2004; Hirsch, 2012; Nielson, 2009) and impeded rappers' efforts to perform their music in public (Marsh & Pollack, 1989).

Today, however, we see rap lyrics used as evidence in criminal cases. In courtrooms across the U.S., rap lyrics, specifically gangsta rap lyrics, are being presented as autobiographical

confessions to establish a defendant's guilt (Dennis, 2007; Kubrin & Nielson, 2014; Powell, 2009; Wilson, 2005). In particular, prosecutors commonly explain that the content present in some rap lyrics provides insight to the facts of a case, which can help jurors determine whether a defendant is guilty. Others, however, highlight that lyrics from music genres such as punk, rock, and even heavy metal, have not been treated in the same way by the courts (Dennis, 2007). Critics of this practice also note that these cases almost always involve aspiring rappers—young black men from impoverished neighborhoods—who are mimicking the lyrical style and content of more famous gangsta rappers (ACLU of New Jersey, 2013; Dennis, 2007; Kubrin & Nielson, 2014). The practice of using rap lyrics as evidence in criminal trials raises questions about whether evaluations of rap lyrics, and the people who write them, are influenced by stereotypes about rap music. Additionally, it is unclear how the adjudicative context of a trial might impact evaluations of the lyrics and how those evaluations predict juror verdicts.

Thus, this dissertation addresses these questions. More specifically, using a set of experimental studies, this dissertation empirically tests specific mechanisms that may contribute to the impact of using rap lyrics as evidence. In Chapter 1, I survey the circumstances where rap lyrics might be introduced as evidence by prosecutors, discuss criticism of the practice, and describe the few studies that directly test those concerns. In Chapter 2, I assess how stereotypes about rap music influence perceptions of the threatening nature, autobiographical nature, and need to regulate the lyrics. In Chapter 3, I explore the types of character inferences made from a person's lyrics and how those inferences are moderated by the genre ascribed to the lyrics. In Chapter 4, I examine the adjudicative consequences of using rap lyrics as evidence in criminal trials. In Chapter 5, I consider the implications of this research, particularly focusing on policy

recommendations as well as building on discussions regarding the relationship between race and the criminal justice system.

The Arguments For and Against Rap Lyrics as Evidence

A review of cases reveals multiple circumstances when rap lyrics may be introduced as evidence. One circumstance is when the lyrics are thought to constitute a *true threat,* or "a threat that a reasonable person would interpret as a real and serious communication of an intent to inflict harm" (see Hirsch, 2014 for a detailed discussion of a true threat). In these cases, prosecutors explain that violent lyrics articulate a rapper's plan to carry out violent criminal acts (for examples, see Baumgartner v. Eppinger, 2013; Bell v. Itawamba, 2015; Elonis v. United States, 2015). In one case, for example, police interpreted the rap lyrics of Olutosin Oduwole, a university student and aspiring rapper, as a threat against his university, which resulted in Oduwole being charged with making a terrorist threat. In *People v. Oduwole* (2013), police found an abandoned car on the campus of Southern Illinois University, where Oduwole was a student. After a couple of days, the police towed the car and connected it to Oduwole. When authorities searched his car they found six rounds of .25 caliber ammunition in the front console between the seats. They also found a piece of paper lodged between the seats. On one side of the paper were his scribbled rap lyrics with lines such as ''follow that thang to da ground when she drop it; pop it mami, pop it." The other side of the paper also had his lyrics jotted down ("I Lead she a follower, / I'm single and I'm not wit her, but she / gott a throat deeper than a Sword/Swallower . . . ''). Also on the back of the paper were unrhymed lyrics that mentioned a "murderous rampage similar to the VT [Virginia Tech] shooting," which police interpreted as a real threat.

Using the lyrics, the police were able to obtain a warrant so that they could search Oduwole's apartment. During the investigation, police found a gun in the apartment and discovered that Oduwole had recently purchased four automatic pistols. After the investigation, police arrested Oduwole, and he was charged with making a terrorist threat. At trial, Oduwole was adamant that the lines were notes for a new rap song and that he, like many other songwriters, would often scribble down ideas on random pieces of paper while developing new lyrics[1]. He and his defense introduced an expert at trial to explain to jurors how rap music typically offers embellished depictions of violent activity and that Oduwole's lyrics followed tropes common to the genre. Nevertheless, Oduwole was convicted of making a terrorist threat and illegal possession of a loaded pistol in campus housing. After serving two years of his five year sentence, Oduwole's conviction was overturned on appeal.

Prosecutors may also introduce defendant-authored rap lyrics at trial to demonstrate a defendant's intent, motive, or requisite knowledge for committing a crime (for examples, see United States v. Garnes, 2015; People v. Herron, 2013; United States v. Moore, 2011; United States v. Price, 2005). In the case of *Skinner v. State* (2012), aspiring rapper Vonte Skinner was charged with the attempted murder of Lamont Peterson. Skinner had thirteen pages of his rap lyrics introduced to prove he had intent and motive to commit the crime. In 2005, police were dispatched to investigate a possible shooting and arrived to find the victim Lamont Peterson, who had been shot seven times. The victim told police that Skinner was the shooter and claimed that he saw him hiding in nearby bushes before the shooting. He explained that he saw Skinner pull out a gun, but did not remember many other details about the shooting. Skinner initially said

[1] Kubrin and Nielson (2014) describe the lyrics as possibly being the intro or outro of a song; a convention that is common to rap music. In an intro or outro, rappers establish context for a song or album without necessarily using rhyming language.

he was not at the scene of the crime, but later admitted he was there for a drug deal and was speaking with the victim when shots were fired. Skinner claimed that he ran when he heard gunshots and that the shooting was committed by another man who had an ongoing dispute with the victim. During the investigation, police found notebooks filled with Skinners' rap lyrics, which referenced acts of violence toward unidentified individuals, including women.

In 2008, during the criminal trial, the prosecutor had a police officer on the stand to read excerpts from thirteen pages of lyrics, which referenced general violent acts, guns, and misogynistic acts towards women. For example, lyrics such as, "You tried to get me,/ but my guns talked first./ Got you in a hearse, face up in a church,/ With a clay-made face/ and an R.I.P. shirt," which were written before the shooting, were presented to the jury. Skinner claimed that, as a rapper, the lyrics were a form of self-expression that he had used since childhood and that they did not reference any particular event. However, the prosecution contended that the lyrics demonstrated the defendant's intent and motive to shoot and murder Peterson, whom with Skinner had an ongoing dispute. The prosecution also argued that the lyrics depicted a culture of violence and retribution that linked the defendant to the crime. The jury convicted Skinner of attempted murder, aggravated assault, and assault with a deadly weapon. He received a 30 year prison sentence. In 2012, several years after Skinner had been convicted, an appellate court ruled that the lyrics were prejudicial and overturned the conviction, but the State appealed the appellate court's decision.

When the case reached the New Jersey Supreme Court, the justices affirmed the decision of the lower appellate court (case No. A-57/58, N.J. Super Ct., 2014), ruling that the lyrics only gave additional weight to the victim's testimony and did not provide new information. The appellate judges also explained that the lyrics should not have been admitted in the first place

because their probative value was outweighed by their potential biasing effect. The court pointed out that it is difficult to infer intent or motive from fictional work because the fiction is not clearly tied to reality. The court determined that the lyrics should not have been admitted in this case and explained lyrics are only admissible when there is "a strong nexus between specific details of the artistic composition and the circumstances of the offense" (p. 35). This case, one of only a handful of cases where lyrics have been deemed inadmissible by appellate courts (for examples, see Hilton v. Bell, 2011; People v. Oduwole, 2013; State v. Cheeseboro, 2001; Skinner v. State, 2014), alluded to restrictions for using rap lyrics as evidence, but did not go as far as describing how specific the references need to be or how fictional work should be interpreted.

Currently, there is a debate regarding whether rap lyrics should be used as evidence, with prosecutors on one side of the debate and defense attorneys, rappers, and scholars on the other side. Prosecutors often describe rap lyrics as literal, self-referential narratives that can be easily interpreted by the lay public (Dennis, 2007). Furthermore, they explain that the autobiographical nature of rap lyrics provides important information to jurors. For example, in *Neblett v. Commonwealth* (2006), the prosecutor argued that the defendant's rap lyrics should be admissible because they are autobiographical. In 2006, Taquan Neblett, an aspiring rapper, was charged with shooting and killing a music store employee during a robbery. During the investigation, police found lyrics written by Neblett, which included verses like, "So any nigga in the path to the flow of my cash/ Will find that breathing is a privilege when taking your last." In an attempt to admit the lyrics as confession evidence, the prosecutor argued that lyrics should be admissible because they are "a reflection of the defendant's soul" (cited in Dennis, 2007, p. 7). The prosecutor also maintained that the lyrics are autobiographical because "the defendant is

living his lyrics" (cited in Dennis, 2007, p.7). Although the lyrics were ruled inadmissible at the guilt phase of the trial, Neblett was convicted and the lyrics were admitted during the sentencing phase of the trial.

The idea that rap lyrics are literal and self-referential is also articulated in a prosecutorial handbook, *Prosecuting Gang Cases: What Prosecutors Need to Know*, authored by former District Attorney Alan Jackson (Jackson, 2004). In this handbook, Jackson argues that prosecutors should aim to introduce the jury to the "real defendant" (p. 15) because at trial he or she will have "taken on the aura of an altar boy," (p. 15) and that through "photographs, letters, notes, and even music lyrics, [the prosecutor] can invade and exploit the defendant's true personality" (p. 16). In a similar vein, an article from the United States Attorney's Bulletin (2006) states that lyrics "verbalize [rappers] attitudes, motivations, and lifestyles" (Lyddane, 2006, p. 2), suggesting that lyrics are indicative of a rapper's state of mind.

Ultimately, prosecutors explain that, given the autobiographical nature of the music, rap lyrics should be admitted as evidence. Citing the Federal Rules of Evidence[2], prosecutors claim that rap lyrics are relevant and admissible because they help jurors understand the facts of the case. In some cases, like the case of Oduwole, prosecutors claim rap lyrics are a confession that speak directly to the guilt of the defendant. In other cases, like that of Skinner, prosecutors claim that rap lyrics are relevant because they are evidence of a defendant's intent or motive to commit a crime. Regardless of which claim is made, the overarching argument is that the lyrics are relevant to determining whether it is more or less probable that the defendant is guilty. Given the low threshold for relevance, the literal interpretation of the lyrics often results in the lyrics being admitted as evidence (Dennis, 2007).

[2] FRE 401 defines evidence as relevant if: (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action.

However, rappers and scholars counter that the literal interpretation of rap music ignores other, important interpretations of the genre. As Kelley (1996) argues, rappers are essentially "street ethnographers" who can articulate the varied perspectives and experiences found in many low-income black communities. Through characterizations of neighborhoods, relationships, and daily life, the rapper can provide a framework for understanding how structural inequality and violence can influence communities (Payne, 2016; Rose, 1994). To do this, rappers often use artistic conventions to convey meaning. One example of an artistic convention regularly employed in rap is metaphor (for other examples see Cobb, 2008; Krim, 2000). While common to other art forms, metaphor holds special meaning in rap music (Perry, 2004; Rose, 1994). Through violent language and graphic imagery, rappers use metaphor in an attempt to shatter taboos, satirize racial stereotypes, or demonstrate agency in a socio-political environment where resources can be scarce (Anderson, 2000; Gates Jr., 2011; Kitwana, 1994; Kubrin, 2005a; Payne, 2016; Perry, 2004). For example, in rap music, descriptions of murder can represent hopelessness or frustration with injustice (Perry, 2004), drug use can represent nihilism (Kubrin, 2005; Perry, 2004), and gun possession can be used metaphorically to represent masculinity (Kitwana, 2004).

Specific examples of metaphorical violence are pervasive in rap music. In one particular example, Nas, a rapper who gained prominence in the early 1990s, imagines himself as a gun in his song *I Gave You Power*. Using the first-person perspective of a semi-automatic handgun, Nas articulates a complex relationship between guns and violence in his community (Niesel, 1997). The song illustrates how guns can represent masculinity (e.g. "My abdomen is the clip, the barrel is my dick uncircumcised") and power (e.g. "I gave you power, I made you buck-wild"). However, the song also depicts the consequences of gun violence (e.g. "I might have took your

first child/ Scarred your life, or crippled your style") and the relationship between guns and death (e.g. Placing people in graves, funerals made cause I was sprayed"). Furthermore, the relationship between metaphor and violence is highlighted in the construction of some rap personas. For example, Michael Render, an Atlanta-based rapper, explains that his stage name, Killer Mike, which is often understood by lay people to mean that he is a violent killer, references how he, metaphorically, kills the microphone with his lyrics because he is such a skilled rapper (Kreps, 2015).

Even when references to violence are not metaphorical, they are not necessarily accurate representations of an event either. As rap music has become more commercialized, presenting lyrics as authentic accounts of one's violent "hood" experiences has become critical to success in the industry (Kitwana, 1994; Kubrin & Nielson, 2014; Weitzer & Kubrin, 2009). As Eithne Quinn (2013) describes, rap songs are framed as authentic to "feed the vast appetite for 'black ghetto realness' in the popular culture marketplace" (p. 32). In other words, rappers commonly use hyperbolic boasts to exaggerate their involvement in violent and criminal activities, thereby reinforcing their outlaw status and maintaining marketability (Kubrin, 2005; Perry, 2004). Thus, commercialization has resulted in a proliferation of graphic, violent songs due to a pressure to depict particular kinds of images, whether authentic or not (Quinn, 2013; Rose, 2008).

Additionally, rappers have often constructed violent, criminal personas, whether genuine or not, to remain marketable and secure contracts with successful record labels (Krims, 2000). One such example is Rick Ross, a Florida-based rapper who chose the name "Rick Ross" because of "Freeway" Rick Ross, a former Los Angeles drug kingpin. Rick Ross presents himself to the public as a gangsta rapper from Miami who is opposed to the police and immersed in gang culture. However, the *Smoking Gun* released documents showing that Rick Ross was a

college graduate who used to work as a prison guard, contradicting the persona Rick Ross constructed ("Screw Rick Ross," 2008). After the release of the documents, the rapper admitted that he only plays the role of the gangster rapper "Rick Ross" to maintain his image in the industry.

Scholars and rappers maintain that the content of rap lyrics often reflect the varied perspectives and experiences that exist in low-income black communities (Payne, 2016) and/or the commercialization of the genre (Quinn, 2013; Rose, 2008) more so than a self-referential narrative. Those not familiar with rap music may not understand why certain lyrical formulas, or stock lyrical topics primarily known to musicians and their audiences, may be prevalent in rap music (Stoia, Adams, & Drakulich, 2017). Thus, a lack of cultural knowledge about rap, specifically about its history and conventions, can result in difficulty separating a rapper's persona from the real person (Wilson, 2005).

This issue has been raised in an amicus brief for *Skinner* where the American Civil Liberties Union of New Jersey (2013) explains that the socio-political discourse and symbolic expression of rap is transformed into a literal admission of guilt or proof of motive when the genre's conventions are ignored. The concern is that stereotypes about rap result in the lyrics being evaluated as literal, threatening, and relevant evidence. The ACLU goes on to argue that lyrics from other genres, which also reference illicit acts, are not interpreted with the same literality as rap music, potentially because different assumptions are held about these other genres and their artists. This point has also been made by scholars like Crenshaw (1991), who argues that interpretations of and reactions to rap music stem from stereotypes about the genre

that are not applied to other explicit or offensive albums from white entertainers, such as those from Madonna or Andrew Dice Clay.[3]

A related issue raised in the *Skinner* brief is that the potential conflation of rap and real life potentially impacts how jurors evaluate the case, including the defendant's character and other evidence presented at trial. The ACLU explains that the "vivid, but fictional" (p. 22) descriptions of gang life are introduced by prosecutors to prove intent or motive, but the "first-person narrative and pervasive violence makes them susceptible to misuse [by jurors]" (p. 22). This speaks to a more general concern that the lyrics will bias jurors decisions and that judges will not be able to discern whether this impact is, in fact, harmful to the defendant's case (Dennis, 2007; Powell, 2009). For example, even though prosecutors claim that the lyrics are being used to prove the defendant's intent or motive for a crime, many defendants and defense attorneys argue that the lyrics inform jurors' perceptions of whether the defendant is the type of person who would commit a crime (Dennis, 2007). This potential misuse of the lyrics can remain unchecked because judges are often skeptical of any harmful impact from the lyrics and appellate judges commonly rule that the introduction of violent rap lyrics did not make a significant impact on jurors' decisions (Dennis, 2007; Powell, 2009).

Past Research on Rap on Trial

Only a handful of studies have directly examined concerns related to the use of rap lyrics as evidence. Previous experimental research has demonstrated that violent song lyrics are seen as

[3] This is not to say that other genres have not had a contentious relationship with the legal system. Indeed, some heavy metal music has been censored because of the concern that it would incite listeners to become violent (Blecha, 2004). For example, artists like Ozzy Osbourne and Judas Priest were accused of inciting listeners to commit suicide because of their music (Martin, Clarke & Pearce 1993; Weinstein, 2000). In other cases, such as the West Memphis Three, prosecutors have introduced defendants' preference for heavy metal music as evidence of a propensity towards violence (Leveritt, 2002). However, these practices differ from the treatment of rap music in the courts, which involves the introduction of defendant-authored lyrics as evidence of criminal involvement.

more threatening when presented as rap compared to country (Fried, 1999; Fried, 1996) and that the inclusion of rap lyrics as evidence at trial negatively influences the perception of a defendant's personality (Fischoff, 1999). Findings from these studies provide some empirical support for the concern that lay people use stereotypes about the genre to interpret lyrics and characterize the artist. However, this research consists of only a couple of studies, is methodologically limited, and is becoming increasingly outdated. As described later, one goal of the dissertation is to replicate and extend this small body of research. However, before going into detail about how I will do this, it is important to describe the most direct tests of the perception and impact of rap lyrics as well as discuss their limitations.

Fried (1996)

Fried (1996) conducted a study to test the effect of a music genre label (e.g. rap or country) on the evaluation of violent lyrics. Her hypothesis was that violent lyrics labeled as rap music would be perceived more negatively than identical violent lyrics labeled as country music. To test this hypothesis, she recruited 118 people between the ages of 20 and 84 from public places in a mid-size southwestern city. Experimenters approached potential participants and asked them to participate, an approach that yielded a 15% refuse to participate rate. Participants were instructed to read and evaluate a set of music lyrics. Before reading the lyrics, participants were randomly assigned to learn that the lyrics were from a rap, country, or folk song. In the folk condition, participants read that the lyrics were a folk song written by The Kingston Trio in 1991. In the other two conditions, participants learned that the lyrics were from a rap or country song written by D.J. Jones in 1991. However, all participants read identical lyrics from *Bad Man's Blunder,* a 1960s folk song by the Kingston Trio.

Fried selected these particular lyrics for a number of reasons. For example, rather than use rap lyrics, Fried used folk lyrics to isolate the effect of genre label and remove confounds such as the lyrics' style or content. In other words, Fried (1996) wanted to test whether the evaluation of violent lyrics would change merely by changing the genre ascribed to the lyrics. Fried also selected these lyrics because of the violent content present in the song. She explains that this song, like other rap songs at the time, depicts a young man who intentionally, and without remorse, shoots and kills a police officer. Finally, Fried used a pre-test to determine how participants might evaluate these lyrics and whether participants could discern the genre of the lyrics. The pretest indicated that the lyrics could be plausibly presented as either country music or rap music.

Using a 9-point scale, participants responded to how much they agreed with statements about the offensiveness of the lyrics, the threatening nature of the lyrics, the need for the lyrics to be regulated, and whether the lyrics would incite violence. The scale ranged from 1 (strongly disagree) to 9 (strongly agree) with 5 being neutral. To test for differences between conditions, Fried (1996) used an ANOVA for each dependent measure. She found that, across all measures, participants evaluated the violent lyrics more negatively when the lyrics were categorized as rap compared to country or folk. Not only were the lyrics evaluated significantly more negatively, but the genre label also affected whether participants evaluated the lyrics negatively or positively. That is, participants were likely to agree that lyrics labeled as rap were offensive and threatening, whereas participants were likely to disagree when identical lyrics were labeled as country. Participants evaluated violent lyrics categorized as country and folk similarly.

While Fried's research is important to discussions about the impact of rap lyrics as evidence in criminal trials, there are potential limitations with her study. For example, there are

questions about the sampling procedure and resulting sample in the study. The location of the experiment, described only as a "mid-size southwestern city" (p. 709), reveals little about the area's specific demographic composition. In addition, other than mentioning the recruitment of subjects at "public areas such as malls, coffee houses, and so forth" (p.710), Fried (1996) provides little information about her recruitment procedure and the demographics of the resulting sample. Given that rap is rooted in a black cultural experience, it is important to know the racial and socio-economic composition of the area where the study was conducted as well as the composition of her sample. It is possible that her results may be unique to the community where she conducted her study.

Another potential limitation is that the experiment was conducted during a time period where rap was highly scrutinized by the public (i.e. 1990s), which could create a historically-specific effect because stigmatization of the genre was particularly salient. Indeed, Fried identifies the heightened scrutiny of rap music and references public reactions to controversial songs such as *Cop Killer* as the impetus for her research. While rap music is still associated with violence and criminality today, it does not receive the same media and congressional attention as it did in the 1990s. The implications of this shifting context for the findings remain unknown. Also unknown is whether the historical context of race relations in the 1990s impacted study findings. More specifically, it is unclear whether Fried's findings would replicate in a time period that many may consider more egalitarian and post-racial.

