The O. J. Simpson Trial: Challenges to Science and Society

Halford H. Fairchild
Pitzer College

Gloria Cowan
California State University at San Bernardino

The O. J. Simpson murder and civil trials riveted the nation and much of the world for more than two years. Of tremendous scientific and public interest was the gulf in attitudes, perceptions, and reactions to the not guilty verdict at the criminal trial. The collection of articles in this issue of The Journal of Social Issues converged on the idea that race is an inadequate explanatory variable in understanding these differences in attitudes, perceptions, and reactions. Instead, race is a marker for a variety of cultural and experiential issues that affect cognitive, affective, and behavioral processes. This concluding article debunks simplistic ideas of race and points to the broader problems of racism and discrimination, criminal injustice, and violence in social relations. The article concludes with suggestions for future research and a call for a broader transformation in societal institutions that affect the quality of social relations.

For more than two years, the brutal murders of Nicole Brown Simpson and Ronald Goldman and the subsequent trial of O. J. Simpson transfixed our nation and much of the world. Our collective fascination with violence was heightened by the celebrity status of the victims and the accused.

The slow chase of the Ford Bronco provided a “flashbulb memory” for the millions of Americans who watched the surreal event on live television. Simpson’s criminal trial — quickly and perhaps appropriately dubbed “the trial of the century” — was etched permanently into our individual and collective memories. For the majority of Americans, the trial — particularly its outcome — revealed what is wrong with our criminal justice system. For others, Simpson’s acquittal was cause for unrestrained jubilation.
The vexatious problems of race, racism, and domestic violence were revealed in both the public’s perceptions of Simpson’s guilt or innocence and the volatile commentaries that followed the not guilty verdict in the criminal trial. The findings of liability in the civil trial created an interesting inverted echo of those commentaries. The fact that the majority of White Americans and the majority of Black Americans were worlds apart in their perceptions was easy to predict.

A number of social scientists, acting independently, saw the murder and subsequent trial as an opportunity to collect data and test theory. Our call for papers, issued initially in the fall of 1995, sought theoretical and empirical explorations of the multiple meanings of the Simpson trial from the perspective of these social scientists. We later solicited papers from others who shared their personal accounts as expert witnesses in the trial (Stahly & Walker, this issue) or as legal experts (Gordon, this issue). These papers reveal the strengths and weaknesses of social science methodologies, but more importantly, they provide a basis for articulating a number of challenges that face both science and society in the areas of race, domestic violence, and fairness in the criminal justice system.

Debunking Race

A major concern during and after the trial was the huge difference between racial groups (especially Whites and Blacks) in the perceived guilt (or innocence) of Simpson and their reactions to the not guilty verdict (Kelner & Kelner, 1995; Mendoza-Denton, Ayduk, Shoda, & Mischel, this issue; Skolnick & Shaw, this issue; Toobin, 1996). A related concern, embedded in the psychology of law, had to do with the fairness of jurors and the criminal justice system. Was the predominantly Black jury biased? Was Simpson’s acquittal a miscarriage of justice that was tainted by racism? Or was the system biased in bringing an innocent man to trial and subsequent professional ruin?

With few exceptions, the collection of studies in this issue demonstrated that we must be cautious in making any inferences about the role of race in either the public’s perceptions of the trial or their reactions to the verdict. As Peacock, Cowan, Bommersbach, Smith, and Stahly (this issue) noted, the examination of race effects in the absence of an articulation of the underlying cultural or experiential issues underlying these effects reduces our efforts to categorizing effects rather than explaining them (Betancourt & Lopez, 1993). What are these cultural or experiential issues?

First, it is important to recognize that the popular media overgeneralized ethnicity effects. Although jubilant Black faces were given widespread news coverage, their happiness was not universally shared within the Black population, and the disconsolate reactions attributed to White Americans were also far from universal. One-fourth or more of these groups did not agree with the group majority (Murray, Kaiser, & Taylor, this issue), and ethnicity accounted for only 10% of the variance in pretrial perceptions when entered first in a stepwise regression, and for only 1% when entered last (Peacock et al., this issue).

The recurrent theme to emerge from our collection of studies is that race, or ethnicity, served merely as a proxy for other cultural or experiential variables that provided meaning to the group differences in trial perceptions or reactions to the verdict.