Fried (1999)

In 1999, Fried conducted a follow-up study to replicate her original findings and determine whether demographic variables moderated the genre label-evaluation relationship. She used convenience sampling to recruit 146 individuals of varying ages at a local mall in a

midsized Southwestern city. Similar to the first study, there was a 15% refuse to participate rate. Procedures were similar to those in the original study. Participants read the lyrics from *Bad Man's Blunder* and learned that the lyrics were from a rap song or country song written by D.J. Jones. However, in this study, Fried did not include a "folk song" condition. After reading the lyrics, participants responded to statements about the offensive nature of the lyrics, the threatening nature of the lyrics, and the need to regulate the lyrics. In addition to the dependent measures from the original study, participants responded to a number of demographic questions, such as age, gender, parental status, music preferences, and music-buying habits. The music preference question used a free response format where participants wrote the type of music they preferred. Music-buying habits was measured by the number of albums the participant purchased in the previous six months. Unfortunately, race was not included as a demographic variable. Fried (1999) explained that the experimenters could not accurately identify different racial groups and that she did not want any self-report of race by the participant to act as a racial prime. Ultimately, she hypothesized that the genre effect would be more pronounced for parents, older participants, and participants who were less familiar with rap music.

Before analyzing the results, Fried (1999) created a single composite measure from the individual response items (α=.96), which was labeled "negative reaction to the lyrics." Consistent with the findings from her previous study, Fried found that manipulating the genre label of the lyrics had a significant effect on *negative reaction* scores. On average, participants in the rap condition evaluated identical lyrics significantly more negatively than participants in the country condition. Further analyses tested whether there was an interaction between the genre label and demographic characteristics. Findings indicated significant interactions between genre and demographic variables. For example, a significant age-by-condition interaction was detected,

where only older participants showed a significant effect of genre label on *total negative reaction* score. Additionally, results showed that participants who had children viewed violent lyrics categorized as rap more negatively than when identical lyrics were categorized as country, and those who bought fewer albums were sensitive to the genre effect unlike those who purchased more albums. Results also indicate that the genre manipulation affected evaluations of participants who preferred country, easy listening, religious, or classical music, but those who preferred jazz/blues, oldies rock, or heavy metal/alternative rock were insensitive to the manipulation. Ultimately, Fried found that identical violent lyrics are evaluated more negatively when categorized as rap instead of country, and that this effect is more prevalent among specific demographic groups than others.

Given the similar procedure and materials from Fried (1996), this follow-up study runs into some of the same methodological issues as the original study as well as has some additional potential limitations. For example, although Fried sought out to test stereotypes of rap and country, which she argues are racialized stereotypes, she may actually have tested the impact of stereotypically violent genres compared to stereotypically non-violent genres on evaluations of violent lyrics. While she explained the effect as one caused by stereotypes about rap, it is unclear whether the effect extends to other genres which are traditionally viewed as promoting violence. A comparison between rap and other stereotypically violent genres, like heavy metal, could improve her study. Given that heavy metal is not associated with the black community, a point she cites when discussing *Cop Killer*, using heavy metal as an additional comparison condition could better demonstrate her claim that her findings are occurring because of racialized stereotypes about rap music. Furthermore, it is unclear whether participants in her study showed negative stereotypes about rap, positive stereotypes about country, or both; an important issue

when exploring potential reasons that rap music has been historically stigmatized. As explained in detail later, the dissertation addresses each of these limitations in a series of experiments.

Fischoff (1999)

Fischoff (1999) conducted a study to assess the impact of rap lyrics as evidence. He hypothesized that when participants are shown a person's violent, misogynistic rap lyrics, participants are more likely to infer that the person has negative personality traits (e.g. dishonest, selfish). To test his hypothesis, Fischoff recruited 134 students from Cal State University Los Angeles with a mean age of 27.6 years. Participants were presented biographical information about a hypothetical 18-year old African American man. The biographical information included his age, good academic record, and track scholarship. Participants were randomly assigned to one of four conditions, which varied in regards to the presence of murder charges and rap lyrics. Participants in the murder charges condition learned that the man was on trial for murdering his former girlfriend. Participants in the lyrics condition read an excerpt of his rap lyrics, which referenced slapping an unidentified woman and other violent, misogynistic acts. Participants in the murder charges plus lyrics condition read the lyrics and learned that the man was on trial for murder. Fischoff also had a control condition where the murder charges and violent lyrics were not included in the biographical information. After reading the biographical information, participants evaluated the man's personality along several dimensions on a 6-point scale (1=most negative, 6=most positive). For example, participants evaluated traits such as being caring, selfish, sexually aggressive, and capable of murder.

Fischoff used the presence of lyrics and murder charges as independent variables and used personality item evaluations as well as an aggregated *total score* as dependent variables. Results indicated that the presence of rap lyrics had a significant effect on perceived personality

traits for every trait except truthfulness. On average, participants in the rap lyrics condition evaluated the man as having negative personality traits and those in the no rap lyrics condition evaluated him with positive personality traits. For example, participants in the rap lyrics condition viewed the man as selfish and those in the no lyrics condition viewed him as unselfish. However, when analyzing the effect of a murder charge, a significant main effect was only detected for six of the nine individual traits and the total score. Being charged with murder did not affect evaluations of the man's perceived selfishness, likability, and modesty. Fischoff concluded that the act of writing violent lyrics had more of an influence on personality assessments than did murder charges. He suggested that by introducing violent lyrics at trial, prosecutors can activate a general negative impression of the defendant.

Fischoff also tested for an interaction between the presence of murder charges and lyrics, and used the *total score* as the dependent variable. When testing for an interaction, Fischoff found that participants viewed the hypothetical man most negatively when rap lyrics were included at trial and when murder charges were filed, and least negatively when neither was presented. Surprisingly, a person who wrote violent lyrics but had no murder charge was viewed more negatively than a defendant with a murder charge but who had not written violent lyrics. Fischoff concluded that participants presume "people who write ugly, violent gangsta' rap lyrics may be predisposed to murder" (p.796), which he offers as evidence to highlight the prejudicial nature of rap lyrics as evidence.

Apart from these important findings, a number of questions still exist. For example, it is unclear whether different inferences from the lyrics and the murder charge were based on how the evidence was described (e.g. murder charge vs. murderer). One alternative explanation for violent rap lyrics evoking more negative reactions than a murder charge is that participants knew

that the man wrote violent lyrics, but did not know whether the man was, in fact, a murderer. This could mean that respondents are reacting more to the lyrics than the murder charges because they are unsure about the defendant's guilt, but more certain that the man writes violent, misogynistic lyrics. It is also unclear whether the effect detected in his study would be found for violent lyrics from a different genre or even the same lyrics labeled as a different genre. Given Fischoff's contention that *rap* lyrics are problematic as evidence, it is important to explore how the genre ascribed to the lyrics affects perceptions of personality traits in comparison to other genres.

Previous research on the perception and impact of violent lyrics labeled as rap (Fischoff, 1999; Fried, 1996; Fried, 1999) has provided some empirical support for concerns about using rap lyrics as evidence, but this research is minimal and leaves much room for improvement. For example, questions remain as to whether stereotypes about rap still exist today. Moreover, it is unclear how rap lyrics might impact juror decisions in an actual adjudicative context. Further research is necessary to fully understand the perception and impact of this type of evidence. This dissertation builds on the important, but limited research on the use of rap lyrics as evidence and addresses a number of important remaining questions.

Overview of Dissertation

Although there has been extensive scholarship on the representation of rap music in the media (Binder, 1993; Keyes, 2002; Kitwana, 1994; Martinez, 1997; Perry, 2004; Rose, 1994) and the courtroom (Dennis, 2007; Kubrin & Nielson, 2014; Powell, 2009; Wilson, 2005), this research is rarely empirical (Kubrin & Nielson, 2014). The previous scholarship is important for theorizing about the implications of admitting rap lyrics as evidence, yet empirical research is necessary to substantiate concerns articulated by scholars, prosecutors, and defense attorneys.

Furthermore, the few empirical studies that do exist have some of the methodological limitations noted earlier. Therefore, the goal of this dissertation is to empirically examine the possible biases associated with evaluating rap lyrics and rappers and, more broadly, to highlight a novel way in which race and the criminal justice system interact.

To do this, the dissertation draws heavily on the stereotyping and juror decision making literatures, respectively. Scholars have suggested that public perception of rap, and those who create it, can bias evaluations of lyrics as well as the case more generally (Dennis, 2007; Kubrin & Nielson, 2014; Powell, 2009; Wilson, 2005). In fact, a well-established body of literature has already shown that racial stereotypes are used to evaluate ambiguously threatening behavior (Correll, Park, Judd, & Wittenbrink 2002; Devine, 1989; Duncan, 1976; Levinson, Cai, & Young, 2010; Payne, 2001). While race is an obvious source of bias affecting perceptions of threat, stereotypes associated with cultural practices, like writing rap music, may also be implicated. By categorizing lyrics as *rap music*, artists—and their speech—may inherently become more threatening and incriminating. Furthermore, given previous research on juror decision making (Simon, 2004), there may be specific consequences for introducing rap lyrics as evidence at trial. For example, juror verdicts may alter how the lyrics are evaluated. Potentially, stereotypes about rap music and the consequences of introducing rap lyrics into the trial context may contribute to the effectiveness of this ostensibly race-neutral practice.

Ultimately, a number of important questions pertaining to the use of defendant-authored rap lyrics as evidence exist. One broad question relates to commonly held assumptions about rap music and rap culture. That is, are evaluations of rap lyrics informed by assumptions about the genre? In particular, are violent lyrics, and those who write violent lyrics, evaluated differently when the music is categorized as rap compared to other music genres? This set of questions

stems from the concern that jurors may not understand the genre conventions of rap music, and rather, will rely on stereotypes about the genre to inform their judgments. A second broad question relates to the consequences of using rap lyrics as evidence in an adjudicative context. That is, how does the introduction of defendant-authored rap lyrics at trial affect juror decisions? For example, do jurors view rap lyrics as confession evidence and do evaluations of rap lyrics predict verdicts? This set of questions stems from the concern that using rap lyrics as evidence biases juror decisions, thereby increasing the likelihood of a conviction. My dissertation, which consists of a set of three studies, is designed to answer these questions.

Chapter 2 describes a replication and extension of Fried's (1996, 1999) research, which tested concerns about the impact of stereotypes related to rap music on evaluations of violent lyrics. The study, which is a set of three experiments, assesses the impact of genre-specific stereotypes on the evaluation of violent song lyrics by manipulating the musical genre (rap vs country) while holding constant the actual lyrics. The first experiment, a direct replication of previous research (Fried, 1996), tests the impact of stereotypes related to rap music on evaluations of the perceived threatening nature, offensiveness, and need to regulate a set of violent lyrics. Additionally, this first experiment expands on Fried's (1996) research by exploring how genre-specific stereotypes impact evaluations of the literality of the lyrics, or how true the lyrics are perceived to be by participants. The second experiment is a conceptual replication, which uses a similar design as the first experiment, but uses a different set of violent lyrics to test the generalizability of the genre effect.

A third experiment in the study analyzes the effect of potential limitations in the previous two experiments. In particular, the race of the artist is not specified and thus participants might make assumptions about the race of the songwriter when evaluating the lyrics. Participants might

assume that the author of the rap lyrics is black and the author of the country lyrics is white. Additionally, it is unclear whether the previous design tests for positive stereotypes about country music, negative stereotypes about rap music, or both. Thus, the third experiment uses the same approach as the previous two experiments, but experimentally manipulates the race of the author of the lyrics (i.e. black or white) and adds a control "no genre label" condition.

In Chapter 3, I explore the concern that jurors' inferences about a defendant's bad character and involvement with crime are informed by stereotypes related to rap music (Dennis, 2007; Fischoff, 1999; Kubrin & Nielson, 2014; Powell, 2014; Wilson, 2005). In particular, some have expressed concern that jurors do not understand the genre conventions of rap music and instead conflate an artist's lyrics with his or her true personality (Dennis, 2007; Kubrin & Nielson, 2014; Parks & Ray, 2013). Using an experimental design similar to the previous experiments, I examine how the genre label ascribed to lyrics affects assumptions about the songwriter's character and criminal history. This study also explores whether participants make inferences about a songwriter's intent and motive to commit a crime from the lyrics, and whether these inferences are moderated by the genre label ascribed to those lyrics.

While the studies in Chapters 2 and 3 are important for understanding how jurors might perceive rappers and their lyrics at trial, they do not examine the perception and impact of the lyrics in an adjudicative context. That is, these studies do not explore how rap lyrics might be evaluated in a trial context, which includes other evidence, juror instructions, and rendering a verdict. The final study in this dissertation does just that. In Chapter 4, I describe a study that tests whether presenting rap lyrics in a trial context affects the evaluation of the lyrics. Additionally, this study explores how evaluations of rap lyrics predict verdicts. To do this, participants evaluate lyrics in two different contexts, one of which is a criminal trial. Ultimately,

the hypothesis for this study is that participants will change their evaluations of the lyrics to cohere with their verdict. For example, participants who think the defendant is guilty will be more likely to evaluate the rap lyrics as a confession when the lyrics are presented in the context of a trial than when presented in a different context. Furthermore, it is expected that participants who evaluate the lyrics as confession evidence will be more likely to render a verdict of guilty.

Using this set of studies, this dissertation aims to empirically examine factors that influence the evaluation of rap lyrics and the people who write them. More specifically, these experiments explore specific mechanisms that may be contributing to the effectiveness of using rap lyrics as evidence. Thus, Chapter 5 discusses potential policy recommendations for judges who must consider whether to admit rap lyrics at trial. Furthermore, Chapter 5 builds on current discussions about the relationship between race and the criminal justice system. In particular, this research comes at a time when attitudinal surveys show a decline in overt racism yet researchers find continued racial disparities in the criminal justice system and need to further investigate alternative and novel explanations (Pearson, Dovidio, & Gartner, 2009).

Chapter 2

Threatening Nature of "Rap" Lyrics[4]

For decades, advocates and critics have contested the meaning of rap music. On the one hand, advocates of rap music use analyses of rap songs to illustrate how the music often represents community reactions to police surveillance (Nielson, 2010, 2011), police violence (Kubrin, 2005; Perry, 2004), and mass incarceration (Steinmetz & Henderson, 2012). Furthermore, analyses of contemporary rap music have shown that the commercialization of the genre has increased the prevalence of violent and misogynistic songs (Quinn, 2013; Rose, 2008). In contrast, critics of rap music suggest that the music is an unartistic effort to celebrate criminal behavior, particularly by detailing one's own illicit acts (McWhorter, 2001). Analysis of legal cases demonstrates how prosecutors depict rap lyrics as truthful boasts about criminal activity (Dennis, 2007; Parks & Ray, 2013; Powell, 2009; Wilson, 2005). These two interpretations hinge on whether or not the lyrics are interpreted as literal. However, the plausibility of each depiction may be informed by stereotypes about the genre. In fact, in a 2013 report, the American Civil Liberties Union (ACLU) of New Jersey made just this point. The ACLU argued that songs from other genres that reference illicit acts, like Johnny Cash's *Cocaine Blues*, are not interpreted with the same literality and offensiveness as rap music because other genres are viewed as artistic or satirical, a point previously articulated when rap music was undergoing a period of heightened public scrutiny in the 1990s (Crenshaw, 1991).

Additionally, advocates of rap music are concerned that assumptions about the genre are informed by who is writing the music—that is, young black men from impoverished communities. Often, the concern is that prosecutors are invoking assumptions about

[4] Portions of this section are reproduced from Dunbar, Kubrin, & Scurich, 2016

dangerousness for "someone who already looms as a threatening stereotype in the minds of society'' (as cited in Nielson, 2012). In fact, these arguments largely rest on the idea that negative assumptions about rappers are informed by negative views of poor black men. For example, Killer Mike, a rapper and vocal critic of using rap lyrics as evidence, suggests that people do not make similar assumptions about dangerousness for white performers, like the Killers. Rather, the assumptions about dangerousness "only seems to apply in an unfavorable manner when you're talking about a 6-foot-3 black guy" (Barnes, 2015). However, legal scholars raise the concern that these inferences, whether based on race, genre, or some combination of the two, potentially inform inferences about a defendant's guilt in a specific case (Chrysler, 2015; Dennis, 2007; Powell, 2009). That is, jurors may assume that a person who writes rap music may be the type of person who would commit a crime and is therefore more likely to be guilty. These negative characterizations of rap extend to media representations of rappers, which often depict performers as violent criminals, rather than as artists or entertainers (Binder, 1993; Butler, 2004; Nielson, 2012; Russell-Brown, 2009; Wilson, 2005).

Thus, one of the main concerns about using rap lyrics as evidence is that jurors are using stereotypes, both about the genre and those who create it, to interpret the lyrics and make character inferences about defendants (Dennis, 2007; Kubrin & Nielson, 2014; Nielson, 2012). Stereotypes about rap music, therefore, are central to an understanding of why the introduction of lyrics in criminal cases may be so effective. To address some of these concerns a set of experiments explores how stereotypes about rap music affect evaluations of violent lyrics. In particular, three experiments address the specific question of how genre-specific stereotypes affect evaluations of the perceived threatening nature, offensiveness, and literality of violent lyrics. Below, I describe the theoretical framework for these experiments.

Stereotyping and Decision Making

Given concerns that the general public is not aware of the historical context and genre conventions of rap music, and rather, relies on assumptions about the genre to inform their decisions, research on stereotyping is a useful theoretical framework. In 1954, Gordon Allport defined a stereotype as an "exaggerated belief associated with a category" (p. 191). He explained that stereotypes are categories of seemingly associated traits used to process information more quickly, which may be more or less rational depending on the information used to construct the stereotype. For example, a rational stereotype for birds is that they have wings and can fly. He explained that stereotypes are irrational when associations are based on inadequate evidence or when relevant contradictory evidence is ignored. A stereotype is comprised of multiple associated traits, where the activation of one trait can activate other traits related to the stereotype (Bargh & Pietromonaco, 1982; Kunda & Thagard, 1996). The definition has been revised to describe a category that contains knowledge and expectations about a social group (Hamilton & Sherman, 1996). For example, Cohen (1981) showed that participants expect that librarians prefer wine and waitresses prefer beer. Bargh, Chen, and Burrows (1996) also added to the definition by discussing the role of the situation in activating stereotypes. While stereotypes can be activated by social category information, stereotypes can also be activated by social situations. Bargh and colleagues (1996) explained that relevant situational features in an environment can activate related attitudes or behaviors. For example, environmental features of a dimly lit alley may activate thoughts about danger if the alley is in an impoverished neighborhood.

Individuals can be consciously aware of stereotypes because they are typically shared cultural associations, but the activation of the associations can also occur at the unconscious

level (Devine, 1989). The use of stereotypes for information processing is more likely to occur when a decision maker has minimal information (Kunda & Spencer, 2003) or when the decision maker needs to simplify a complex decision (Bodenhausen & Lichtenstein, 1987). When a person is motivated to avoid prejudice, stereotype activation can be inhibited, but activation may be increased if a person is tasked with comprehending a situation (Kunda & Spencer, 2003).

Research finds that stereotypes play a role in evaluating threatening individuals and situations, especially under conditions of ambiguity (Correll, Park, Judd, & Wittenbrink, 2002; Darley & Gross, 1983; Devine, 1989; Duncan, 1976; Hamilton, 1979; Kunda, 1999; Kunda & Thagard, 1996; Levinson, Cai, & Young, 2010). Duncan (1976) tested the effect of racial stereotypes on evaluations of an ambiguous shove. In his experiment, participants watched two confederates discuss solutions to a problem. The participant evaluated the behaviors of the confederates whenever instructed by the experimenter. Near the end of the conversation between the two confederates, the conversation became "heated" and one man "shoved" the other. The participant was informed that the shove was the last action to be evaluated, but that the experiment needed to end. The race of the shoving confederate was manipulated (i.e. white or black) and the shove was evaluated. Duncan (1976) found that when the shove was committed by a white confederate, it was viewed as more likely to be playful or adding dramatic effect. When the shove was committed by a black confederate, it was viewed as more likely to be aggressive or violent. Duncan explained that the stereotype of black people being aggressive was used to interpret the ambiguous shove.

More current research has shown that stereotyping potentially affects decisions in the criminal justice context. In 2002, Correll, Park, Judd, and Wittenbrink used a video game task to examine the association between race and the ease of detecting a weapon. In the task,

participants were asked to determine whether a target person was armed in a computer simulation. If the target person was armed, the participant would click a button to fire their "weapon." If the target person was unarmed, the participant would click a button to holster their weapon. Correll and colleagues (2002) found that participants were more accurate with identifying black armed targets and faster at identifying unarmed white targets. They concluded that it was easier for participants to associate black people with an armed threat. Related research finds that individuals identify pictures of a weapon more quickly when they are primed with a black face compared to a white face (Payne, 2001; Eberhardt, Goff, Purdie, & Davies, 2004; but see Francis, 2015 and Francis, 2016 for criticism of Eberhardt et al, 2004).

Stereotypes have also been shown to play a role in how individuals recall facts in criminal cases. Research on stereotyping and memory demonstrates that the activation of racial stereotypes results in individuals recalling more incriminating details about a criminal case (Banaji & Bhaskar, 2000). Bodenhausen and Wyer (1985), for example, found that when a crime is stereotype congruent – that is, when a crime is commonly associated with a particular racial group – participants are more likely to remember incriminating facts from the case than when the crime is stereotype incongruent.

Stereotyping is even found to impact evaluations of a defendant's culpability. Graham and Lowery (2004) tested the effect of racial stereotypes on a series of decisions about juvenile defendants. They primed participants with either neutral (e.g., heaven, loneliness) or race-related (e.g., homeboy, basketball) words and tested the effect of the prime on perceptions of a youth's culpability, risk of recidivism, and deserved punishment. Graham and Lowery (2004) found that the activation of racial stereotypes resulted in increased perceived culpability and a harsher punishment for the defendant.

These findings buttress findings from related research, which show that racial stereotypes have real life consequences for defendants when it comes to sentencing decisions (Bridges & Steen, 1998; Eberhardt, Davies, Purdie-Vaughn, & Johnson, 2006; Steen, Engen, & Gainey, 2005). In one study on race and sentencing, for example, researchers found that defendants who were perceived as more stereotypically black—in other words, who had more Afro-centric facial features—were more likely to be sentenced to death compared to defendants who were perceived as less stereotypically black (Eberhardt et al, 2006). In another study that analyzed narrative reports about juvenile offenders written by probation officers, researchers discovered pronounced differences in probation officers' attributions about the causes of delinquency by white versus minority youth—differences that translated into longer sentences for black youth (Bridges & Steen, 1998).

Music and Stereotypes

Fewer studies have explored stereotypes about music, particularly music genres that are considered violent or harmful to society. Yet findings from this small body of literature are revealing. Research documents that a song is evaluated as more graphic when it is categorized as "banned" (Negut & Sarbescu, 2014) and more suicide-affirming when it is framed as "potentially harmful to the listener" (North & Hargreaves, 2005). Research also finds that stereotypes are genre specific. For example, rap music is more likely than other genres to be associated with young, ethnic minorities from urban communities, (Schevy, 2008), concepts like unfriendly and untrustworthy (Schevy, 2008), and traits like low intelligence (Rentfrow & Gosling, 2007; Rentfrow, McDonald, & Oldmeadow, 2009). Rap and rock music are also both frequently stereotyped as threatening and violent, particularly when compared to country and pop music (Ballard, Bazzini, & Dodson, 1999; Rentfrow & Gosling, 2007).

Although genres like rock and rap are both stereotyped as threatening, research has shown that rap music, unlike rock, is viewed as uniquely harmful to society (Fried, 2003; Binder, 1993). For example, Binder (1993) demonstrates that newspaper articles often frame rap music as threatening to society, whereas newspaper articles discussing rock music frame the music as threatening to the listener. More specifically, the concern is that rap music will cause listeners to commit crime, whereas listeners of rock will be more likely to engage in risky sexual behavior, excessive alcohol consumption, and self-harm—a distinction, she argues, which is based on what types of audiences are associated with each genre. In related research, Fried (2003) compared stereotypes about rap music fans and heavy metal music fans. Participants were asked to describe either the prototypical rap or heavy metal fan. Consistent with Binder (1993), Fried (2003) found that fans of heavy metal were stereotyped as more self-destructive and fans of rap were seen as more violent towards others. Related research also shows that stereotypes about violent music extend to the individuals who write the lyrics. As discussed previously, Fischoff (1999) conducted an experiment to determine the impact gangsta rap lyrics might have on potential jurors. He found the lyrics exerted a significant impact, generating more negative evaluations of the young songwriter's character across a number of traits, including whether he was capable of committing a crime.

Research has also demonstrated how rap lyrics activate stereotypes related to race more broadly. In one example, Johnson, Trawalter, and Dovidio (2000) had participants listen to a four minute clip of a violent rap song, non-violent rap song, or no song. The participants in the two conditions with songs evaluated the lyrics and potential impact on a listener. Participants were then told they were taking part in a second study and read vignettes about a man threatening his girlfriend, a job applicant, and a pilot in training, respectively. The first two vignettes were

hypothesized to relate to stereotypes of black people (i.e. high aggression and low intelligence) and the third (i.e. spatial skills) was not. After reading each vignette, the participant evaluated the target male in the story. Johnson, Trawalter, and Dovidio (2000) found that participants who listened to violent rap music (compared to non-violent rap and no music) were more likely to evaluate the target male in an unrelated task as more dispositionally violent and less intelligent, concluding that violent rap lyrics activated stereotypes associated with black men. Exposure to rap music has also been shown to lead to less empathetic judgments toward black victims (Johnson, Bushman, & Dovidio, 2008) and negative attitudes about rap are related to increased support for racially discriminatory policies (Reyna, Brandt, & Viki, 2009).

Only a handful of studies have examined the direct impact of rap music stereotypes on evaluations of the lyrics, an issue at the forefront of using rap lyrics as evidence. In these studies, experimenters ask respondents to evaluate a set of violent lyrics, manipulating the genre label in an attempt to isolate the effects of the genre. Dixon and Linz (1997), for example, presented respondents with sexually explicit rap lyrics or sexually explicit non-rap lyrics, both of which were viewed as equally explicit in a pre-test. They found that the sexually explicit music was considered more offensive and less artistic when it was labeled as rap compared to when it was labeled as non-rap, revealing that similar lyrics are evaluated differently depending on the genre. As discussed previously, Fried (1996), in order to more precisely isolate the genre effect, conducted a study where participants read identical violent lyrics but were told they were from different music genres (i.e. rap or country). She found that the lyrics were evaluated more negatively when categorized as rap compared to country.

Study 1

The first three experiments in this dissertation, which comprise Study 1, explore the assumptions society holds about rap music and specifically, how stereotypes about the genre can affect evaluations of violent lyrics. The aim of these experiments is, in large part, to address the concern that judges, prosecutors, and jurors may not know how to interpret rap lyrics (Kubrin & Nielson, 2014; Perry, 2004) and may use stereotypes about the genre to interpret meaning (Hirsch, 2014; Fried, 2003), transforming the lyrics from self-expression into self-incrimination (Nielson, 2012; Perry, 2004). Furthermore, these experiments explore the concern that other violent artistic expression may not be receiving the same treatment as rap music because the genres are more easily understood as fictitious (ACLU of New Jersey, 2013; Crenshaw; 1991; Dixon & Linz, 1997, Kubrin & Nielson, 2014; Russell-Brown, 2009).

Additionally, the experiments in Study 1 were designed to test the reproducibility and robustness of Fried's (1996, 1999) finding that the evaluation of rap lyrics is influenced by genre-specific stereotypes. Experiment 1, a direct replication of Fried's previous research (1996, 1999), tested whether participants deemed identical lyrics more threatening, offensive, and in greater need of regulation when they were characterized as rap compared to country. However, Experiment 1 also provided a stronger test of Fried's (1996, 1999) original hypothesis by using a more representative sample and by conducting the study two decades later. Perhaps more important, in response to concerns that prosecutors are treating rap lyrics as autobiographical confessions of illegal behavior, this experiment also tested whether lyrics categorized as rap were evaluated as more literal than when identical lyrics are categorized as country. Experiment 2 and 3 were conducted to explore the robustness of Fried's (1996, 1999) findings. Experiment 2 was a conceptual replication (i.e., same design but different stimuli) used to explore the generalizability

of the effect. Experiment 3, in addition to manipulating the genre of the lyrics, manipulated the race of the songwriter (black or white) to ascertain whether Fried's (1996) findings were confounded by the perceived race of the artist.

Experiment 1

Method

Participants

Participants (n=127) for this experiment were recruited from Amazon's Mechanical Turk website, an online platform that is becoming increasingly popular among researchers who do experimental research (Crump, McDonnell, & Gureckis, 2013; Paolaccio & Chandler, 2014). Through Mechanical Turk, researchers can recruit participants to anonymously complete surveys and questionnaires (Mason & Suri, 2012). Individuals on Mechanical Turk elect to participate in a task if they are eligible to participate and if they find the terms and conditions satisfactory. In this study, participants were required to be U.S. citizens over the age of 18 who could read English. Only workers with an IP address from within the United States were able to participate. This experiment paid each participant $0.70 for their participation, a highly competitive rate (Paolacci, Chandler, & Ipierotis, 2010).

The age of participants ranged from 18-66 with a mean age of 34.5 (SD=9.4) and median age of 33.5. Table 2.1 displays the demographic composition of the sample, as well as their listening habits (i.e., number of hours spent listening to music per week) and music genre preferences.

Table 2.1. *Experiment 1 participant (n = 126) demographics*

Variable	Description	N	%
Gender	Female	53	42.1
	Male	73	57.9
Race	Black	8	6.3
	White	109	86.5
	Asian/ Pacific Islander	5	4
	Other	4	3.2
Ethnicity	Non-Hispanic	116	92.1
	Hispanic	10	7.9
Education Level	High School	14	11.1
	Vocational School	4	3.2
	College courses	60	47.6
	Completed university	44	34.9
	Graduate School	3	3.2
Number of Children	0	86	68.3
	1	15	11.9
	2	14	11.1
	3	9	7.1
	4	2	1.6
Preferred Music	Classical	4	3.2
	Heavy Metal	5	4.0
	Country	11	8.7
	Rap	13	10.3
	Jazz	3	2.4
	Electronic	16	12.7
	Rock	74	58.7
Music Listening Time	< 1 hour	7	5.6
	1 hour	14	11.1
	2-5 hours	41	32.5
	6-10 hours	31	24.6
	10+ hours	33	26.2
Political Ideology	Liberal	71	56.4
	Moderate	22	17.5
	Conservative	33	26.2
Political Affiliation	Republican	25	19.8
	Democrat	56	44.4
	Other	45	35.8

Procedure and Design

After opting to participate in the experiment, participants were instructed that they would read a set of music lyrics and evaluate them using only the limited information provided. Participants were told that there is no right or wrong answer, and that they should respond with their honest impression of the lyrics. Participants were then randomly assigned to one of two conditions, which experimentally manipulated the genre of the lyrics. Participants were either told that the lyrics were from a rap song or a country song. Participants then read an excerpt from the song *Bad Man's Blunder* by folk group Kingston Trio. Fried (1996, 1999) used these lyrics in her experiments and, in order to directly replicate Fried's study, the same lyrics were used in the current experiment. The lyrics are as follows:

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

Measures

After reading the lyrics, participants evaluated them by responding to 14 different items. For each item, participants read a statement and indicated how strongly they agreed with that statement on a 9-point Likert scale that ranged from 1=strongly disagree to 9=strongly agree, with 5 indicating a neutral position. Eleven of these items were from Fried's (1996, 1999) original experiments and conceptually measured the offensiveness of the song, the threatening nature of the song, and the need for the song to be regulated. Given the concern that prosecutors, police, and jurors are evaluating rap lyrics as literal, the current experiment included additional

items that were thought to measure the literality of the lyrics, or how autobiographical or true the lyrics were perceived to be by respondents. These items included statements related to whether the lyrics were based on a real life experience, whether the lyrics were written to brag about the experience, and whether the lyrics were made-up. A complete list of the items is contained in Table 2.2. Participants were then asked whether they knew the song; participants who knew the song were excluded from analysis. Only one out of 127 participants was excluded for knowing the song.

Consistent with Fried (1996, 1999), the items were aggregated into an "offensiveness" scale and a "regulation" scale. Additionally, the items related to the perceived autobiographical nature of the lyrics were aggregated into a "literality" scale. However, unlike Fried (1996), responses to the 14 items used in this study were entered into a principal components analysis with a varimax rotation to validate the scales. It yielded a three factor solution with Eigenvalues of 8.71, 1.77, and 1.35, respectively (all other values were less than 1), and the model explained 75% of the cumulative variance. This indicates that the items tap three distinct latent constructs, which are classified as "offensiveness," "regulation," and "literality," respectively. Table 2.2 displays which items loaded on which factor along with the inter-item correlations within each factor. To be consistent with Fried (1999), a composite score was also created by pooling the responses to all 14 items, which is labeled as "total negative reaction" score. Cronbach's alphas reveal a high degree of reliability for the offensiveness scale (α=.914), the regulation scale (α=.933), the literality scale (α=.814), and total negative reaction scale (α=.940).

Table 2.2. *Scale items used to evaluate the offensiveness, necessary regulation, and literally of the lyrics. (Note that groupings were determined by a principal component analysis using varimax rotation).*

	Country (Mean, SD)	Rap (Mean, SD)	Inter-item Correlations					
Factor 1: Offensiveness ***α = .914***			Q1	Q2	Q3	Q4	Q5	
Q1. I find the lyrics offensive	4.50 (2.47)	5.16 (2.54)	1	.81	.76	.76	.67	
Q2: I object to the lyrics	3.91 (2.49)	4.71 (2.71)	X	1	.76	.75	.65	
Q3: The song is dangerous or harmful to society.	3.34 (2.21)	3.79 (2.35)	X	X	1	.84	.65	
Q4: The lyrics are threatening.	3.18 (2.45)	4.21 (2.51)	X	X	X	1	.70	
Q5: The lyrics promote violence, riots, and civil unrest	4.78 (2.44)	5.21 (274)	X	X	X	X	1	
Factor 2: Regulation ***α = .933***			Q6	Q7	Q8	Q9	Q10	Q11
Q6: Something should be done to warn consumers about (or otherwise regulate) this song.	3.50 (2.38)	4.37 (2.40)	1	.85	.55	.72	.69	.61
Q7: There should be mandatory warning labels for this song.	3.95 (2.54)	4.61 (2.43)	X	1	.52	.75	.67	.57
Q8: They should ban such songs entirely	2.13 (1.76)	2.52 (2.09)	X	X	1	.69	.62	.45
Q9: Regulations should be placed on these types of songs.	3.13 (2.37)	3.56 (2.23)	X	X	X	1	.73	.49
Q10: These types of songs should not be played on the radio.	3.59 (2.33)	4.44 (2.43)	X	X	X	X	1	.67
Q11: I would be opposed to my younger sibling or young child listening to this song.	4.59 (2.78)	5.97 (2.48)	X	X	X	X	X	1
Factor 3: Literality ***α = .814***			Q12	Q13		Q14		
Q12: The lyrics are not based on a made-up story.	2.52 (1.40)	2.45 (1.18)	1.00	.563		4.62		
Q13: The lyrics are based on the song writer's real-life experience.	2.48 (1.51)	3.15 (1.63)	X	1.00		.773		
Q14: The lyrics were written to brag about the song writer's experience.	2.80 (1.78)	3.66 (1.92)	X	X		1.00		

After evaluating the lyrics, participants were asked a number of demographic questions including age, race, gender, education level, and music preferences. To measure music preferences, participants identified the genre they most commonly listen to, how likely they are to listen to specific genres, and the number of hours they listen to music in a week. Participants also indicated whether they have a criminal history (i.e. yes or no) and their political ideology (1=very liberal, 7=very conservative).

Results

Independent sample t-tests were conducted with genre label (rap or country) as the independent variable and the composite scores as the dependent variables (see Figure 2.1). Consistent with Fried (1996, 1999), findings reveal that participants in the rap condition indicated a higher *negative reaction* score than participants in the country condition, $t_{126}=2.06$, $p<.05$, $d=.37$, 95% CI [-1.23, -.02]. In other words, those who were told the lyrics were from a rap song perceived them to be more negative overall compared to those who were told the lyrics were from a country song. More specifically, there was also a statistically significant effect of genre label on the regulation scale, $t_{126}=2.18$, $p<.05$, $d=.39$, 95% CI [-8.73, -.43] and literality scale, $t_{126}=2.0$, $p<.05$, $d=.36$, 95% CI [-2.90, -.21], with participants in the rap condition evaluating the lyrics as more likely to be literal and more likely to need regulation than those in the country condition. The ratings of offensiveness were not significantly different between the two groups, $t_{126}=1.4$, $p=.16$. Although not significantly different, participants in the rap condition rated the lyrics as more offensive than participants in the country condition *(M*=4.6 for rap and *M*=4.1 for country).

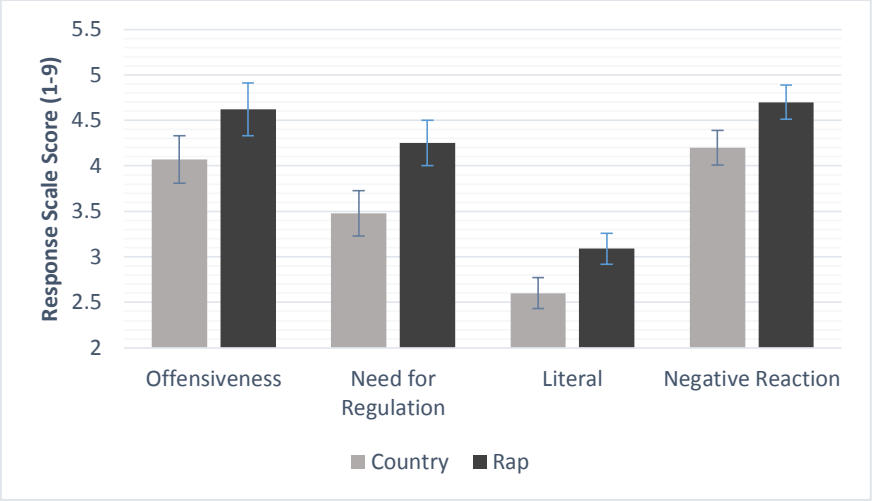

Figure 2.1. *Effect of genre label on "offensiveness" scale, "need for regulation" scale, "literal" scale, and "negative reaction" scale. Error bars show standard errors of the mean.*

In Fried's (1999) study, she split her sample into three categories based on participant's age: "under 40," 40-52, and "53 and over." In the current experiment, a median split was used to divide the current sample into two groups based on age: younger (i.e. age 18-33.5) and older (i.e. age 33.6-66) participants. A two-way ANOVA detected a significant interaction between age and genre label for the *negative reaction* score (i.e., all 14 items combined) $F(3,126)=4.57$, $p<.05$, $d=1.34$, CI [1.04, 1.59].

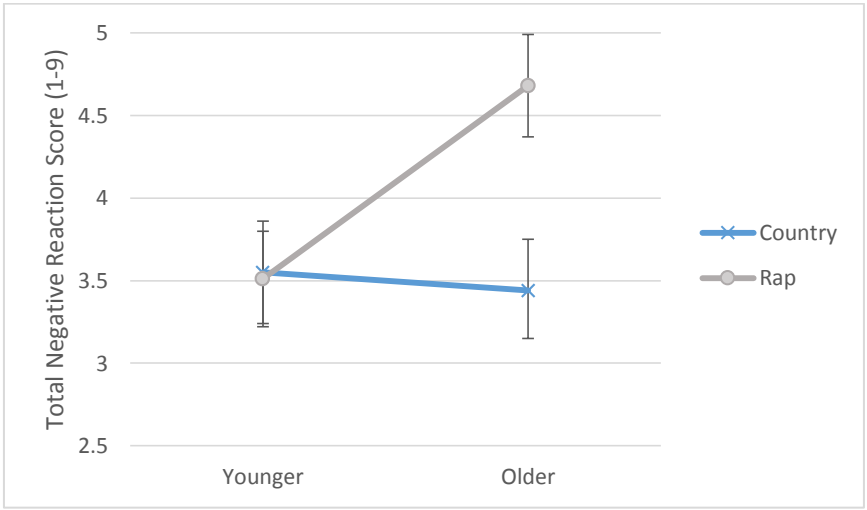

Figure 2.2. *Interactive effect of participants' age (median split) and genre label ascribed to the lyrics on negative reactions to the lyrics. Error bars show standard errors of the mean.*

As seen in figure 2.2, participants in the younger category showed no effect for genre label, while participants in the older category evaluated rap significantly more negatively than those in the country condition. Although Fried (1999) found significant interactions for other participant demographic variables (e.g. parental status, music preferences, music buying habits), no such interactions were found in the current experiment. That is, two-way ANOVAs revealed no significant interactions between condition (rap or country) and demographic variables (all ps > .05). Additionally, significant interactions were not detected for participant political ideology and political affiliation (all ps > .05). Although the analysis of interest was whether certain groups were more likely to apply rap stereotypes when evaluating violent lyrics rather than whether certain groups evaluated violent lyrics more negatively, one-way ANOVAs were also conducted for the demographic variables and revealed no significant main effects (all ps > .05).

Experiment 2

A second experiment was conducted to ensure that the detected effects were not simply due to idiosyncrasies of the lyrics. Thus, a follow up experiment used the exact same experiment design but incorporated a different set of violent lyrics, which again were described as either rap or country. The lyrics in this experiment were from *A Boy Named Sue* by Johnny Cash:

> *Well, I hit him hard right between the eyes/ And he went down, but to my surprise/ He come up with a knife and cut off a piece of my ear. /But I busted a chair right across his teeth/ And we crashed through the wall and into the street/ Kicking and a' gouging in the mud and the blood and the beer.*

A pre-test was conducted to determine whether the lyrics would be primarily identified as from a rap or country song. This was done to ensure the content or style of the lyrics was not biased towards a particular genre of music. To confirm that the lyrics were not perceived as either

genre, participants in the pre-test were asked to categorize the lyrics by genre. Results confirm that the genre of the lyrics was ambiguous. In particular, 20% of participants identified the lyrics as a rock song (*n*=7), 20% identified the lyrics as a rap song (*n*=7), 34% identified the lyrics as a country song (*n*=12), and the remaining 26% of the sample categorized the lyrics as some other genre (*n*=9). After reading the lyrics, participants responded to the same 14 items from Experiment 1.