African Americans, as a discriminated-against minority group, have a long history of being abused by the criminal justice system (e.g., Bagby, Parker, Rector, & Kalemba, 1994; Barnes & Kingsnorth, 1996; Bell, 1973; LaFree, 1980; Perez, Hosch, Ponder & Trejo, 1993; Peterson & Hagan, 1984; but see Fein, Morgan, Norton, & Sommers, this issue, and Skolnick & Shaw, this issue, for discussions of “reverse discrimination” effects). These abuses include higher rates of arrest, of being charged with a crime, of being convicted, and of being sentenced, as well as longer sentences (cf. Fairchild & Tucker, 1982; Gibson, 1978; Spohn, Grubl, & Welch, 1987). Such widespread police harassment of Black men has been reported that it is perceived as universal (see Stahly & Walker, this issue). Racial discrimination has long been identified as a factor in death penalty trials (e.g., Paternoster, 1984).

This history of negative relations with American jurisprudence is the lens through which many African Americans viewed Simpson’s criminal trial (as well as the subsequent civil trial). Whereas many may view an arrest as cause for reasonable suspicion of a person’s guilt, African Americans may view such an arrest as an example of the frivolous and abusive exercise of power that has characterized the relationship of police departments with Black communities for more than 100 years. This perspective, then, was given additional credence when the photographs of Simpson’s mug shot were splashed on the cover of two prominent news magazines, one of which deliberately darkened his coloring and added the shadow of a beard.

Thus, it is a gross oversimplification to say that it is only, or even primarily, whether one is Black or White that matters in assessing Simpson’s presumed guilt or innocence; rather, these perceptions had much more to do with attitudes toward the legal system (Chapdelaine & Griffin, this issue, Peacock et al., this issue), perceptions of institutional racism (Peacock et al., this issue), the amount and quality of interracial attitudes and behaviors (Murray et al., this issue), or the salience of race or gender as an aspect of personality (Newman, Duff, Schnopp-Wyatt, Brock, & Hoffman, this issue).

The macro intergroup level of analysis—as provided by Kuhl (this issue), Newman et al. (this issue), and Murray et al. (this issue)—is grounded in social psychological theory of group differentiation and ethnic identity. At the other end of the spectrum, Mendoza-Denton et al. (this issue) and Chapdelaine and Griffin (this issue) suggest that the specific cognitive and affective units triggered by elements of the case can provide an analysis that transcends ethnicity. Similarly, Peacock et al.
of a lifetime of experiences—some more painful than others, some private, and some shared” (p. 578).

In a similar manner, Kuhl (this issue) frames the Simpson case in intergroup and social identity processes (cf. Tajfel & Turner, 1979) and the role of unequal group statuses. Kuhl suggests that these group processes, operating in the service of threatened social identities, can lead to widely disparate attributions and explanations of social events. From this perspective, it is not race as a static personal attribute that is important but the intergroup processes that become engaged when social conflict occurs, especially in the context of inequality and social justice.

Surprisingly, the issue of domestic violence and wife battering did not play a large role in the studies. In fact, only one study (Mechanic & Aber, this issue) actually focused specifically on domestic violence. Moreover, Mechanic and Aber did not find that exposure to the Simpson media blitz had much impact on participants in an unrelated mock jury study on domestic violence. If anything, jurors who joined the study after the publicity surrounding the murders were more, rather than less, punitive than jurors who joined the study prior to the publicity in their mock trial judgments of a woman who had killed her abusive husband.

Similarly, Peacock et al. (this issue) found that the belief that Simpson battered his ex-wife was important in explaining pretrial judgments of guilt but general measures of attitudes toward domestic violence were not predictive. Here, observers who saw Simpson as a spouse batterer were clearly more likely to view him as guilty of murdering his ex-wife and her friend (Peacock et al., this issue). This, though, must be tempered by the realization that spousal battery is only imperfectly correlated with spousal homicide (Stahly & Walker, this issue). Nor did Peacock et al. find gender differences in judgments. Although domestic violence has been a constant, if muted, issue in the Simpson case, it has not had the social reverberations to equal the issue of race and racism.

The studies in this issue demonstrate a diversity of empirical and theoretical approaches to the Simpson case. Clearly, social science cannot establish whether Simpson murdered Nicole Brown Simpson and Ronald Goldman. However, psychological research can provide an analysis of the chasm between Blacks and Whites in their beliefs and emotions regarding the case.