Participants

Once again recruiting subjects from MTurk, two hundred forty four U.S. residents participated in this experiment. Thirteen out of the 244 participants were excluded for knowing the song. The age of participants ranged from 18-73 with a mean age of 33.2 (*SD*=9.89) and median age of 31. Table 2.3 displays the demographic composition of the sample, as well as their listening habits (i.e., number of hours spent listening to music per week) and music genre preferences.

Table 2.3. *Experiment 2 participant (n = 231) demographics*

Variable	Description	N	%
Gender	Female	100	43.3
	Male	131	56.7
Race	Black	13	5.6
	White	197	85.3
	Native American	2	.9
	Asian/ Pacific Islander	14	6.1
	Other	5	2.2
Ethnicity	Non-Hispanic	220	95.2
	Hispanic	11	4.8
Education Level	High School	32	13
	Vocational School	3	1.3
	College courses	89	38.5
	Completed university	70	30.3
	Graduate School	37	16
Number of Children	0	154	66.7
	1	33	14.3
	2	28	12.1
	3	11	4.8
	4	2	.9
	5+	3	1.3
Preferred Music	Classical	7	3.0
	Heavy Metal	13	5.6
	Country	20	8.7
	Rap	32	13.9
	Jazz	10	4.3
	Electronic	32	13.9
	Rock	104	45.0
Listening Time	< 1 hour	10	4.3
	1 hour	16	6.9
	2-5 hours	88	38.1
	6-10 hours	45	19.5
	10+ hours	72	31.2
Political Ideology	Liberal	99	54.5
	Moderate	50	21.6
	Conservative	55	23.8
Political Affiliation	Republican	42	18.2
	Democrat	101	43.7
	Other	88	38.1

Results

Using the 14 response items, composite scores were, again, created for "offensiveness," "regulation," and "literality." Cronbach's α for each composite score are .891, .894, and .766, respectively. Consistent with Fried (1999) and experiment 1, a unidimensional composite score, "total negative reaction," was created by pooling the responses to all 14 items (Cronbach's α = .919). Independent sample t-tests were then conducted with genre label (rap or country) as the independent variable and the composite scores as the dependent variables (see Figure 2.3). Also consistent with Fried and experiment 1, participants in the rap condition indicated a higher score on the *total negative reaction* composite item (M=4.69, SD=1.49) than participants in the country condition (M=4.20, SD=1.55), t_{231}=.2.45, p=.015, d=.32, 95% CI [-.88, -.01]. In other words, those who were told the lyrics were from a rap song perceived them to be more negative overall compared to those who were told the lyrics were from a country song. There was also a statistically significant effect of genre label on the regulation scale (M=4.66 (SD=1.78) vs M=4.04 (SD=1.92) for rap and country respectively), t_{231}=2.54, p=.012, d=.33, CI [-1.10, -.14] and literality scale (M=4.81 (SD=1.50) vs M=4.31 (SD=1.49) for rap and country respectively), t_{231}=2.7, p=.008, d=.35, 95% CI [-.87, -13], with participants in the rap condition evaluating the lyrics as more literal and in need of greater regulation than those in the country condition. The ratings of offensiveness were not significantly different between the two groups, t_{231}=1.3, p=.20, also consistent with experiment 1. Although the difference for offensiveness was not statistically significant, the pattern of results is consistent with experiment 1 in that participants in the rap condition rated the lyrics as slightly more offensive (M=4.67) than when the same lyrics were described as a country song (M=4.34).

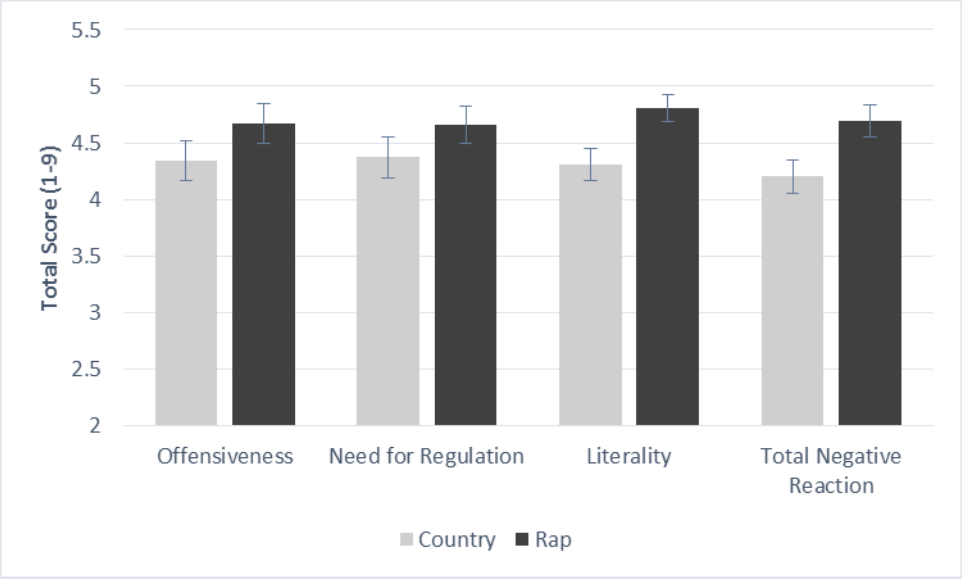

Figure 2.3. *Effect of genre label on "offensiveness" scale, "need for regulation" scale, "literal" scale, and "negative reaction" scale. Error bars show standard errors of the mean.*

Once again a median split was used to divide the sample into two groups based on age: "younger" (i.e., age 18-31) and "older" (i.e., age 31.1-73) participants. A two-way ANOVA detected a significant main effect of genre label for the *total negative reaction* score (i.e., all 14 items combined), $F(3, 231)=6.34$, $p=.01$, $d=.33$, consistent with the t-test reported above. The main effect for age was not significant, $F(3, 231)<1$ nor was the interaction $F(3, 231)=2.18$, $p=.141$. Additional ANOVAs were conducted for participants' gender, ethnicity, education level, number of children, music genre preference, music listening habits, political ideology, and political affiliation. No significant interactions were detected (all $ps > .05$). Overall, these findings highlight the robustness of the genre effect detected in the previous experiment. In particular, results indicate findings from Experiment 1 are robust and not dependent upon the lyrics chosen.

Experiment 3

The previous experiments found the genre label effect replicates nearly twenty years after Fried's (1996; 1999) study was conducted (Experiment 1) and with new lyrics (Experiment 2).

Of course, these experiments have some limitations. One is that the race of the artist is not specified and thus participants might have made assumptions about the race of the songwriter when evaluating the lyrics. For instance, participants might have assumed that the author of the rap lyrics is black and the author of the country lyrics is white; to the extent that this occurred, it is unclear whether the genre label or the assumed race of the author is driving the effect observed in the previous experiments. A second issue concerns whether the previous results are indicative of positive stereotypes about country, negative stereotypes about rap, or both. In other words, a more informative comparison is a control condition in which no genre label is provided. Including this condition would allow us to directly test whether the country label engenders positive or neutral evaluations and rap negative evaluations.

These issues can be remedied by experimentally manipulating the race of the songwriter and by including a control condition where no genre is specified. Experiment three did just that. Participants were randomly assigned to one of six conditions, which experimentally manipulated the genre of the lyrics (no genre, country, or rap) and the race of the songwriter (black or white). Thus, a 3 (genre label) x 2(race of author) between-participants factorial design was utilized. After learning about the genre of the lyrics and the race of the songwriter, participants read the lyrics from experiment 1 and evaluated them using the same 14 response items.

Participants

Three hundred twenty five U.S. residents participated in this experiment. Eleven out of the 325 participants were excluded for knowing the song. The age of participants ranged from 18-71 with a mean age of 33.7 (*SD*=10.32) and median age of 31. Table 2.4 displays the demographic composition of the sample, as well as their listening habits (i.e., number of hours spent listening to music per week) and music genre preferences.

Table 2.4. *Experiment 3 participant (n = 314) demographics*

Variable	Description	N	%
Gender	Female	136	43.3
	Male	178	56.7
Race	Black	23	7.3
	White	250	79.6
	Native American	5	1.6
	Asian/ Pacific Islander	31	9.9
	Other	5	1.6
Ethnicity	Non-Hispanic	293	93.3
	Hispanic	21	6.7
Education Level	High School	35	11.1
	Vocational School	8	2.5
	College courses	126	40.1
	Completed university	108	34.4
	Graduate School	37	11.8
Number of Children	0	212	67.5
	1	46	14.6
	2	31	9.9
	3	17	5.4
	4	5	1.6
	5+	3	1.0
Preferred Music	Classical	16	5.1
	Heavy Metal	10	3.2
	Country	25	8.0
	Rap	40	12.7
	Jazz	17	5.4
	Electronic	41	13.1
	Rock	155	49.4
Listening Time	< 1 hour	21	6.7
	1 hour	31	9.9
	2-5 hours	114	36.3
	6-10 hours	82	26.1
	10+ hours	66	21.0
Political Ideology	Liberal	172	54.8
	Moderate	66	21.0
	Conservative	51	24.2
Political Affiliation	Republican	53	16.9
	Democrat	137	43.6
	Other	124	39.5

Results

Consistent with the previous experiments, the 14 response items were used to create composite scores for the "offensiveness," "regulation," and "literality" of the lyrics. The Cronbach's α for each composite scores is .939, .939, and .784, respectively. A unidimensional composite score, "overall negative reaction score," was also created by aggregating the responses to all 14 items (Cronbach's α = .951).

A two-way ANOVA with genre and artist race as the independent variables and total *negative reaction* score as the dependent variable detected a main effect for genre $F(2,314)=3.66$, $p=.03$, $d=.31$. The main effect for artist race was not significant, $F(1, 314)<1$, nor was the interaction $F(5, 314)=1.04$, $p=.354$. Figure 2.4 displays this result:

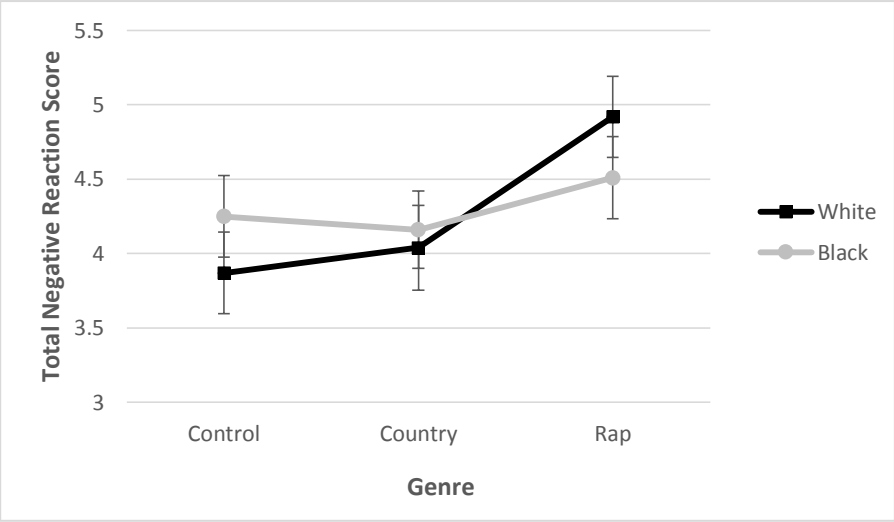

Figure 2.4. *Interactive effect of genre label ascribed to the lyrics and race of songwriter on negative reactions to the lyrics. Error bars show standard errors of the mean.*

As seen above, Figure 2.4 shows that, once again, participants in the rap condition evaluated the lyrics more negatively ($M=4.72$, $SD=1.81$) than participants in the country ($M=4.10$, $SD=2.15$) and control conditions ($M=4.06$, $SD=1.94$), regardless of the songwriter's race. A Fisher's LSD test confirms that the lyrics from the rap condition were evaluated significantly more negatively than the identical lyrics from the control ($p=.02$) and country conditions ($p=.024$), but that the

country and control conditions were not significantly different from each other (p=.86). Importantly, the fact that no effect for the songwriter's race was detected nor was there an interaction suggests that the previous experiments, which did not specify the songwriter's race, are robust and not an artifact of assumptions related to the songwriter's race.

Similar analysis was conducted for each of the subscales (i.e. ratings of literality, offensiveness, and need for regulation). First, a two-way ANOVA with race of artist and genre as the independent variables and literality as the dependent variable failed to detect any main effects or an interaction (all ps > .05). Second, a two-way ANOVA with offensiveness as the dependent variable detected only a main effect for genre F(2, 314)=4.92 , p=.008, d=.36, with rap being deemed more offensive (M=5.51, SD=2.25) than country (M=4.62, SD=2.54) or the control (M=4.59, SD=2.39). A Fisher's LSD test indicated that responses from the rap condition were significantly different than responses from the control condition (p=.006) and the country condition (p=.008) but that the control condition and country condition were not significantly different (p=.89). Third, the two-way ANOVA with need for regulation as the dependent variable detected only a main effect for genre F(2, 314)=3.43, p=.03, d=.30, with rap being deemed in greater need of regulation (M=4.87, SD=2.25) compared to country (M=4.14, SD=2.51) or the control (M=4.13, SD=2.56). A Fisher's LSD test indicated that the rap condition was significantly different than the control condition (p=.02) and the country condition (p=.03) but that the country and control conditions were not significantly different from each other (p=.96).

Discussion

The set of experiments in Study 1 aimed to test the hypothesis that participants would evaluate violent lyrics categorized as rap more negatively than identical lyrics categorized as country. As predicted, participants, on average, evaluated the lyrics as more likely to be literal,

threatening, and to need regulation when they were labeled as rap instead of country. Additionally, this effect was found irrespective of the actual lyrics (Experiment 2) or the race of the author (Experiment 3). The analyses of the subscales are also mostly consistent, though the genre effect on literality was not significant in Experiment 3 but it was in Experiment 1 and Experiment 2, and the genre effect on offensiveness was significant in Experiment 3 but not Experiment 1 or Experiment 2. It is not exactly clear why this occurred. Of course, Experiment 3 included information about the songwriter's race, while experiments 1 and 2 did not. It is possible that the salience of race resulted in participants applying the stereotype to evaluations of the lyrics but not evaluations that more directly relate to the songwriter. That is, participants may have avoided making judgments about a person that could appear racially biased—a concern that may not have extended to judgments about the lyrics. Future research is necessary to test this possibility. It should be noted, however, that the main finding on the total negative reaction score was consistent across all three experiments, suggesting a robust effect. Ultimately, the replicability and robustness of Fried's findings has important implications for the continued role of stereotypes in evaluations of ambiguously threatening lyrics.

Moreover, these findings contribute to the well-established literature on stereotyping. Although previous research on stereotyping has demonstrated that race is often used as a cue to evaluate ambiguously threatening situations (Correll et al., 2002; Duncan, 1967; Eberhardt et al., 2004; Levinson et al., 2010; Payne, 2001), fewer studies have tested how stereotypes related to rap music, a form of expression that prioritizes black voices (Rose, 1994), are used to evaluate ambiguously threatening lyrics. Results from the current study suggest that stereotypes about rap music are applied to judgments of violent lyrics. Although music content may affect evaluations of violent lyrics, results suggest that the genre label informs how individuals evaluate the music.

These results potentially explain the history of rap music being viewed as dangerous to society (Binder, 1993), a history that includes censoring albums (Blecha, 2004; Marsh & Pollack, 1989) as well as viewing lyrics as autobiographical confessions (Dennis, 2007; Hirsch, 2014; Kubrin & Nielson, 2014). While rap music is known for its profanity and violent imagery, participants in this study demonstrate that, even when violent imagery and profanity are held constant, stereotypes about the genre shape evaluations of the music.

While these findings may not be surprising given previous research on stereotyping, they have potentially important legal implications. They suggest that rap lyrics might influence jurors' decisions independent of their actual content. That is, the mere label of "rap" is sufficient to induce negative evaluations, even when holding constant the actual lyrics. The implications of these findings may be particularly problematic in "true threat" cases where there is no clear test for determining what constitutes a threat (Calvert, 2014) and jurors have to evaluate guilt primarily using the lyrics. For example, in the case of Olutosin Oduwole described earlier, the defendant was charged for making a threat based on a note found in his car. The note included rhymed rap lyrics and unrhymed rap lyrics (i.e. the "threat"), and even though Oduwole explained to the jury that the lyrics were ideas for a new song, he was convicted. Jurors had minimal evidence in the case and had to rely on the lyrics to determine whether or not to convict the defendant. These findings suggest that jurors' evaluations of Oduwole's intentions in writing the lyrics were potentially informed by the genre ascribed to the lyrics.

Yet it must be acknowledged that this study did not test the perception of rap lyrics in an adjudicative context; rather, the study examined perceptions of rap lyrics in a general context and in isolation. Important differences between this general context and an adjudicative context exist. For example, in a criminal trial such evidence would be presented as part of a narrative in

conjunction with other evidence. It remains to be seen, therefore, how perceptions of rap lyrics might change as a function of the narrative or how the lyrics might interact with other evidence. Additionally, jurors are bound by legal rules when evaluating evidence and are instructed on the permissible inferences that may be drawn from such evidence. Again, it remains to be seen how such rules and instruction might affect the perception of rap lyrics. It is possible that jury instructions mitigate the effect of genre stereotypes on evaluations of the lyrics. Instructing jurors may be effective in increasing motivation to not apply stereotypes (Kunda & Spencer, 2003), but the effectiveness and impact of such instructions are unknown. It is also important to note that while this study improved upon Fried's (1996) sampling procedure, the current sample was still not nationally representative. However, given that this a potential limitation for all experiments in this dissertation, this issue will be addressed at the end of the dissertation.

It should also be acknowledged that these results cannot speak to the accuracy of stereotypes associated with rappers and rap music, or any other genre for that matter. One question is whether rappers are more likely to engage in crime and write violent lyrics that reflect that crime than are artists from other genres. Interestingly, research indirectly addressing this question yields mixed results. For example, Tapper, Thorson, and Black (1994) found that rap music videos, compared to videos from genres like heavy metal, country, and classic rock, do include more lyrical and visual depictions of violence. In contrast, Armstrong (1993) analyzed lyrics from country and rap songs and found that depictions of violence and masculinity were consistent themes found in both of the genres. Of course, these experiments do not discern whether rappers are, in fact, engaging in more violence than are artists from other genres. Still, it remains unknown as to whether rap lyrics have more diagnostic value as evidence than lyrics

form other genres. Regardless, a key concern is that any value rap lyrics may have as evidence is likely to be artificially inflated by stereotypes associated with the genre.

Further research needs to explore the extent of this effect. While scholars contend that stigma surrounding rap music is due to the association between rap and race (Crenshaw, 1991; Dixon & Linz, 1997; Fried, 1996), it is unclear whether the effect found in this study is occurring because rap is associated with the black community or because rap music fits into a larger stereotype about violent genres. Future research should test whether this effect is unique to rap or whether it would also be found for other stereotypically violent genres. For example, participants may hold similar stereotypes for heavy metal, a genre that is often characterized as violent (Binder, 1993; Blecha, 2004) and may be a better comparison than country. Alternatively, participants may apply different stereotypes for heavy metal, a violent genre not historically linked to the black community, potentially raising questions about the racialized nature of genre stereotypes.

Relatedly, future research should also test whether genre-specific stereotypes extend to evaluations of the person who wrote the lyrics. These findings suggest that individuals are using rap stereotypes to evaluate violent lyrics, but this study did not test whether the stereotypes impact evaluations of the writer. It is possible that the genre-specific stereotypes result in lyrics being evaluated as more threatening when categorized as rap, but do not result in inferences about the writer's character. Given the concern that jurors are using stereotypes about rap to evaluate the people writing the lyrics, it is necessary to extend this research to evaluations of the artists. The following study will examine some of these unresolved questions.

Chapter 3

Rap Lyrics and Character Inferences

As discussed previously, critics of using rap lyrics as evidence also question whether jurors conflate a rapper's persona with his or her true personality, resulting in negative character inferences about the songwriter. Some argue that people make negative character inferences from rap lyrics because of who is writing rap lyrics—that is, young, poor black men, who are already stereotyped as aggressive and criminal (Butler, 2004; Kubrin & Nielson, 2014; Nielson, 2012). For example, in 2014, the New York Times portrayed Michael Brown, the young black man killed by a police officer in Ferguson, Missouri, as "no angel" and used his hobby of writing "vulgar" rap lyrics to support the claim (O'Connor, 2014). Others argue that, regardless of whether character inferences are linked to race or not, introducing rap lyrics as evidence may lead to negative inferences about a person's moral character, or even criminal disposition, and is especially problematic because other genres are not treated the same way by the courts (ACLU of New Jersey, 2013). Ultimately, some fear that jurors will rely on stereotypes about rap to infer whether a defendant is the type of person who would commit a criminal act and therefore is more likely to be guilty (Dennis, 2007; Kubrin & Nielson, 2014; Nielson, 2012; Powell, 2009). In light of this, Study 2 of this dissertation explores the concern that jurors are using rap lyrics to make inferences about a defendant's bad character, and in particular, criminality (Dennis, 2007; Fischoff, 1999; Kubrin & Nielson, 2014; Parks & Ray, 2013; Powell, 2014; Wilson, 2005).

More specifically, the current study aims to examine what types of inferences are made from rap lyrics, specifically focusing on a songwriter's character, criminal intent, and criminal history. Given the results from Study 1, Study 2 also addresses the question of whether, in fact, individuals' inferences are more negative when lyrics are categorized as rap compared to other

genres. In the following section, I review the only previous experimental test of this question (Fischoff, 1999), paying close attention to the theoretical framework for that study. Next, I describe the details of the current study and report the findings. Finally, I discuss the implications of the findings for defendants who face criminal charges where rap lyrics are introduced, focusing specifically on the types of inferences jurors might make based upon rap lyrics.

Rap Lyrics and Person Perception

Although scholars and defense attorneys debate the types of inferences jurors are making from rap lyrics, this concern is rarely empirically tested. As discussed previously, one notable exception is an experiment conducted by Fischoff (1999), which manipulated whether participants learned about a young man's violent rap lyrics and about his murder charge to test the possible impact of the lyrics on evaluations of the songwriter. Fischoff's (1999) study is largely informed by research on person perception theory. Person perception theory explains how people infer a person's personality, and how they might behave, from a single trait they exhibit. Originally, there were typically two types of experiments to test this theory. One type of experiment tests how personality traits (e.g. happy, angry) are correlated with other personality traits (Asch, 1946; Kelley, 1950). These types of experiments typically show that certain traits are viewed as co-occurring, resulting in a general impression of a person. For example, a person who is described as warm is more likely to be viewed as generous (Asch, 1946).

Another type of experiment explores the types of character inferences made based on some physical attribute of a person, or essentially, that "what is beautiful is good" (Dion, Berscheid, & Walster, 1972; Landy & Sigall, 1974). For example, an essay is more likely to be graded higher if male participants learn that the writer is an attractive woman rather than an

unattractive woman (Landy & Sigall, 1974). Much of this research has focused on the idea that attractiveness and other positive traits predict the inference of other positive traits.

Other formulations of person perception theory include the halo effect, which describes how a general impression of a person (e.g. happy person) can affect the evaluation of behavior in addition to inferences of personality traits (Nisbett & Wilson, 1977; Thorndike, 1920). This formulation of person perception theory builds on previous research by suggesting that participants do not merely evaluate the likelihood of a person having certain traits but rather evaluate behavior in a manner that confirms that expectation. For example, Nisbett and Wilson (1977) found that when a teacher presented himself as likable and warm (compared to cold), participants were more likely to make more positive behavioral evaluations and other positive character inferences (Nisbett & Wilson, 1977). Relatedly, research has shown that people infer traits based on a person's behavior because of an assumption that the person is acting in accordance with their disposition (Heider, 1958; Jones & Davis, 1965).

Contemporary research has replicated the finding that attractive people are often viewed as having more positive personality traits, even across ages and races (Eagly, Ashmore, Makhijani, & Longo, 1991; Langlois et al., 2000). Moreover, scholars have found that the halo effect occurs across a variety of situations, such as consumer decisions (Lee, Shimizu, Kniffin, & Wansink, 2013) and teacher course evaluations (Darby, 2007). Collectively, this research demonstrates that person perception is robust and that people often make inferences based on one key trait or a general impression, which can have a number of real world consequences. For example, Lee and colleagues (2013) found that labeling a piece of fruit as organic (compared to no label) resulted in the food being viewed as tasting better (e.g. more flavorful), being viewed as worthy of costing more, and as having better nutritional evaluations (e.g. having fewer

calories). Interestingly, the effect was stronger for people not knowledgeable about healthy eating, suggesting that knowledge about a topic moderates this effect.

Using person perception theory as a theoretical framework, Fischoff (1999) suggests that people infer negative personality traits from the mere fact that a person writes violent rap lyrics. In particular, he posited that participants infer that "people who write ugly, violent 'gangsta' rap lyrics may be predisposed to murder" (Fischoff, 1999: p. 796). The implication of this, as Fischoff (1999) notes, is that by introducing rap lyrics as evidence, the prosecutor gains a distinct advantage in shaping perceptions of a defendant's character, an argument supported by his findings. That is, the prosecutor can represent that defendant as a person who is more likely to be violent because he or she writes violent lyrics.

At the same time, however, other articulations of person perception theory would suggest that writing rap music is evidence that a person is part of the stereotyped category "rapper," discussed previously. This formulation of person perception theory is based on the idea that social category information (e.g. black, woman, etc.) is connected to specific traits (Allport, 1954; Macrae & Bodenhausen, 2001) and behaviors (Cohen, 1981). When minimal information is provided about a person, this social category information can be used to infer personality traits (Devine, 1989). Thus, this articulation of person perception theory would suggest that negative inferences might be moderated by the genre of the lyrics.

Although Fischoff (1999) demonstrated that participants made more negative inferences about a songwriter when violent rap lyrics were present compared to when they were not, it is not clear whether the effect is unique to rap. Genres like heavy metal and punk have a reputation for being counterculture genres which highlight civil unrest, deviance, and violence (Blecha, 2004; Grossberg, 1992) and may also evoke negative character inferences. Additionally, rock

music, like rap, has been represented by the media as music that is potentially harmful to listeners, albeit in different ways (Binder, 1993; Grossberg, 1992). Given the findings from Study 1 of this dissertation and previous scholarship on stereotyping (Devine, 1989; Duncan, 1979; Fried, 1999; Rentfrow & Gosling, 2007; Shevy, 2008), it is important to examine whether character inferences are affected by the genre categorization of the violent lyrics, particularly to understand why rap lyrics, unlike lyrics from other genres, are used as a prosecutorial tool.

Study 2

The current study builds on the growing body of scholarship that explores the potential problems of using defendant-authored rap lyrics as evidence at trial. More specifically, this study empirically examines the types of inferences made from violent lyrics. Importantly, this study also extends research conducted by Fischoff (1999), which found that participants make more negative inferences about a person's personality when that person writes rap lyrics compared to when that person does not write rap lyrics or even when that person is charged with murder. Yet, Fischoff's study did not test whether the effect is unique to rap lyrics, an important limitation given the concern that stereotypes about the genre are biasing juror decisions—a concern that this study explicitly addresses. Thus, Study 2 of the dissertation tests how manipulating the genre label applied to a person's lyrics, while holding the actual lyrics constant, affects perceptions of that person's character and involvement with crime.

Method

Participants

Similar to the previous set of experiments, participants (n=252) were again recruited through Amazon's Mechanical Turk (MTurk) website, were paid $0.70 for participating in the study, and were required to meet the same worker qualifications. Eight participants were excluded from analysis because they did not complete the materials and 14 were excluded

because they knew the lyrics used in this study, resulting in a final sample of 230 participants. Table 3.1 displays the demographic composition of the sample, as well as their listening habits (i.e., number of hours spent listening to music per week) and music genre preferences.

Table 3.1. *Study 2 participant (n = 230) demographics*

Variable	Levels	N	% of Ps
Gender	Female	101	44.3
	Male	127	55.7
Race	Black	14	6.1
	White	173	75.9
	Asian/ Pacific Islander	26	11.4
	Other	15	6.6.
Ethnicity	Non-Hispanic	203	89
	Hispanic	25	11
Education Level	High School	35	15.4
	Vocational School	5	2.2
	College courses	85	37.2
	Completed university	80	35.1
	Graduate School	23	10.1
Number of Children	0	151	66.2
	1	25	11
	2	34	14.9
	3	9	3.9
	4	5	2.2
	5+	4	1.8
Preferred Music	Classical	7	3.1
	Heavy Metal	16	7
	Country	24	10.5
	Folk	9	3.9
	Rap	31	13.6
	Jazz	14	6.1
	Electronic	16	7
	Rock	111	48.7
Listening Time	X < 30 min	7	3.1
	1 hour	23	10.1
	2-5 hours	88	38.6
	5-10 hours	49	21.5
	10+ hours	61	26.8
Political Ideology	Liberal	125	54.8
	Moderate	57	25
	Conservative	46	20.2
Political Affiliation	Republican	36	15.8
	Democrat	88	38.5
	Other	106	45.7

Note: Two of the 230 participants did not complete the demographic questions

Procedure and Design

Participants were instructed that they would read a set of music lyrics and evaluate the songwriter of the lyrics along several dimensions. They were told that there is no right or wrong answer and that they should provide their honest opinion. Participants were then randomly assigned to one of four conditions, wherein the genre categorization of the lyrics was manipulated. That is, the lyrics were either described as a verse from a rap, country, heavy metal, or punk song. Participants then read the same excerpt from the song *Bad Man's Blunder* used in the previous study.

Measures

After reading the lyrics, participants were tasked with evaluating the songwriter. To evaluate the songwriter's character, participants indicated how strongly they agreed with statements related to the songwriter's perceived intelligence, honesty, likability, sociability, aggressiveness, and criminal propensity (*1=strongly disagree, 7=strongly agree*). Consistent with Fischoff (1999), character items were used to construct an *overall character* score (α=.82), with higher scores indicating better character. Additionally, participants responded to three items about the songwriter's criminal involvement. For example, participants were asked to indicate how much they agreed with the statement, "The writer is a gang member" as well as how likely it is that the songwriter has previously committed a crime and been arrested for a crime (*1=Extremely unlikely, 7=Extremely likely*). A complete list of the items used to assess character and criminal involvement and their inter-item correlations can be found in Table 3.2. Finally, participants responded to a number of demographic questions about the songwriter, including statements about the songwriter's perceived age, race, and income

Table 3.2. *Scale items used to evaluate the songwriter and inter-item correlations.*

	Q1	**Q2**	**Q3**	**Q4**	**Q5**	**Q6**	**Q7**	**Q8**	**Q9**	**Q10**	**Q11**	**Q12**
Q1. The writer is intelligent	1	.62**	.48**	.41**	.24**	.63**	-.27**	-.36**	-.30**	-.25**	-.26**	-.2**
Q2. The writer is sociable		1	.42**	.42**	.37**	.62**	-.25**	-.34**	-.3**	-.22**	-.23**	-.22**
Q3. The writer is honest	.	.	1	.19**	.18**	.46**	-.13*	-.16*	-.16*	-.06	-.12	-.03
Q4. The writer is not criminal				1	.51**	.41**	-.63**	-.61**	-.63**	-.47**	-.57**	-.52**
Q5.The writer is not aggressive					1	.40**	-.34**	-.39**	-.43**	-.31**	-.32**	-.28**
Q6. The writer is likable						1	-.33**	-.38**	-.42**	-.29**	-.37**	-.24**
Q7.The writer is a gang member							1	.5**	.5**	.31**	.46**	.43**
Q8. How likely is it that the person has committed a crime?								1	.82**	.4**	.40**	.43**
Q9. How likely is it that the person has been arrested for a crime?									1	.45**	.48**	.48**
Q10. The lyrics demonstrate the writer's intent to shoot a police officer.										1	.74**	.54**
Q11.The lyrics demonstrate the writer's motive to shoot a police officer.											1	.7**
Q12.The lyrics demonstrate the writer's knowledge about a police officer that was shot.												1

* Correlation is significant at the 0.05 level (2-tailed), ** Correlation is significant at the 0.01 level (2-tailed).

The items selected for this study were chosen for a number of reasons. First, the gang affiliation, criminal involvement, and criminal propensity (i.e. "the writer is criminal") items were included to test the specific concern that jurors are making inferences about criminality based on stereotypes related to rap music. Additionally, these items as well as "likeability" and "honesty" were included based upon the items used in Fischoff's (1999) study. Traits like sociability and aggressiveness were included based on previous research on genre stereotyping, which often shows that rap music and fans of rap are uniquely viewed as anti-social, aggressive, and criminal (Fried, 2003; Rentfrow & Gosling, 2007; Shevy, 2008). Finally, given the relationship between rap music and the activation of racial stereotypes (Johnson, Trawalter, & Dovidio, 2000), the "intelligence" item was included because this trait is commonly associated with negative anti-black stereotypes (Devine, 1989; Fazio, Jackson, Dunton, & Williams, 1995). In totality, these items were selected to assess how stereotypes previously associated with rap music are applied in this inference task.

Given that prosecutors often suggest jurors are using rap lyrics to make inferences related to a songwriter's intent or motive to commit a crime, it is important to explore other types of inferences participants might make from the lyrics and the genre label. Thus, participants indicated how much they agreed with three statements related to intent, motive, and knowledge of a crime, respectively (*1=Strongly disagree, 7=Strongly agree*). In particular, participants indicated how much they agreed with the statements "The lyrics demonstrate the writer's motive to shoot a police officer," "The lyrics demonstrate the writer's intent to shoot a police officer," and "The lyrics demonstrate the writer's knowledge about a police officer that was shot." Additionally, these three items were aggregated into a composite score, labeled *Legal Issue Inference* (α=.85).

Finally, as with the previous experiments, participants responded to a manipulation check. In particular, participants were asked whether they knew the song. Participants who reported knowing the song (n=14) were excluded from analysis. Participants were asked the same demographic questions as those in Study 1, and then thanked for their participation.

Results

Given the moderate levels of correlation among many of the dependent variables, a one-way multivariate analysis of variance (MANOVA) was conducted using the 12 response items from this study and the composite score *overall character*. Results revealed a significant overall effect of genre on evaluations of the songwriter, F (3, 230) = 1.63, p = .014, Wilk's Λ = 0.69, d=.72. Results from the MANOVA's individual univariate tests are discussed below.

Effect of Genre on Perceived Songwriter Character

Results indicate that genre label did, in fact, have a significant effect on the *overall character* composite score, F_{230}=3.87, p<.01, d=.05. As seen in figure 3.1, results reveal that participants in the rap condition (M=3.68, SD=1.00) evaluated the songwriter as having significantly worse character than the participants in the country condition, p=.006 (M= 4.15, SD=1.02) and the punk condition, p=.003 (M=4.20, SD=.87) but evaluations in the rap condition were not significantly different than those from the heavy metal condition, p=.51 (M=3.78, SD=.98). The effect of specific genres was validated using a Fisher's LSD post hoc test. However, *overall character* scores from the rap condition were, on average, more negative when compared to all other conditions.

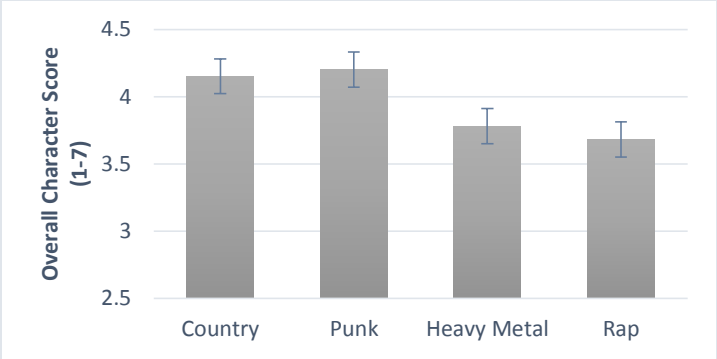

Figure 3.1. *Effect of genre label on overall character score. Error bars show standard errors of the mean.*

As seen below in figure 3.2, a similar trend was found when analyses were conducted for the individual traits that comprise the *overall character* score. Genre label had an effect on evaluations of intelligence, F_{230}=3.40, p<.01, d=.46, sociability, F_{230}=3.81, p=.02, d=.43, likability, F_{230}=4.28, p<.01, d=.48. However, a significant effect was not detected for evaluations of honesty, F_{230}=2.0, p=.12, criminality, F_{230}=2.2, p=.09, or aggressiveness, F_{230}=2.1, p=.11. Although evaluations from the rap and heavy metal conditions were not significantly different for all of the character items, participants in the rap condition, on average, tended to evaluate the songwriter more negatively than participants in the country, punk, and heavy metal conditions.

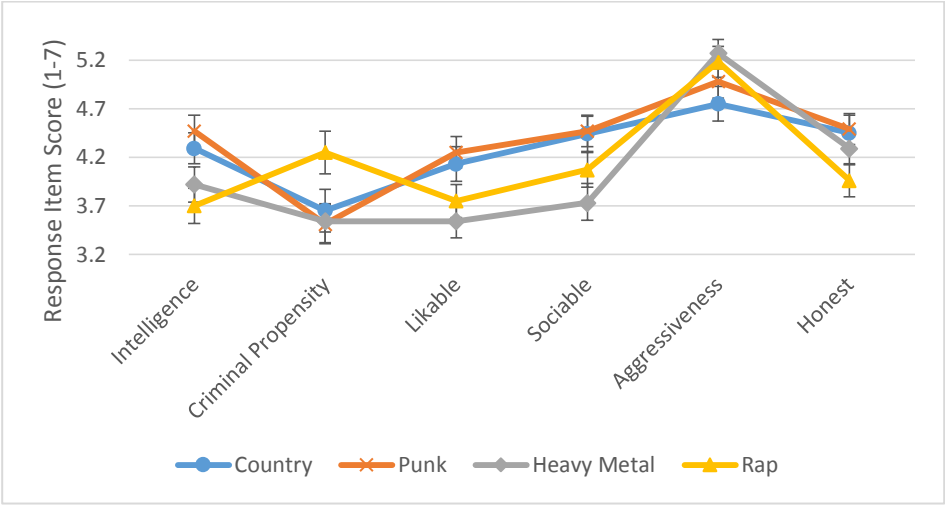

Figure 3.2. *Effect of genre on character items (e.g. intelligence, criminal propensity, likability, sociability, aggressiveness, and honesty). Error bars show standard errors of the mean.*

Recall that findings from the first experiment of Study 1 revealed that age of the participant moderates the effect of genre label on evaluations of violent lyrics. To test whether age of the participant plays the same role when evaluating the songwriter, a median split was used to divide participants into two groups: younger (18-31) and older (31.1-63). A two-way ANOVA did not detect a significant interaction between age and genre label for the *overall character* score, F_{230}=.64, p=.59. Several additional tests were conducted to examine whether other demographic variables moderated the genre effect. These variables include participants' gender, ethnicity, education level, number of children, music genre preference, music listening habits, political ideology, and political affiliation. Consistent with Study 1, no significant interactions were detected (all $ps > .05$).

Effect of Genre on Perceived Criminal Involvement

Results also suggest that genre-specific stereotypes affect inferences about the songwriter's involvement with criminal activities. In particular, genre affected assumptions participants made about the songwriter being in a gang, having a committed crime, and being arrested for a crime. As seen in figure 3.3, results indicate that genre label had an effect on perceived likelihood of being a gang member, F_{230}=9.49, p<.001, d=.72. Participants in the rap condition, on average, evaluated the songwriter as more likely to be in a gang (M=3.95, SD=1.22) than participants in the country (M=2.51, SD=1.37), punk (M=2.96, SD=1.51), and heavy metal (M=3.19, SD=1.39) conditions. A Fisher's LSD post hoc test confirmed that participants were more likely to infer a gang affiliation if the lyrics were categorized as rap compared to if the lyrics were categorized as country, (p<.001), punk, (p<.001), or heavy metal (p<.001).

A significant effect was also detected when assessing the impact of genre on assessments of whether the songwriter had ever committed a crime (F_{230}=6.17, p<.001, d=.58) and whether the songwriter had ever been arrested (F_{230}=4.44, p=.005, d=.49). Participants in the rap condition evaluated the songwriter as more likely to be involved in crime than the participants in the country condition and the punk condition, but evaluations in the rap condition were not significantly different than those from the heavy metal condition. However, similar to character item responses, participants, on average, indicated that it was more likely that the songwriter had committed a crime and been arrested for a crime when the lyrics were categorized as rap compared to the other genres.

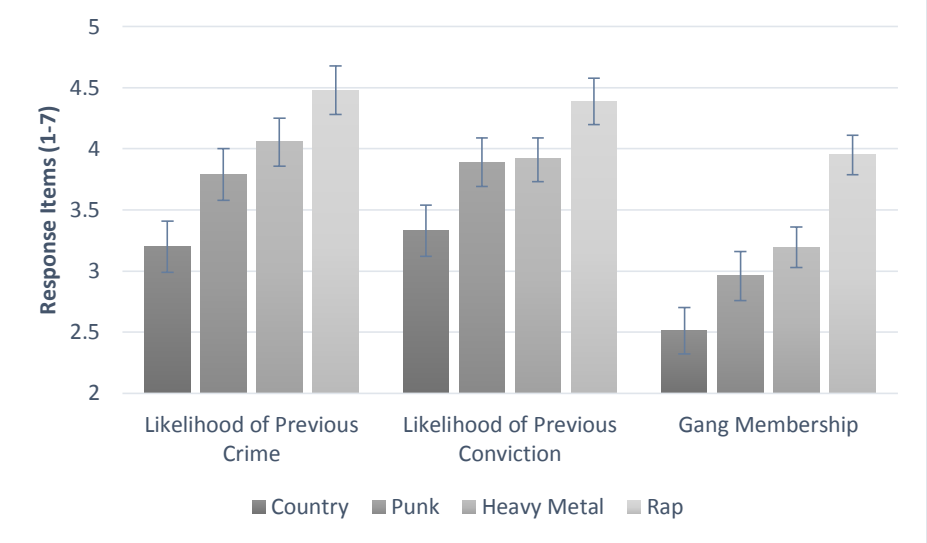

Figure 3.3. *Effect of genre on perceived likelihood of having committed a crime, of being arrested, and of being in a gang. Error bars show standard errors of the mean.*

Effect of Genre on Legally Relevant Inferences

Although genre did have an effect on perceptions of character and criminal involvement, the genre label ascribed to the lyrics did not have a significant effect on inferences of intent (F_{230}=1.17, p=.32), motive (F_{230}=1.31, p=.27), knowledge about a crime (F_{230}=.40, p=.75), or the composite score, *legal issue inference, (*F_{230}=.99, p=.4). On average, participants' responses

centered on the midpoint of the scale (i.e. neither agree nor disagree). For example, participants in the rap condition (M=4.11, SD=2.42), the heavy metal condition (M=3.71, SD=2.29), the punk condition (M=3.84, SD=2.40), and the country condition (M=3.89, SD=2.10) responded similarly to whether the lyrics demonstrated that the writer had knowledge about a shooting. This trend was also detected for inferences of intent and motive. Thus, it appears that participants were not certain that the lyrics spoke to intent, motive, or knowledge of a crime, and that this view was not moderated by the genre label ascribed to the lyrics.