In each of these analyses, it is not sufficient to conclude that Blacks believed Simpson to be innocent and Whites believed him to be guilty. Though none of the studies disregarded or denied ethnic differences, each incorporated a wider range of processes and variables. A portrait of a complex process emerged in which group history and culture shape ethnic identities that may lead to differences in beliefs, feelings, and behaviors. Personality processes, such as authoritarianism, may reciprocally influence other attitudes, beliefs, and emotions that may contribute to differences in responses to the case, the trial, and the verdict.

In sum, it is not definitive, in assessing attitudes toward Simpson’s guilt or innocence, whether someone is Black or White, Latino or Asian, male or female or...
feminist; what matters is how these social categories are reflected in different experiences and how those experiences are folded into the personalities of the individuals involved.

**Debunking Fairness**

Our idealized collective self-image is of a nation that is fair and just. Our organizing credos are based on the principles of equal opportunity, democracy, and one nation indivisible. That idealization is a fantasy.

The criminal justice system has a long history of bias against African Americans and other discriminated-against minorities, including the White poor (Bell, 1973; Gibson, 1978; Johnson, Whitestone, Jackson, & Gatto, 1995). Thus, the faces of indignity at the perceived miscarriage of justice in the Simpson trial ring hollow in the context of centuries of systemic biases that have victimized minorities and the poor. In this sense, we agree with Gordon (this issue) that the Simpson trial is the exception that proves the rule. From one African American perspective, it may be said that Simpson received "White man's justice": the ability to escape punishment because of wealth and celebrity, regardless of guilt or innocence.

But the collection of studies in this issue do little to untangle the maze of interactions evident in the Simpson case. The accused was a Black man. The victims were White. In most instances, these simplified characteristics would be sufficient formulae for arrest, conviction, and execution. But Simpson was a celebrity. He was rich. He succeeded in his effort to transcend race by becoming an icon of corporate America. Was his acquittal due to his race (the Black racism hypothesis, as proposed by Skolnick and Shaw, this issue), his celebrity status, his wealth, his dream team of lawyers, the prosecution's botching of the trial, or the tainting of evidence by less than perfect police procedures? Or was he, in fact, innocent?

**Future Research**

Hindsight is 100%. If we could have anticipated the murder and the ensuing trial and media spectacle, how would we have approached its scientific investigation? How might social scientists prepare for the unexpected?

It is beneficial to have ongoing data collections on the hot topics of our society. We know that racial attitudes, gender and sexual attitudes, and attitudes toward war and peace, abortion, welfare, affirmative action, and a host of others are ongoing concerns. There is value in simply recording the public's attitudes at regular intervals. Then, historical events may be examined for the changes; if any, they make in the attitudinal trends evident from such longitudinal research. Of course, such research must include the role of social identity (e.g., gender and ethnicity) in attitudes toward major social issues.

The O. J. Simpson Trial

In the Simpson case, it would have been informative to examine changes in public attitudes over the course of the entire case—before, during, and after the criminal trial, and during and after the civil trial. A panel study of this nature would have clarified issues of resistance versus change in attitudes as a function of availability of information, media effects, normative group influences, and interactions of these factors with preexisting attitudes, beliefs, schemata, and personality attributes.

But the realization that the correspondence between attitudes and actions is often tenuous (Ajzen, 1985)—and that attitudes are themselves multidimensional—must temper the measurement of these attitudes. Researchers must collect data that tap the cognitive, affective, and behavioral components of attitudes. They must validate these measures with actual actions of individuals and collectives.

The concept of race, too, is problematic (Yee, Fairchild, Weizmann, & Wyatt, 1993; Fairchild, Yee, Wyatt, & Weizmann, 1995). Rather than simply comparing racial groups on attitudes, values, or actions, researchers must begin the more important task of understanding the processes that underlie racial differences. It is unlikely that attitudes or values have a genetic basis. Rather, the individual and shared experiences that are predicated on race (and/or gender) shape the constellation of factors that lead to measured group differences. What are these experiences and how are they translated into social psychological processes? How are these social psychological processes translated into motivational, affective, or cognitive ones? How do these experiences affect personality attributes or values? How are these psychological processes translated into behavior?

**Challenges to Society**

The challenges to science, however, pale in comparison to the challenges to our society. As Gordon (this issue) speculated at the outset of this issue, Simpson's acquittal may have a lasting legacy in the "quiet riot" of toughened criminal sentencing, pullbacks on affirmative action, and the continued antagonisms between racial groups in American society.