Effect of Genre on Perceived Songwriter Demographics

An additional concern about using rap lyrics as evidence is that rap music is so inextricably linked to the black community that rap lyrics may activate racial stereotypes (e.g. criminality, lower intelligence). Although this study does not attempt to disentangle rap stereotypes from racial stereotypes, it does explore the perceived demographic characteristics of a person who writes rap sans other identifying information. To test whether there was an effect of genre label on evaluations of the songwriter's demographic background, a one-way ANOVA was conducted to assess the effect of genre on the perceived age of the songwriter. Results indicate that genre label did have an effect on perceived age of the songwriter, F_{230}=20.45, p<.001, d=1.03. The perceived average age of the songwriter is 26.1 in the punk condition (median=25), 26.8 in the rap condition (median=25), 28.1 in the heavy metal condition (median=27), but 34.9 in the country condition (median=33.5). A Fisher's LSD post hoc test confirms that when the lyrics were labeled as country, the songwriter was perceived to be significantly older than when the lyrics were labeled as rap (p<.001), punk (p<.001), and heavy metal (p<.001). No significant differences were found between the other conditions.

Furthermore, a majority of participants perceived the songwriter as black in the rap condition, but white in the other three conditions. Seventy four percent of the participants in the rap condition identified the songwriter as black (n=42) compared to 4% in the country (n=2), 6% in the punk (n=3), and 8% in the heavy metal (n=4) conditions, respectively. At least 84% of participants in each non-rap condition identified the songwriter as white, only 18% of participants (n=10) identified the songwriter as white in the rap condition. To explore whether the relationship between genre and perceived race was unique to rap, but account for the small sample sizes in each condition, heavy metal, punk, and country were collapsed into one condition (i.e. non-rap).When collapsing these genres into one condition, a significant relationship was found for genre type (rap vs. non-rap) and perceived racial identity of the songwriter $\chi(8) = 462.00$, $p < .001$. Participants were more likely to identify the songwriter as black when the lyrics were categorized as rap and more likely to identify the songwriter as white when the lyrics were categorized as the other genres.

A significant effect of genre label was not found for perceived income, F_{230}=.84, p=.48. The average participant in each condition estimated that the songwriter earned an income between $45,000-85,000 with a median of $45,000-65,000. Ultimately, these results indicate that when violent lyrics are labeled as rap, participants are likely to view the songwriter as young and black.

Discussion

Decades of research have demonstrated that stereotypes exist for different groups (Devine, 1989; Fazio, Jackson, Dunton, & Williams, 1995; Nosek, Banaji, & Greenwald, 2002) and that these stereotypes are often applied to evaluate people and behavior, especially in ambiguously threatening situations (Duncan, 1976; Eberhardt, Goff, Purdie, & Davies, 2004;

Kunda, 1999; Levinson, Cai, & Young, 2010; Payne, 2001). However, there is a dearth of research on how stereotypes about culture, and music in particular, are used to evaluate a specific individual, especially pertaining to crime. The current study addresses this lacuna as well as builds on Fischoff's (1999) study by revealing how character inferences are moderated by genre-specific stereotypes. More specifically, findings from this study indicate that rap lyrics are used to make inferences about a songwriter's character, gang affiliation, and criminal history. However, the lyrics, regardless of genre label, were not viewed as indicative of the songwriter's intent, motive, or knowledge about a crime. Overall, these findings suggest that stereotypes about rap may result in specific inferences regarding a songwriter, at least in part, from the label applied to his or her music. Additionally, the results raise questions about whether stereotypes about rap are entering the courtroom and the implications for juror decisions.

Although stereotypes about rap and heavy metal both impact evaluations of a songwriter's character and criminal history, labeling lyrics as rap has a unique impact on evaluations related to a songwriter's perceived gang affiliation; rappers were uniquely associated with being in a gang compared to songwriters from other genres. Furthermore, participants, on average, indicated that the songwriter had worse character and was more likely to be involved with crime when his lyrics were labeled as rap rather than the other genres. While these findings do not support the assumption that "people who write ugly, violent 'gangsta' rap lyrics may be predisposed to murder" (Fischoff, 1999: p. 796), it does appear that people who write violent "rap" lyrics are more easily associated with crime and other illicit behavior than are those who write identical violent lyrics labeled as different genres. These findings support the concern that rappers might be viewed as threatening, and even potentially as a criminal suspect, because of stereotypes related to the genre (Fischoff, 1999; Fried, 1996, 1999). Additionally, these findings

suggest that if heavy metal lyrics were used as incriminating evidence, entertainers from that genre may be susceptible to some of the same stereotype-based assumptions as rappers.

Although this study did not directly test racial stereotypes, it should be acknowledged that participants made specific assumptions about the age and race of the songwriter based on the genre of the lyrics. More specifically, participants in the rap condition often indicated that the songwriter was black, while participants in the other three conditions often indicated that the songwriter was white. On average, participants also assumed that the songwriter affiliated with rap was younger than the songwriter associated with the other genres. Findings suggest that rappers are typically imagined as young, black men. While this may not be surprising given that rap music is most frequently produced by young black men (Kelley, 1996; Payne, 2016; Perry, 2004; Rose, 1994), it is important to note because of previous research demonstrating racial stereotypes that link blackness with negative traits, such as low intelligence (Devine, 1989; Fazio et al, 1995) and criminality (Eberhardt, Goff, Purdie, & Davies, 2004; Levinson, Cai, & Young, 2010; Payne, 2001; Russell-Brown, 2009). It may be the case that assumptions about rap music and young, black men are so intertwined that they evoke similar negative stereotypes.

The practice of using rap lyrics as evidence raises questions about whether stereotypes of rappers are being introduced into the courtroom. It is possible that prosecutors are activating stereotypes about people who are already stereotyped as threatening in society (Kang et al., 2012; Nielson, 2012). In fact, these findings may explain why some prosecutors are trained to use rap lyrics to introduce the jury to the "real defendant" (Jackson, 2004, p. 15) and to "invade and exploit the defendant's true character" (Jackson, 2004, p. 16). By introducing rap lyrics as evidence, prosecutors can portray the defendant as the type of person who would be involved in crime, a plausible narrative given stereotypes associated with the genre. Rather than treat rappers

as entertainers and rap lyrics as fiction, the lyrics can be used to portray rappers as gang members and criminals, thus conflating the persona with the person (Dennis, 2007; Perry, 2004; Kubrin & Nielson, 2014).

Furthermore, these findings have direct implications for judges who must consider the types of inferences jurors might make from the lyrics when deciding admissibility. The Federal Rules of Evidence (FRE) explicitly states that "evidence of a person's character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait" (FRE 404a). Furthermore, "evidence of a crime, wrong, or other act" (FRE404b) cannot be introduced as character evidence. That is, the defendant's previous conduct cannot be used to prove whether that person is more likely to commit the crime in question. This type of evidence is generally excluded because of the concern that it will be used to infer whether a defendant committed the act in the current case[5]. However, prosecutors typically argue that rap lyrics are not being used to prove the character of the defendant. Rather, they argue that the lyrics are introduced to prove some legally relevant issue in the case. For example, prosecutors argue that the defendant's rap lyrics speak to the defendant's "intent, motive, knowledge requisite for an act, preparation…and planning [for a charged issue]", all legally permissible inferences[6] (FRE 404b2)[7].

[5] There are a number of other "past acts" that are not admissible as evidence. For example, evidence such as discussions during negotiations (FRE 408), medical expenses (FRE 409), pleas or plea discussions (FRE 410), and a victim's past sexual behaviors (FRE 412) are prohibited as evidence.

[6] Additionally, defense attorneys can introduce character evidence to demonstrate the defendant's good character (404a2), which then allows prosecutors to introduce character evidence that impeaches the character of the defendant. In criminal cases involving sexual assault (FRE 413), criminal cases involving child molestation (FRE 414), and civil cases involving sexual assault (FRE 415), evidence of similar past acts is admissible.

[7] It should be acknowledged that determining whether character evidence speaks to criminal propensity or intent, motive, and other permissible inferences is a historically contentious issue (Ordover, 1989). As the Rules Advisory Committee for the Federal Rules of Evidence notes, evidence of the defendant's past bad acts is viewed as an important asset in the prosecution's ability to prove some legal issue in the case. Therefore, some character evidence will be admitted if it can be argued as proving a legal issue in the case. To mitigate any potential character

The current findings, in part, substantiate the concern made by those opposed to introducing rap lyrics as trial evidence, particularly regarding the types of inferences made from the lyrics. That is, collectively, the findings from this study provide some support for Dennis' (2007) argument that "courts fail to perceive that admitting defendant-authored rap music lyrics is a 'back door' method of admitting excludable character and propensity evidence" (p. 27). Although prosecutors claim that rap lyrics are not being used as character evidence, these findings suggest that jurors may still make inferences about the defendant's character based on stereotypes associated with rap. For example, in the case of Vonte Skinner discussed earlier, the prosecution argued that the lyrics were not admitted to establish that Skinner was a "bad person" (p. 16) but rather to "illuminate [the] defendant's motive and willingness to resort to violence" (p. 17). Even though jurors in that case may have used the lyrics to evaluate Skinner's motive or intent, these findings suggest that the jurors may have also made impermissible, stereotype-based evaluations of the defendant's character merely because the lyrics were rap lyrics. If jurors are making character inferences based on defendant-authored rap lyrics, particularly because of rap music stereotypes, this could suggest that the lyrics are potentially excludable character evidence. For this reason, judges must be cautious about the ways in which jurors are using this evidence (Dennis, 2007; Kubrin & Nielson, 2014).

However, it is important to acknowledge potential limitations of study 2. For example, participants may have thought the response items used to assess the songwriter were vague. Consistent with Fischoff (1999), this study used a single Likert scale to measure each trait, but doing so may have increased variability among participant responses. That is, people may define

inferences jurors might make from a past "crime, wrong, or other act," judges can instruct jurors on the permissible and impermissible inferences they are allowed to make, but this instruction must be requested by the defense.

personality traits differently and therefore participants may have evaluated the songwriter based on their own definition. This may also explain why responses to some items related to criminality (e.g. past crime) were not significantly different for the rap and heavy metal conditions. Previous research has shown that specific criminal behaviors are associated with certain groups (Jones & Kaplan, 2003; Sunnafrank & Fontes, 1983). Thus, heavy metal may be associated with crime, a finding congruent with previous research (Binder, 1993), but the genre may be associated with different crime than rap music. With the exception of the "gang affiliation" item, which does find a unique effect for rap, this study does not disentangle the types of crime that may be inferred from the genre label.

Unfortunately, like the findings from study 1, these findings do not reveal the consequences of introducing rap lyrics in an adjudicative context. Therefore, further research should explore how jurors evaluate rap lyrics when presented at trial. The final study in my dissertation addresses this need and explores concerns about introducing rap lyrics as evidence at trial. In particular, I examine the relationship between the trial context, evaluations of rap lyrics, and verdicts.

Chapter 4

Rap Lyrics in Criminal Adjudication

Ultimately, concerns about introducing rap lyrics as evidence emphasize the adjudicative consequences of this practice. In particular, there is the concern that introducing rap lyrics as evidence will result in jurors making biased evaluations of the lyrics and the people that write them. These biased evaluations are even more worrisome given the wealth of research that has shown how confession evidence (Hasel & Kassin, 2009; Kassin, 2012; Kassin & Sukel, 1997) and negative character evidence (Landy & Aronson 1969; Holyoak & Simon, 1999) can affect juror decisions. Therefore, critics of this practice are ultimately concerned evaluations of the lyrics influence case outcomes (ACLU of New Jersey, 2013; Dennis, 2007; Kubrin & Nielson, 2014). Some also argue that judges underestimate the impact of lyrics on juror decisions, including determinations of guilt. As Dennis (2007) describes, ‘‘defense appeals of trial court admission decisions fall on deaf ears’’ (p.30) and ‘‘even when an appellate court deems the evidence erroneously admitted, the error usually does not prompt reversal’’ (p.30). This may be, in part, because judges make assumptions about the role of the lyrics in juror decisions.

One such case that highlights assumptions about the adjudicative consequences of rap lyrics at trial is *Hilton v. Bell* (2003). This case involved a prosecutor introducing rap lyrics to prove that the defendant, Gamal Hilton, was involved in multiple armed robberies and sexual assaults. In 2003, after a string of robberies and sexual assaults occurred at a Michigan park, police set up surveillance to apprehend the perpetrator. Upon noticing a man who fit the description of the perpetrator, police attempted to speak with him, the man ran, and the police arrested him. After searching the house and car of the man, Gamal Hilton, police found the stolen property from the robberies, a do rag, and rap lyrics, which made multiple references to

violent and misogynistic acts, but none specifically referencing the alleged crime or the victims of the crime. The police also interviewed victims of the crime who claimed to be able to identify the perpetrator. At trial, the prosecutor introduced the evidence found by police, including the lyrics. Ultimately, Hilton was convicted.

Hilton appealed his case on a number of grounds, including that the court erred in admitting the rap lyrics. He claimed that jurors used the lyrics to determine whether the defendant was the type of person who would commit a crime and were, therefore, inadmissible. The appellate court determined that the lyrics were vague and only provided minimal information regarding whether the defendant had knowledge of the crime and rather, acted as inadmissible character evidence. Thus, the court ruled that the lyrics should not have been admitted. However, the court also determined that error did not significantly impact the outcome of the case and therefore was harmless. In particular, the court stated that error "does not require reversal unless it affirmatively appears that it is more probable than not that the error was outcome determinative" (p. 14), suggesting that the defendant needed to prove that exclusion of the rap lyrics would have affected the outcome of the case. The appellate court decision was largely based on the idea that the other evidence presented at trial would have still resulted in a conviction.

A similar logic about the impact of the lyrics can be found in the case of Clyde Smith. In 2011, a 32-year old black man, Clyde Smith, was charged with intent to distribute prescription pain medication. Smith was returning from Texas with three friends when police stopped him in Houma, Louisiana for allegedly driving 19 miles per hour over the speed limit. During the stop, police searched his vehicle and found prescription pill bottles for anti-anxiety medicine and muscle relaxers, which were legally obtained in Texas. Smith explained that the prescriptions

were legal and he had medical justifications for the pills. Nevertheless, he was arrested and charged with intent to distribute. At trial, the prosecution introduced Smith's rap lyrics, evidence that Smith had made multiple trips to Texas, and conflicting testimony from Smith's friends about the reason for the trip.

The lyrics were presented in the form of a music video, which was produced by the defendant's rap group, *The Rico Gang,* and included verses about driving to Texas to buy and sell prescription drugs (Heisig, 2011). In the video, Smith states "Another trip to Texas . . . we going doctor shopping . . . I'm Dominos, I'm Pizza Hut. Call your (expletive) up because you know I deliver." The prosecution played the lyrics during closing arguments to prove that the defendant intended to sell the drugs. Smith argued that the lyrics were a work of fiction and did not reference any specific act. He explained that he wrote about events he had witnessed or heard about, but not about acts he committed. Smith also argued that the lyrics were written months before the charged crime. Ultimately, Smith's defense argued that the jurors would be unfairly influenced by the evidence. The judge determined that the lyrics were admissible and allowed the prosecution to present the lyrics to the jurors. Smith was convicted and, because of a prior conviction, sentenced to 30 years in prison.

Smith appealed his conviction on the grounds that the lyrics unfairly biased the jurors. The appellate court agreed that the lyrics may have had some biasing effect on the jurors but that the value of the lyrics was greater than the unfair prejudice. Part of the rationale for the admissibility of the lyrics was because of verses like, "And we really do that sh-t we talk about. Like we really take those trips...", which were interpreted as an autobiographical confession rather than industry-fueled posturing. Additionally, the court stated that prosecution introduced other evidence so the lyrics had limited influence on the jurors. Without describing any specific

evidence, the court explained that other evidence in the case was influential in determining a verdict. Thus, the appellate court upheld the conviction.

While findings from Study 1 and 2 of this dissertation provide some support for concerns about using rap lyrics as evidence, these studies do not directly test the consequences of presenting rap lyrics in a criminal trial. Participants in the previous studies were not presented with requisite jury instructions nor was the evidence presented as part of a narrative in conjunction with other evidence. It is important to acknowledge this limitation given the concern that introducing rap lyrics as evidence will bias *juror* decisions (Dennis, 2007; Kubrin & Nielson, 2014; Nielson, 2012; Powell, 2009). Therefore, the evaluation of rap lyrics in the trial context is of critical importance to understanding the implications of this practice.

Coherence-based reasoning

Relevant to an understanding of the potential consequences of introducing rap lyrics as evidence is research on juror decision-making, particularly research on how jurors evaluate evidence. Although there is no unified theory detailing how jurors process trial evidence, there is a general research consensus that jurors are more likely to use extralegal considerations (e.g. race of the defendant, attitudes toward law, etc.) when evaluating evidence that is technical, sparse, ambiguous, or emotion-inducing (Hastie, 1993; Kalven & Zeisel, 1966). Additionally, multiple decision-making models have been explored to comprehend how jurors process and interpret evidence (Hastie, 1993). One such model is coherence-based reasoning, an unconscious information processing strategy, particularly relevant to cognitively complex tasks.

This model builds upon the idea that people want to avoid cognitive dissonance — that is, conflicting attitudes, ideas, and behaviors (Festinger, 1962). Research has shown that people attempt to reduce cognitive dissonance by changing opinions to match related opinions or

behaviors, thereby increasing cognitive consistency (Simon, Pham, Le, & Holyoak, 2001; Spellman, Ullman, & Holyoak, 1993). For example, when individuals increased their support for American involvement in the Gulf War, they also decreased their support of American isolationism (Spellman et al., 1993). While this research demonstrates that attitudes shift to match a more general opinion (e.g. the need to enter a war), early cognitive consistency theories were limited because the shifting attitudes were all related to the same topic and, arguably, should shift together. Coherence-based reasoning extended research on cognitive consistency by showing that attitudes, which should be logically independent, are also likely shift to cohere with a final judgment (Holyoak & Simon, 1999; Simon, 2004).

A key component of coherence-based reasoning is that information is integrated into a plausible, coherent narrative, which is used to make a final decision (Pennington & Hastie, 1992; Simon, 2004). This part of the theory is, in large part, informed by Pennington and Hastie's (1992) Story Model, which describes a cognitive strategy that jurors use to interpret and process trial information before deliberation (Pennington & Hastie, 1988, 1992, 1993). The model explains that jurors organize information by creating a story about the case information and fill in any gaps in the story based on plausible inferences. By combining competing possible stories with their own prior beliefs and instructions on the law, people determine which story is most plausible, which is then used to inform a final decision (Pennington and Hastie, 1992). Coherence-based reasoning builds on this model by suggesting that jurors, in constructing a plausible narrative, increase or decrease the weight given to evidence (Holyoak & Simon, 1999). In doing so, the evidence fits into a coherent, plausible narrative and can contribute to a verdict decision.

The concept of bidirectionality is a critical component of coherence-based reasoning. Bidirectionality, or bidirectional reasoning, occurs when participants evaluate evidence in a case based on other information provided (e.g. trial context), but also use their preferred verdict to affirm those evaluations. Tests of coherence-based reasoning often reveal strong evidence of this decision-making process (Glockner & Engel, 2008; Glockner, Betsch, & Schindler, 2008; Holyoak & Simon, 1999; Simon, Krawcyzk, Holyoak, 2004a; Simon, Snow, & Read, 2004b). First, participants typically indicate that the evidence is unrelated when presented independently yet related when presented at trial, suggesting that the evidence becomes integrated into a coherent narrative, which potentially informs verdict. Second, jurors that render a verdict of guilty shift their evaluations of evidence so that initially ambiguous evidence is viewed as incriminating when presented at trial. The converse is seen for jurors that choose to acquit the defendant, suggesting that the verdict also influences evaluation of the evidence. Finally, when asked to report their verdict leanings before reaching a final verdict, responses indicate that the majority of the coherence shifts had already occurred, suggesting that the shift occurred during decision making and not as a post hoc justification (Holyoak & Simon, 1999).

Coherence-based reasoning has been replicated and extended across decision-making contexts, indicating the robustness of the effect. For example, in addition to detecting coherence shifts for evidence in a specific case, coherence shifts have also been found for general beliefs about types of evidence (Simon, Snow, & Read, 2004b). In one study, Simon and colleagues (2004b) demonstrated that participants shift evaluations related to the reliability of eyewitness identifications generally so that their beliefs cohered with their verdict in a case. Furthermore, the direction of a coherence shift can be induced by asking participants to change their verdict (Simon et al., 2004a), assigning participants to a verdict (Glockner & Engel, 2013), and

manipulating the incriminating nature of one piece of evidence (Holyoak & Simon, 1999; Simon et al., 2004b). For example, manipulating the character of a defendant (good or bad) not only increases the perceived likelihood of guilt but also increased the weight given to the evidence in the case. Similar results have been found when the conclusion of a DNA test either places the defendant at the crime scene or implicates another person (Simon, Snow, and Read, 2004b). Thus, one piece of evidence, whether prejudicial or not, can be used to interpret and weigh the other evidence in the case (Schum & Martin, 1982; Simon, 2004).

Coherence-based reasoning may provide possible insight into the consequences of introducing rap lyrics in a criminal case. In regard to rap lyrics, this could mean that evaluations of the lyrics, when presented in the trial context, are interpreted differently than when presented outside of that context. More specifically, braggadocio yet fictional lyrics might be interpreted more like an admission of guilt if a juror believes that the defendant is likely to be guilty, even if those same lyrics are not interpreted as literal in a different context. If the lyrics are interpreted in this way, evaluations of the lyrics may also have a substantial impact on other judgments related to the case, such as verdict (Hasel & Kassin, 2009; Kassin, 2012; Kassin & Sukel, 1997).

Study 3

Although a substantial body of criminological and socio-legal scholarship has explored the relationship between rap music and the legal system, previous research on the perception and impact of rap lyrics has not been conducted in a juror decision-making context. Furthermore, although there is a well-established body of literature on coherence-based reasoning, the theoretical framework has yet to be applied to the issue of introducing rap lyrics as evidence at

trial. Thus, this study integrates these disciplinary perspectives to examine how rap lyrics are evaluated in the context of a trial.

Methods

Participants

Similar to the previous studies, participants (n=120) were recruited from Amazon's Mechanical Turk website. However, these participants were paid $1.00 for their time. The age of participants ranged from 18-73 with a mean age of 35.6 (SD=11.4) and median age of 32.5. Table 4.1 displays the demographic composition of the sample, as well as participants' involvement with the criminal justice system (serving on a jury) and geographic location (rural or suburban). The demographic composition of the sample was similar to that of Study 1 and Study 2.

Table 4.1. *Study 3 participant (n = 120) demographics*

Variable	Description	N	%
Gender	Female	51	42.5
	Male	69	57.5
Race	Black	5	4.2
	White	101	85.6
	Native American	1	.8
	Asian/ Pacific Islander	9	7.4
	Other	2	1.7
Ethnicity	Non-Hispanic	109	90.8
	Hispanic	11	9.2
Education Level	High School	15	12.5
	Vocational School	1	.8
	College courses	45	37.2
	Completed university	47	39.2
	Graduate School	12	10
Type of Residence	Rural	22	18.3
	Urban	35	29.2
	Suburban	63	52.5
Political Ideology	Liberal	65	54.2
	Moderate	19	15.8
	Conservative	36	30
Political Affiliation	Republican	23	19.2
	Democrat	57	47.5
	Other	40	33.4
Victim of Serious Crime	Yes	13	10.8
	No	107	89.2
Previous Jury Service	Yes	14	11.7
	No	106	88.3

Procedure and Design

This study used a pre-test/post-test design to examine the impact of introducing rap lyrics in a criminal trial. In the pre-test phase, participants were asked to read four independent vignettes, each describing a criminal investigation and including one piece of evidence. Participants were told that each vignette was unrelated to the other vignettes. The evidence in the vignettes included an eyewitness identification, a suspect's alibi, a suspect's possible motive, and rap lyrics, respectively. For example, participants were informed that during an investigation of a robbery police found violent rap lyrics written by the suspect that referenced violent acts and a robbery. Participants read that "officers believed that the lyrics were written about the recent robbery*"* but that the suspect claimed that "the lyrics were fiction and neither he nor the lyrics had any relationship to an actual crime.*"* Following each pre-test vignette, participants indicated how much they agreed or disagreed with statements about a particular piece of evidence using a seven-point Likert-type scale (1 = *strongly disagree*, 7 = *strongly agree*). Responses to the statements were intended to assess the perceived strength of the evidence. For example, participants indicated how strongly they agreed that the rap lyrics were bragging about an experience, that the lyrics were an admission of guilt, and that they could make conclusions about the songwriter's past experiences from the lyrics. Stronger agreement with the statements pertaining to the lyrics, motive, and eyewitness identification indicated that the evidence is viewed as incriminating. For the alibi, responses were reverse coded so that, consistent with evaluations of other evidence, stronger agreement with the statements indicated that the evidence is perceived as incriminating. Responses for each vignette were then averaged to create composite scores. To determine the reliability of each composite score, Cronbach's alpha were assessed for the lyrics items (α=.682), eyewitness items (α=.862), motive items (α=.909), and

alibi items[8] (α=.635).

To provide an additional measure of perceived evidence strength, likelihood ratios were calculated for each piece of evidence. To calculate a likelihood ratio, participants must consider the likelihood of a specific piece of evidence being discovered given that the suspect is guilty (i.e. a true positive) and given that the suspect is not guilty (i.e. a false positive) (Robertson & Vignaux, 1995). By using the indicated true positive and the false positive, the likelihood ratio, or value of the evidence, can be inferred. For example, using a scale of 0-100, participants indicated the chance that a suspect's rap lyrics would contain lyrical content similar to the facts of the crime in question given that he was actually the perpetrator. Participants also indicated the chance that a suspect's rap lyrics would contain lyrical content similar to the facts of the crime in question given that he was an innocent man who happened to match the description of the perpetrator. Likelihood ratios larger than one suggest that the evidence is incriminating and as the likelihood ratio increases, the evidence more strongly supports a conclusion of guilt. A likelihood ratio approaching one suggests that the evidence is no more likely to be found for a guilty suspect than an innocent suspect, and a likelihood ratio approaching zero indicates that the evidence is more likely to be exculpating.

After completing the pre-test, participants attempted to solve analogies from the Miller Analogies Task. The task, which took approximately ten minutes to complete, was included so that it was difficult for participants to recall their answers from the pre-test when completing the post-test. After the analogies task, participants were informed that they would act as a juror in a criminal case involving an armed robbery. After reading preliminary jury instructions,

[8] The composite alibi score excludes the individual item "People can usually find someone to confirm their whereabouts," which reduced Cronbach's alpha to .498. However, it should be noted that analyses using the alibi composite item that included this item detected similar significant effects as those using the composite score without that item.

participants received basic information about the charge of armed robbery and were informed that the suspect had pleaded not guilty. They were then provided with an abridged transcript of a hypothetical armed robbery case. The summary of the case describes that a man was robbed at gunpoint while leaving a bar. As the victim began to resist his attacker, he was shot in the back. The victim never saw the perpetrator's face. After learning about the robbery, participants were provided with a description of the evidence gathered in the case. The evidence included rap lyrics authored by the suspect, a possible motive, the suspect's alibi, and an eyewitness identification. The evidence in the post-test contained the same information as the pre-test, with the exception of the context in which the evidence was presented. The type of evidence and explanation of the evidence was held constant. For example, the eyewitness in the pre-test was a customer at a restaurant while the eyewitness in the post-test was at a bar but both eyewitnesses saw the crime for a couple of minutes and were confident in their identifications.

During the post-test phase, participants were asked to render a dichotomous verdict of either "convict" or "acquit" and indicate how confident they were in that judgment. Confidence was measured on a six point Likert scale (0=*no confidence,* 5=*extremely confident*). Participants were then asked to evaluate the evidence from the robbery case using the same response items from the pre-test. As in the pretest, evaluations of each piece of evidence were aggregated to create a unidimensional score, which assessed the incriminating or exculpatory value of the evidence. All composite scores had high inter-item reliability: lyrics (α=.786), eyewitness (α=.847), motive (α=.913), and alibi (α=.689). As in the pre-test, participants then responded to items that were used to calculate a likelihood ratio for each piece of evidence. After completing the post-test measures, participants responded to a number of demographic questions and were thanked for their time.

Results

Pre-test and Post-test Judgments

In the pre-test, when the evidence was presented in independent vignettes, participants viewed the incriminating nature of the evidence as ambiguous. Ratings of the eyewitness identification (*M*=4.52, *SD*=1.19), alibi (*M*=3.43, *SD*=.81), motive (*M*=3.30, *SD*=1.12), and lyrics (*M*=3.35, *SD*=1.30) skewed toward the midline of the scale (i.e. neither agree nor disagree that evidence is incriminating). A similar pattern was found for evidence ratings in the post-test. When the evidence was presented in the context of a trial, ratings of the eyewitness identification (*M*=4.37, *SD*=1.19), alibi (*M*=3.93, *SD*=.97), motive (*M*=4.21, *SD*=1.32), and lyrics (*M*=3.39, *SD*=1.35) again skewed toward the midline of the scale. In the post-test, participants were also asked to render a verdict about the case and indicate their confidence in that decision. A majority of participants believed the suspect was not guilty (66%) and, on average, participants were fairly confident in their verdict (*M*=3.72, *SD*=.95). Overall, the results suggest that the evidence was generally not viewed as incriminating.

Evidence Integration

One hypothesis for this study was that rap lyrics would be viewed as correlated with other, independent evidence when presented in the context of a trial but not when evaluated independently. Therefore, it was expected that the evidence in the pre-test would be viewed as uncorrelated. However, this expectation was not fully supported. As seen in table 4.2, some of the evidence in the pre-test was viewed as correlated (ps < .01), albeit weakly. Unlike in the pre-test, evidence presented in the context of a trial was all moderately to strongly correlated (all ps <.01). This shift from the pre-test to the post-test provides some indication of a coherence effect. It appears that more evidence was perceived as interdependent when presented in the context of a

criminal trial than when presented independently, even though the evidence was held constant from pretest to posttest.

Table 4.2*: Pretest and Posttest Correlations of Evidence Strength*

Evidence	Eyewitness	Motive	Alibi	Lyrics
		Pretest		
Eyewitness	1	.133	-.147	.271**
Motive		1	.354**	.353**
Alibi			1	.136
Lyrics				1
		Posttest		
Eyewitness	1	.694**	.387**	.622**
Motive		1	.602**	.690**
Alibi			1	.466**
Lyrics				1

*$p < .05$, **$p < .01$

Impact of Verdict on Evidence

The previous analysis, however, did not explore how juror verdicts might affect evaluations of rap lyrics, a fundamental component of coherence-based reasoning. To test whether verdict shapes evaluations of the lyrics, a 2x2 mixed-model ANOVA with test phase (pre-test or post-test) as the within-participants factor and verdict (convict or acquit) as the between-participants factor was conducted. This analysis yielded a main effect for verdict on evaluations of the lyrics, $F(1, 120) = 177$, $p<.001$, $d=.777$. In other words, participants who found the suspect guilty rated the lyrics as more incriminating than those who decided to acquit. A significant test phase by verdict interaction was also detected, $F(1,120) = 44.75$, $p=.008$, $d=1.232$. As seen in figure 4.1 people who found the suspect guilty rated the lyrics as more incriminating during the post-test ($M=4.46$, $SD=1.31$) than during the pre-test ($M=3.44$, $SD=1.59$). Alternatively, participants who acquitted the suspect rated the lyrics as more exculpatory during the post-test ($M=2.86$, $SD=1.01$) than during the pre-test ($M=3.30$, $SD=1.1$). A similar coherence shift was detected for the other three pieces of evidence.

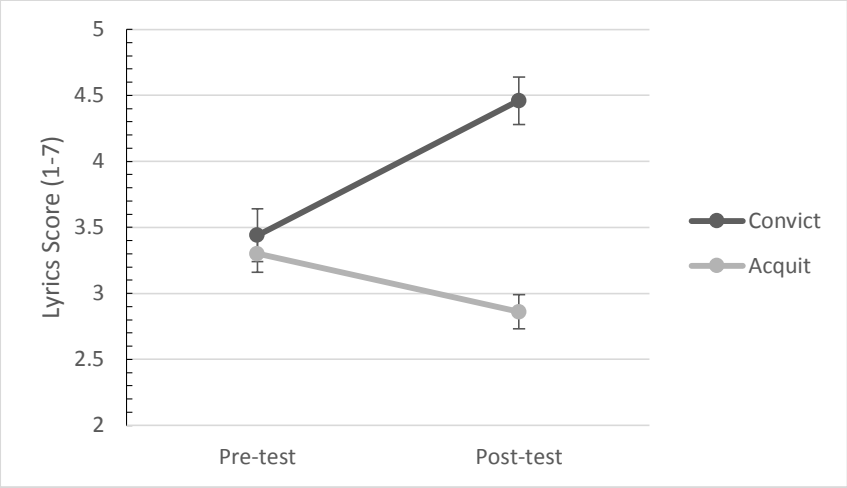

Figure 4.1: *Lyrics ratings (pretest and posttest) by verdict interaction. Error bars show standard errors of the mean.*

To further test whether the interpretation of the lyrics changed based on the verdict, additional mixed model ANOVAs were conducted for each item in the "lyrics" composite score. Table 4.3 shows that, for all three items, the verdict, and interaction between the verdict and test phase, significantly affected evaluations of the lyrics similarly to how they affected the "lyrics" composite score.

Table 4.3. *Average "lyrics" items ratings using Likert scale (pretest and posttest) by verdict*

	Acquit		Convict	
	Pre (Mean, SD)	Post (Mean, SD)	Pre (Mean, SD)	Post (Mean, SD)
The lyrics are bragging about a crime the man committed [b, d]	3.93 (1.21)	3.44(1.29)	3.95(1.9)	5.18 (1.23)
The lyrics can be understood as an admission of guilt. [b, d]	3.01 (1.51)	2.76(1.5)	3.43(1.87)	4.5(1.7)
You can draw conclusions about what the man did in the past based on his lyrics. [b, d]	2.95 (1.68)	2.39(1.27)	2.95(1.88)	3.7(1.73)

a: p≤.05 for interaction, b: p≤.01 for interaction; c: p≤.05 for verdict main effect, d: p≤.01 for verdict main effect

To assess whether there was a stronger shift for convictors or acquittors, coherence shift scores were created for each of the four pieces of evidence. These scores were calculated by subtracting the pre-test score from the post-test score and then taking the absolute value of that score. Independent samples t-tests were then conducted using verdict as the independent variable

and coherence shift scores as the dependent variable. Analyses reveal that for most of the evidence, participants who chose a verdict of guilty showed a greater coherence shift than participants who chose a verdict of not guilty (see table 4.4). For example, convictors (*M*=1.2, *SD*=1.13) showed a stronger coherence shift than acquitters (*M*=.80, *SD*=.76) when evaluating the lyrics, *t*(120)=2.02, *p*=.0.048, *d*=.42. Correlational analyses were also conducted to determine whether coherence shifts were related to verdict confidence. No significant correlations were detected between verdict confidence and coherence shifts (all ps > .05).

Table 4.4. *Change scores from pretest to posttest by verdict*

	Convictors			Acquitters		
	M	*SD*	95% CI	*M*	*SD*	95% CI
Lyrics*	1.20	1.13	[.84, 1.56]	0.80	0.76	[.63, .97]
Eyewitness	.68	.54	[.51, .86]	0.85	.72	[.69, 1.00]
Alibi**	1.24	.83	[.98, 1.50]	0.66	.69	[.51, .82]
Motive**	1.84	1.24	[1.44, 2.23]	0.76	0.82	[.58, .95]

*$p < .05$, **$p < .01$

Impact of Evidence on Verdict

To test whether evaluations of lyrics would predict verdict, a logistic regression was performed with evidence ratings (i.e., Likert-scale composite items) as the independent variable and verdict as the dependent variable. This analysis also included evaluations of the motive, alibi, and eyewitness identification to determine which evidence, if any, predicted a guilty verdict. The logistic regression model was statistically significant, $\chi^2(4) = 95.94$, $p < .001$, and correctly classified 90% of cases. More specifically, the data reveal that evaluations of the eyewitness identification significantly predicts verdict outcome (Exp(*B)*=12.98, *p*<.001, 95% *CI* [3.9, 43.22]). That is, for each one unit increase in the incriminating value of eyewitness testimony, there is a 12.98 increase in the odds that the defendant is guilty, holding all other variables constant. A similar outcome was found for evaluations of the alibi (Exp(*B)*=2.44,

p=.03, 95% *CI* [1.09, 5.45]). However, a similar outcome was not detected for the lyrics (*p*=.097) nor motive (*p*=.88).

Coherence Shifts and Likelihood Ratios

Although coherence-based reasoning has been extensively replicated, methods for testing the decision making model are still being explored (Dekay, 2015; DeKay, Miller, Schley, & Erford, 2014; DeKay, Patiño-Echeverri, & Fischbeck, 2009). Therefore, additional analyses were conducted using the calculated likelihood ratios to test the robustness of the coherence effect and, more specifically, to determine whether the effect was unique to the Likert response items. Table 4.5 indicates the average likelihood ratio for each piece of evidence in the pre-test and post-test.

Table 4.5. *Average evidence ratings using likelihood ratio scale (pretest and posttest) by verdict*

	Acquit		Convict	
	Pre (Mean, SD)	Post (Mean, SD)	Pre (Mean, SD)	Post (Mean, SD)
Lyrics [a]	2.34(4.72)	1.63(2.14)	2.21(3.85)	3.12(3.25)
Eyewitness [a, d]	1.55(1.32)	1.43(1.65)	2.87(4.67)	3.71(3.77)
Motive	1.54(1.99)	1.84(2.30)	2.20(3.54)	2.92(3.95)
Alibi [c]	.85(.82)	.87(1.51)	2.66(7.04)	1.85(4.14)

a: p≤.05 for interaction, b: p≤.01 for interaction; c: p≤.05 for verdict main effect, d: p≤.01 for verdict main effect

To test the association between the Likert response items and the likelihood ratios, correlational analyses were conducted. Likert scale responses for the eyewitness identification (*r*=.294, *p*=.001) and the lyrics (*r*=.237, *p*=.009), respectively, were weakly correlated with their likelihood ratio counterparts for the pre-test. No significant correlation was detected for the motive responses (*p*=.895) or alibi responses (*p*=.496), respectively. A similar trend was detected when analyzing the association between the Likert and likelihood ratio items in the post-test. Likert scale responses for the eyewitness identification (*r*=.432, *p*<.001) and the lyrics (*r*=.365, *p*<.001), respectively, were weakly correlated with their likelihood ratio counterparts in the post-

test. However, no significant correlation was detected for the motive (p=.263) or alibi (p=.822) evaluations, respectively. Therefore, there was mixed support for the Likert items and the likelihood ratio items being correlated.

Consistent with the analysis of the Likert response items, tests to detect a coherence shift were conducted using the likelihood ratios. Thus, 2x2 mixed model ANOVAs were conducted for each piece of evidence, with test phase (pre-test and post-test) serving as the within-participants factor and verdict (guilty and not guilty) serving as the between-participants factor. As seen in above in Table 4.5, there was inconsistent support for a coherence effect when using the likelihood ratio items. Ultimately, the coherence effect was partially supported with this novel response item.

Discussion

For more than a decade, scholars have criticized the practice of introducing rap lyrics as evidence in criminal trials (Dennis, 2007; Kubrin & Nielson, 2014; Powell, 2009; Wilson, 2005) yet the vast majority of this research has not empirically tested the perception or impact of rap lyrics in an adjudicative context. However, findings from this study reveal some of the potential consequences of introducing rap lyrics at trial. First, when presented in the context of a criminal trial, rap lyrics are evaluated as correlated with other evidence. Second, participants' evaluations of the lyrics shift based on their verdict. In particular, participants who thought the defendant was guilty were more likely to treat the lyrics like an admission of guilt when the lyrics were presented at trial than when they were presented in the context of a police investigation. It should be noted, however, that even though evaluations of the lyrics shifted based on the context in which they were presented and mock jurors' verdict, respectively, evaluations of the rap lyrics did not predict verdict decisions.

Overall, these findings do not indicate whether introducing rap lyrics as evidence "allow[s] the government to obtain a stranglehold on the case" (Dennis, 2007, p. 2). However, they do suggest that, compared to acquittors, convictors are more likely to evaluate rap lyrics like an admission of guilt, a type of evidence that may increase the perceived incriminating value of other evidence (Hasel & Kassin, 2009; Kassin, 2012). Furthermore, these findings raise additional concerns given the asymmetry between coherence shifts for convictors and coherence shifts for acquittors. Evaluations of rap lyrics shift to cohere with a verdict of guilty more so than they shift to cohere with a not guilty verdict. This is notable because even though prosecutors and defense attorneys attempt to present the lyrics as literal or fictional, respectively (Dennis, 2007; Kubrin & Nielson, 2014), prosecutors may be able to make a more compelling case for the meaning of rap lyrics compared to defense attorneys. If prosecutors' depictions of rap lyrics are more believable than those of defense attorneys, as indicated by the current findings, it may be the case that prosecutors have a unique advantage in cases where lyrics are introduced.