The real challenges the Simpson trial revealed involve correcting the imperfections in the criminal justice system: not the imperfections that led to his acquittal, necessarily, but the imperfections tied to the inappropriate relevance of race in all criminal trials (cf. Bernard, 1979; Paternoster, 1984; Pfeifer & Ogloff, 1991; Sweeney & Haney, 1992).

But racial discrimination in the criminal justice system is only a symptom of the racism and racial discrimination that occurs more broadly in our society (cf. Dovidio & Gaertner, 1991). This reality of racial discrimination provides the "shared cultural network" of experiences, attitudes, and values that helps us understand why the majority of Blacks and Whites, for example, differed so widely in their perceptions of (and responses to) the Simpson trial.
The real challenge to our society, then, lies in making our ideals of justice and democracy a reality for the entirety of our society. The criminal justice system, like the educational and political economic systems, should be blind to race, social class, gender, sexual orientation, and celebrity status. Even more important, we need to solve the epidemic of family violence and spousal homicide that appear to be on an ever-escalating spiral. It is incumbent on all institutions—family, schools, churches, governments, and social agencies—to begin a process of primary prevention in family violence. We must develop and disseminate models that replace violent confrontations with peaceful resolutions to family problems.

The murders of Nicole Brown Simpson and Ronald Goldman are tragic reminders of the vexatious problems of violence, domestic violence, and race in American society. Social science research is notably incapable of providing firm answers to the questions that their tragic loss of life engendered. But more than research, we conclude that what is needed are more fundamental transformations in race relations, gender relations, and the structures of society that may contribute to the realization of justice, equal opportunity, and peaceful social relations.

References


HALFORD H. FAIRCILD is a Professor of Psychology and Black Studies at Pitzer College. His research interests are in racial and ethnic relations. He has co-edited three books, including *Bilingual Education: Issues and Strategies* (Sage Publications), *Foreign Language Education: Issues and Strategies* (Sage Publications), and *Prejudice and Discrimination: An Annotated Bibliography* (Westview Publishers).

GLORIA COWAN is a Professor of Psychology at California State University, San Bernardino. She received her Ph.D. in social psychology from Rutgers University. Her publications have included issues of gender and power, pornography, beliefs about the causes of rape, codependency, and hate speech.
O. J. Simpson: A Threat to Internal Validity?  
Mindy B. Mechanic and Mark Aber

REACTIONS TO THE VERDICT
Disparities in Judgments of the O. J. Simpson Case:  
A Social Identity Perspective  
Victoria Kuhl

Reactions to the O. J. Simpson Verdict: “Mindless Tribalism”  
or Motivated Inference Processes?  
Leonard S. Newman, Kimberley Duff, Nicole Schnapp-Wyatt,  
Bradley Brock, and Yonit Hoffman

Cognitive-Affective Processing System Analysis of Reactions  
to the O. J. Simpson Criminal Trial Verdict  
Rodolfo Mendoza-Denton, Ozlem N. Ayduk, Yuchi Shada,  
and Walter Mischel

FINAL COMMENTS
The O. J. Simpson Trial: Challenges to Science and Society  
Halford H. Fairchild and Gloria Cowan

LETTERS TO THE EDITOR

409

Introduction to the Issue  
Gloria Cowan and Halford H. Fairchild

417

Reflections of a Criminal Defense Lawyer on the Simpson Trial  
Walter L. Gordon, III

425

What are Nice Feminists Like You Doing on the O. J. Defense Team?  
Personal Ruminations on the “Trial of the Century”  
Geraldine Butts Stahly and Lenore E. A. Walker

441

Perceived Predictors of Judgments in the O. J. Simpson Case  
M. Jean Peacock, Gloria Cowan, Mimi Bommersbach,  
Shandu Y. Smith, and Geraldine B. Stahly

455

The O. J. Simpson Verdict: Predictors of Beliefs about  
Innocence or Guilt  
Carolyn B. Murray, Robert Kaiser, and Shelby Taylor

477

Beliefs of Guilt and Recommended Sentence as a Function of  
Juror Bias in the O. J. Simpson Trial  
Andrea Chapdelaine and Sean F. Griffin

487

Hype and Suspicion: The Effects of Pretrial Publicity, Race,  
and Suspicion on Jurors’ Verdicts  
Steven Fein, Seth J. Morgan, Michael I. Norton,  
and Samuel R. Sommers

503

The O. J. Simpson Criminal Trial Verdict: Racism or Status Shield?  
Paul Skolnick and Jerry L. Shaw