The findings presented in this study also highlight the challenge judges face when attempting to isolate the impact of rap lyrics on juror decisions. In Dennis' (2007) review of cases involving defendant-authored rap lyrics, she explains that in the few appellate cases where rap lyrics have been deemed erroneously admitted, judges often describe the error as not constituting reversible error, in part, because the lyrics did not substantially affect the outcome of the case. These findings highlight the challenge in making this conclusion. That is, once evidence is presented at trial, it becomes interdependent with other evidence and the effect of that one piece of evidence cannot be easily inferred (Hasel & Kassin, 2009; Kassin & Sukel, 1997, Simon, 2004). Based on these findings, judges should be aware that the task of evaluating

rap lyrics as evidence is subsumed into the larger task of processing complex evidence, and should be cautious when making judgments about the impact of the lyrics on juror decisions.

In addition to empirically addressing questions about how rap lyrics are evaluated in a trial context, this study also tested a novel approach for detecting coherence shifts by using likelihood ratios as well as typical Likert scale items. However, mixed evidence of coherence shifts was found when using likelihood ratios. These mixed findings have multiple potential explanations. One explanation is that coherence shifts can be detected using a traditional Likert scale as well as a likelihood ratio item. Given that coherence shifts were detected for evaluations of the lyrics and eyewitness identification when using either measure, coherence-based reasoning may be a robust phenomenon.

Alternatively, given that coherence shifts were detected for some evidence, but not others, it is possible that participants struggled with the likelihood ratio items. Participants potentially do not understand how to evaluate the evidence using likelihood ratios, which requires an understanding of statistical probability. In fact, lay people have been shown to demonstrate poor mathematical competency and struggle with probabilistic statistics (Fagerlin, Ubel, Smith, & Zikmund-Fisher, 2007; Gigerenzer & Hoffrage, 1995; Landy, Silbert, & Goldin, 2013; Levin & Gaeth, 1988). Some have even argued that likelihood ratios are too complex for jurors to understand (Koehler, 1996; Wolfe, 1995). It may also be the case that participants have the ability to calculate likelihood ratios, but did not understand the instructions.

Finally, the mixed findings may suggest that, contrary to findings from previous studies, coherence shifts are an artifact of the response item used. It may be the case that participants estimate the strength of one piece of evidence using other trial evidence because the instructions for the Likert scale items do not suggest otherwise. That is, participants may infer that they

should use all of the trial evidence to arrive at a judgment. Instructing participants to evaluate evidence *given guilt of the suspect,* as seen with the likelihood ratio item, may provide participants with clearer directions for evaluating the evidence and reduce the likelihood of incorporating other evidence into their judgments. Thus, detecting coherence shifts may be dependent on how jurors are instructed to evaluate the evidence. While the current findings raise questions about the results from previous tests of coherence-based reasoning, further studies are needed to specifically address which response item is more precise.

It should also be noted that, unlike previous tests of coherence-based reasoning, this study detected correlations between evidence items in the pre-test. There are a number of potential explanations for this unexpected outcome. For example, the current study presented pre-test vignettes that describe criminal investigations, while pre-test vignettes from other studies present evidence in non-criminal contexts. For instance, Simon and colleagues (2004c) embedded the eyewitness identification in a pre-test vignette that discussed the identification of a deliveryman by an employee. It may be the case that presenting evidence in a criminal investigation context creates the impression, for some participants, that the evidence is related, albeit weakly. Relatedly, participants may be generally consistent in how they evaluate evidence. That is, participants may be generally inclined to either accept or question the value of evidence (Thompson, Cowan, Ellsworth, & Harrington, 1984).

Although findings from this study have important implications for introducing rap lyrics as evidence, the study did not directly test how the presence of rap lyrics affects juror decisions and verdicts in particular. Rather, this study examined whether participants who indicated higher ratings for the evidentiary strength of the lyrics were more likely to convict the defendant. However, this study sets the foundation for subsequent studies that more directly address the

important question of how rap lyrics impact juror decisions. Building on the design of the current study, one future study should experimentally manipulate whether rap lyrics are presented as evidence in a trial. It may be the case that introducing rap lyrics as evidence affects the perceived likelihood of guilt for the suspect as well as verdict. Furthermore, the presence of rap lyrics may shape the perceived incriminating value of other evidence. Given that rap lyrics in this study were often strongly correlated with evaluations of other trial evidence, the effect of rap lyrics on evaluations of other evidence should be isolated. More specifically, given the relationship between perceived character, evaluations of evidence, and verdict (Holyoak & Simon, 1999), future research should examine how introducing rap lyrics at trial affects evaluations of the defendant's character, which may in turn affect evaluations of other evidence and the verdict.

Additionally, future studies should introduce other independent variables to determine factors that moderate the effect of the lyrics. For example, previous research on music genre stereotypes indicate that rap lyrics are uniquely viewed as incriminating, threatening, and literal (Binder, 1993; Dixon & Linz, 1997; Dunbar, Kubrin, & Scurich, 2016; Fried, 1996; Fried, 1999; Fried, 2003) but this research has not been conducted in an adjudicative setting. Subsequent research should explore whether any effect of the lyrics is moderated by the genre label ascribed to lyrics. Relatedly, the race of the defendant (e.g. black or white) could be manipulated to determine whether the race of the songwriter moderates the effect of the lyrics. Therefore, scholars should continue examining the potential biases associated with using rap lyrics as evidence. The following chapter suggests additional potential avenues for future research as well as policy recommendations. Furthermore, the following chapter addresses how these findings, and the practice more broadly, contribute to discussions on race and the criminal justice system.

Chapter 5

General Discussion

This dissertation empirically tested potential problems with introducing defendant-authored rap lyrics as evidence at trial. Scholars, lawyers, and rappers have repeatedly articulated concerns that the literal interpretation used by police and prosecutors to evaluate rap lyrics ignores how rap music often represents community reactions to police surveillance (Nielson, 2010, 2011), police violence (Kubrin, 2005; Perry, 2004), and mass incarceration (Steinmetz & Henderson, 2012) more so than an autobiographical narrative. Furthermore, this interpretation ignores the relationship between commercialization and the proliferation of graphic, violent songs, whether real or not (Quinn, 2013; Rose, 2008). Thus, scholars that study rap and this practice more specifically contend that rap lyrics are being used as evidence because of assumptions about rap music and who writes it, which may affect trial outcomes. However, concerns about this practice are largely untested and the few empirical tests are outdated and methodologically limited. In an effort to replicate and extend previous research, this dissertation focused on perceptions of violent lyrics as a function of genre and the consequences of presenting rap lyrics in an adjudicative context. In a set of five experiments, this dissertation aimed to answer a series of questions including: 1) how do stereotypes about rap music affect evaluations of lyrics and the people that write them and 2) what are the adjudicative consequences of introducing rap lyrics at trial?

Study 1, which was a set of three experiments that replicated and extended Fried's (1999) original study, found that stereotypes about rap influence how the lyrics are evaluated. More specifically, lyrics were evaluated as more likely to be literal, more likely to be threatening, more likely to need regulation, and more negative overall when they were categorized as rap rather

than country. Although younger participants (i.e. 18-33) were insensitive to the genre manipulation, older participants (i.e. 33.1-66), on average, evaluated the lyrics more negatively when they were categorized as rap rather than country. Findings from experiment 2 reveal that the genre effect can be replicated with a novel set of lyrics and, therefore, is not unique to the set of lyrics used in Fried's original study. Results from experiment 3 indicate that lyrics are evaluated more negatively when they are categorized as rap rather than country, regardless of the songwriter's race. Additionally, findings from experiment 3 suggest that participants maintain negative stereotypes about rap more so than positive stereotypes about country. Thus, findings from these three experiments suggest that the effect of rap stereotypes is robust and not an artifact of the songwriter's race.

Study 2 aimed to build on findings from the previous study in two important ways. First, the study explored how stereotypes about rap affect inferences of a songwriter rather than evaluations of the lyrics. Second, the study examined whether these inferences are moderated by the genre label ascribed to the lyrics, including genres that have been traditionally viewed as promoting violence. Results indicate that, on average, participants make more negative character inferences about a songwriter when the lyrics are labeled as rap compared to country, punk, and heavy metal. The genre effect had unique implications for inferences related to the songwriter's gang membership. That is, individuals were more likely to infer that a person was a gang member when the lyrics were labeled as rap compared to the other genres, even though the lyrics were held constant across conditions. Furthermore, findings do not indicate that participants were making inferences related to the songwriter's intent, motive, or knowledge of a crime, which is important given prosecutors' claims that lyrics influence these types of judgments rather than character inferences.

Studies 1 and 2 provide important insight into how stereotypes about rap music can affect evaluations of the lyrics and the people who write those lyrics but they did not test the adjudicative consequences of rap lyrics in a trial context. The fifth experiment (Study 3), however, did just that. Findings from this experiment reveal that when rap lyrics are presented in the context of a trial they are viewed as interdependent with other evidence, suggesting a challenge for judges in isolating any effect of the lyrics on juror decisions. Additionally, verdict predicted how participants shifted evaluations of the lyrics so that the lyrics cohered with the verdict. For example, participants who thought the defendant was guilty were more likely to shift their evaluations of the lyrics from the pre-test to the post-test so that the lyrics were more likely to be evaluated like an admission of guilt in the post-test. However, evaluations of the lyrics did not predict verdict.

The results of this dissertation, in part, substantiate some concerns about this practice. More specifically, the findings raise questions about whether rap lyrics are more likely to be viewed as an autobiographical narrative than are lyrics from other genres, particularly because of stereotypes related to rap music. This is important given that prosecutors often present rap lyrics like an admission of guilt, a strategy that may be effective due to these stereotypes. Furthermore, the results raise questions about the types of inferences jurors are making when the lyrics are presented as evidence. This is of particular importance given that jurors are not allowed to use the lyrics to determine whether the defendant is the *type of person* who would commit a crime. Rather, they are only allowed to use the lyrics to infer the defendant's motive or intent to commit a crime. If jurors use rap lyrics, and rap stereotypes in particular, to infer character, then the lyrics are potentially inadmissible evidence.

Finally, findings from study 3 suggest that rap lyrics are evaluated in ways that validate a person's verdict (e.g. an admission of guilt) and the impact of the lyrics is not easily discerned, which is especially important in appellate cases where judges have to determine how the lyrics impact the outcome of the case. Findings from Study 3 suggest that evidence in a case is evaluated holistically, rather than individually, and judges may not be able to easily isolate the impact of rap lyrics. Yet, it remains unclear how excluding the lyrics would affect evaluations of other evidence and whether the trial would still result in a conviction.

Limitations

Although the findings from the dissertation have important implications for the consequences of using rap lyrics as evidence, potential limitations should be noted. One potential limitation is how lyrics were presented to participants. In particular, participants were presented with the lyrics as written text rather than how they are typically presented at trial. Having the rap lyrics read or hearing them recited in a rapper's music video, which is how they are often presented, may increase the perception that the lyrics are authentic and self-referential. Relatedly, juror decision making studies, particularly those using written stimulus materials, are often criticized for not being representative of real world decision-making (Wiener, Krauss, & Lieberman, 2011; Vidmar, 2008). Although studies often use written materials, and videos to a lesser degree, tests for differences between written materials and more realistic presentation formats have resulted in mixed findings (Bornstein, 1999; Diamond, 1997; Eva Martin et al, 2007; MacCoun, 1990). Although the current findings provide some insight into how jurors might evaluate rap lyrics at trial, it is unclear how a more realistic presentation of the lyrics might influence judgments about the lyrics and subsequent juror decisions.

It should also be acknowledged that samples from Mechanical Turk are not representative of the United States population nor are they probability samples. Samples from Mechanical Turk also tend to skew more educated, liberal, and white (Berinsky, Huber, & Lenz, 2012), as seen in the samples from the studies. Furthermore, participants on Mturk complete the task on-line rather than in person. Yet there are a number of reasons to consider data collected from Mechanical Turk as reliable. Studies have shown that Mturk samples are significantly more representative of the U.S. than are college samples and other online samples (Berinsky et al., 2013; Heen, Liberman, & Miethe, 2014; Paolacci et al., 2010). Additionally, studies have shown that individuals recruited through Amazon Mechanical Turk behave in ways consistent with other commonly used subject pools and the general public (Bartneck et al., 2014; Chandler et al., 2014; Paolacci & Chandler, 2014). Although Mturk does have its limitations, like any sampling method, the sampling strategy provides researchers with a relatively representative and relevant sample yielding data at least as reliable as data obtained via traditional methods (Bartneck et al., 2014; Buhrmester, Kwang, & Gosling, 2011).

Policy Implications

Findings from this dissertation have direct implications for judges who must consider and weigh potential prejudicial impact against probative value when deciding whether to admit rap lyrics as evidence. In particular, the findings suggest that judges consider the extent to which the label of lyrics – and not the substantive lyrics themselves – impact jurors' decisions. Judges should also be aware that jurors might make character inferences based on stereotypes related to rap music, which is particularly problematic given: 1) the prohibition against introducing character evidence and 2) the effect of negative character evidence on juror decisions. Research has shown, for example, that negative character information is more impactful than positive

character information (Lupfer, Weeks, & Dupuis, 2000), and that in particular, negative character evidence can result in harsher punishments than positive character evidence (Landy & Aronson 1969; Holyoak & Simon, 1999). Others have argued that some character evidence can trigger racialized stereotypical inferences about the defendant (Goodman, 2007), which, as discussed previously, can result in harsher punishments for black defendants.

Given the current findings and previous scholarship (Dennis, 2007; Kubrin & Nielson, 2014; Wilson, 2005), it is important to consider potential policy recommendations. Legal scholars have already articulated some recommendations. For example, Dennis (2007) suggests judges take the perspective of the songwriter rather than the listener when deciding whether the lyrics are admissible. More specifically, she suggests that judges assume the lyrics are metaphorical, fictional, and not self-referential and that prosecutors must prove otherwise. She then outlines a number of questions that prosecutors should address before judge decides that the lyrics are admissible. Some questions include whether the lyrics were written before or after the charged crime, whether the themes present in the lyrics are ubiquitous to rap music, and whether the lyrics reference specific details of the crime. Others argue that lyrics should only be admitted if they directly relate to the facts of the case and if so, whether there was any way for the defendant to have discovered this information without being involved in the crime (ACLU of New Jersey, 2013; Powell, 2009). However, these recommendations tend to focus on judicial decision making and do not address how any bias associated with rap lyrics might affect juror decision making.

Given that it is the province of the jury to determine the meaning and value of the lyrics, it is important to develop solutions to mitigate any potential bias and to determine the effectiveness of such policy recommendations, especially given that this practice affects an

already marginalized group. Based on the current findings, a number of policy recommendations can be suggested. Although there is mixed support for the effectiveness of jury instructions (Daftay-Kapur, Dumas, & Penrod, 2010; Simon, 2012), using jury instructions might help to mitigate any bias associated with presenting rap lyrics as confession evidence (Dennis, 2007). More specifically, introducing jury instructions prior to receiving the lyrics, rather than prior to deliberation, may reduce shifting evaluations of the lyrics during the trial (Simon, 2004). Similarly, presenting jurors with expert testimony about the history and genre conventions of rap music may provide jurors with a more informed understanding of the genre, thereby balancing any asymmetry between the believability of the prosecutor's and defense's representations of the lyrics. Expert testimony may also result in jurors taking the perspective of the songwriter, rather than the listener, which may alter the interpretation of the lyrics.

Future research

Kubrin and Nielson (2014) issued a call to scholars to "critically examine the growing movement to turn rap lyrics against their authors" (p. 19). This series of experiments constitute an effort to address these calls, and as is evident, the results speak to the continued need for additional research on perceptions of rap music as well as their consequences when used as evidence. In particular, social science research can provide insight into additional mechanisms that may contribute to the effectiveness of this practice as well as potential consequences of the practice. For example, as discussed in Study 3, research should examine how the presence of rap lyrics affects juror decisions and the factors that might moderate this effect. Additionally, research should examine how attitudes or cultural knowledge about rap music influence the perception of the lyrics. Greater familiarity with the genre conventions of rap music may result in more nuanced interpretations of the lyrics, a point that also highlights the need for research on

the effectiveness of testimony from rap music scholars. As Kubrin and Nielson (2014) suggest, interviews with rappers can also demonstrate how this practice is affecting the content that rappers address in their music.

Social science research can also provide additional insight into the relationship between rap music and stereotyping. For example, according to research, rap lyrics activate stereotypes related to race more broadly, that is, beyond rap music fans and listeners. Exposure to rap music has been shown to increase the ease of associating black people with negative traits like hostility, being violent, and being sexist (Rudman & Lee, 2002) as well as making less empathetic judgments toward black victims (Johnson, Bushman, & Dovidio, 2008). Johnson, Trawalter, and Dovidio (2000) found that participants who listened to violent rap music (compared to non-violent rap and no music) evaluated the target male in an unrelated task as more inherently violent and less intelligent. Therefore, future research on this issue can potentially provide greater insight into how evaluation of rap music affects other judgments.

More specifically, future research should examine the relationships among rap music, perceptions of threat, and perceived racial identity. Although there is a growing body of research examining how different factors (e.g. criminal record, income, phenotype) can affect perceptions of a person's racial identity (Freeman, Penner, Saperstein, Scheutz, & Ambady, 2011; Peery & Bodenhausen, 2008; Penner & Saperstein, 2008), there is a dearth of research on how cultural practices, like writing rap lyrics, might be used to evaluate racial identity and racial stereotypicality, decisions which have unique implications for perceptions of criminality and culpability (Eberhardt, Davies, Purdie-Vaughns, & Johnson, 2006; Pizzi, Blair, & Judd, 2004). This is particularly important given the finding that lyrics labeled as rap were evaluated more negatively compared to identical lyrics categorized as country, *regardless of the songwriter's*

race (Study 1, experiment 3). Thus, scholars should explore how the affiliation with a specific genre can result in a person "gaining" or "losing" their perceived blackness or whiteness, and how this affects perceptions of a person's dangerousness.

Conclusion

Ultimately, this dissertation contributes to discussions related to race and the criminal justice system. It is well established that racial disparities are pervasive in the criminal justice system and, for decades, scholars have explored different mechanisms that might explain these disparities (Brown, 2005; Zatz, 1987; Johnson & Lee, 2013). In particular, researchers have demonstrated the role of race in police-citizen interactions (Correll, Park, Judd, & Wittenbrink, 2002; Eberhardt, Goff, Purdie, & Davies, 2004; Gelman, Fagan, & Kiss, 2007; Payne, 2001), juror decision making (Haney, 2004; Lynch & Haney, 2011; Sargent & Bradfield, 2004; Sommers & Ellsworth, 2009; Sweeney & Haney, 1992; Ugwuegbu, 1979), and punishment (Baldus, Pulaski, & Woodworth, 1983; Bridges & Steen, 1998; Blumstein, 1982; Graham & Lowery, 2004). Much of this research focuses on how a person's race —or, their assigned racial category based on perceived phenotype — affects decision making of the police, judges, and jurors (Zatz, 1987; Johnson & Lee, 2013). However, a growing body of scholarship seeks to explore how racial discrimination in the criminal justice system can be perpetuated through seemingly race-neutral practices (Bonilla-Silva, 1997; Haney & Hurtado, 1994; Johnson & Lee, 2013). In doing so, contemporary research aims to reconcile declines in reported overt racism with continued racial disparities in criminal justice outcomes. This dissertation offers a novel example of one such seemingly race-neutral practice, the introduction of defendant-authored rap lyrics as evidence in criminal trials.

In particular, findings from this dissertation, in conjunction with previous scholarship, contribute to a more expansive understanding of the relationships among race, rap music, and the criminal justice system. Rap music has had a historically contentious relationship with the legal system and the public (Nielson, 2010; Nielson, 2011; Perry, 2004), primarily because the genre has been viewed as harmful to society (Binder, 1993; Crenshaw, 1991). More specifically, rap music, when compared to other genres, is uniquely viewed as threatening (Binder, 1993; Fried, 2003), obscene (Dixon & Linz, 1997), offensive (Fried, 1996; Fried, 1999), in need of regulation (Dunbar, Kubrin, & Scurich, 2016; Fried, 1996, 1999), and literal (Dunbar, Kubrin, & Scurich, 2016). The current findings highlight how rap music is stereotyped in ways that potentially perpetuate the perceived dangerousness of the genre and the people who create it.

It is also important to note that the practice of introducing rap lyrics as evidence does not occur in a vacuum. Rap lyrics are most often introduced in cases with black male defendants (Dennis, 2007), potentially invoking well-established stereotypes about black male dangerousness (Devine, 1989; Duncan, 1976; Eberhardt et al., 2004). Although this study does not directly test stereotypes about race, the ostensibly race-neutral practice of introducing rap lyrics, and their potential use as confession evidence, may be a powerful prosecutorial strategy, in part, because it interacts with jurors' underlying racialized perceptions of dangerousness to further perpetuate racially disproportionate outcomes in the criminal justice system. Thus, although extensive research has been done on the relationship between anti-black bias and discriminatory decision-making, this study expands our understanding of how other cognitive processes may contribute to racial disparities in criminal justice outcomes.

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