

ISLAMOPHOBIA AND REACTIONS TO ANTI-MUSLIM HATE CRIME: THE ROLE OF
PROTOTYPIC THOUGHT AND THE IDEAL MINORITY VICTIM

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Abstract

This dissertation explored victim blaming in the context of Islamophobic hate crime, including the role that “model victim” expectations might play. Study 1 and Study 2 explored the nature, content, and frequency of prototypes surrounding hate crimes, finding evidence of clear prototypic expectations for both perpetrators and victims. Study 3 found that anti-Muslim hate crimes with highly prototypical perpetrators (White, uttering Islamophobic slurs) were rated most typical of a hate crime, with increased certainty of guilt, longer recommended sentences, higher perpetrator blaming, and lowest victim blaming. In the low perpetrator prototypicality conditions (South Asian perpetrator, no slurs), participants were less certain that the offence was a hate crime, recommended lighter sentences, reduced perpetrator blame, and higher victim blame. Study 4a confirmed experimentally that observers recognize Muslim victims as equivalent to other, more traditionally studied targets of hate (i.e., Black, gay). Having established that Muslims do not differ, Study 4b explored prototypes of the typical victim of hate crime. Where the victim was depicted as a passive South Asian Muslim man, participants were most certain the offence was a hate crime, recommended harsher sentencing, imposed the highest perpetrator blame, and the lowest victim blame. When the South Asian Muslim victim responded verbally or physically to the perpetrator's harassment, however, victim blaming increased, perpetrator blame decreased, and guilt and sentences were reduced. This was not the case for the White, non-Muslim victim, whose behaviour was not so scrutinized. Overall, the research reported in this dissertation demonstrates the implications of prototypic expectations of “true” hate crime characteristics, and the behavioural expectations placed on Muslim victims to behave passively in the face of harassment.

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Preface

This dissertation is comprised of both published and unpublished content. Study 1 involved an open-ended assessment of thoughts and beliefs about what makes an offence a typical hate crime. Participants were asked in a semi-structured way to provide their thoughts and beliefs about a typical hate crime victim, perpetrator, and offence. After carefully reviewing these comments, a pattern of themes was detected. Trained coders reviewed the open-ended responses for the presence of these themes, and those items that were identified most frequently by participants were recorded as possible prototypic content. Study 2 extended this approach, relying on a new sample of participants to review the themes generated by Study 1 to verify prototype content.

Study 3 explored prototypes surrounding the perpetrator of an anti-Muslim hate crime. The two strongest prototypic elements pertaining to the perpetrator were extracted and experimentally manipulated in a vignette format. The first of these elements was Overt Bias, with the highly prototypical version involving repeated Islamophobic slurs and the low prototypicality version involving generically offensive comments without Islamophobic slurs. The second element involved the Perpetrator's Ethnicity: the highly prototypical condition involved a White perpetrator (differing from the victim's ethnicity), and the low prototypicality condition involving a South Asian perpetrator (same ethnicity as the victim).

Finally, the last two studies of this dissertation are presented within a published paper (Erentzen, Schuller, & Gardner, 2019), and explored the nature and impact of victim prototypes. This manuscript is comprised of a pilot study (referred to herein as Study 4a) to establish the equivalency of Muslim victims to other, more traditionally studied targets of hate. Having established this equivalency, the main study of the article (referred to herein as Study 4b)

explored prototypes surrounding the typical victim of an Islamophobic hate crime, extracting the two most commonly identified elements pertaining to victim prototypes (as established in Study 1 and Study 2). Specifically, the victim's identity as a racialized or religious minority was varied, with the high prototypicality condition depicting the victim as a South Asian Muslim man and the low prototypicality condition depicting him as a White, non-Muslim man. The second prototype variable that was manipulated involved Victim Behaviour: in the high prototypicality condition, the victim was depicted as passive and quietly ignoring harassment from the perpetrator. In the low prototypicality condition, the victim was depicted as becoming verbally and physically confrontational in response to the perpetrator's harassment.

Islamophobia and Reactions to Anti-Muslim Hate Crime: The Role of Prototypic Thought and the Ideal Minority Victim

Hate crimes are those motivated by prejudice or antipathy toward a target victim's group, typically on the basis of ethnicity, religion, or sexual orientation. They are often thought of as message crimes in that they are meant to harm both the individual victim and their entire community by sending a message that they are unwanted and unsafe (Cogan, 2002; Hanes & Machin, 2014). Following the Al-Qaeda terrorist attacks of September 11, 2001 in New York City, the United States saw an increase in hate crimes targeting Muslims and persons of Middle Eastern heritage (e.g., Ahmad, 2004; Chen, Ickes, & Kenworthy, 2013; Disha, Cavendish, & King, 2011; Hanes & Machin, 2014). These trends were observed not only in the United States, but in many countries, including Australia (Poynting & Noble, 2004), the United Kingdom (Hanes & Machin, 2014; Sheridan & Gillett, 2005), and Canada (Helly, 2004; Rousseau, Hassan, Moreau, & Thombs, 2011). In addition, Canada experienced a rash of anti-Muslim violence in response to the November 13, 2015 terrorist attacks in Paris, committed by the Islamic State (Guillot, 2015). For example, Peterborough's only mosque was set on fire in a deliberate act of arson shortly after the Paris attacks (cbcnews.ca, Nov. 15, 2015). A day later, a Canadian-born Muslim woman in Toronto was assaulted by two men who called her a terrorist and told her to "go home" (Mangione, Nov. 17, 2015). These events were not the end. On January 29, 2017, six Muslim worshippers were killed in a mass shooting while attending their mosque in Quebec City; their assailant was a young man with anti-immigrant and politically conservative beliefs (Lum, Feb. 10, 2017).

Despite this, little attention has focused on how observers and jurors interpret hate crimes against Muslim persons specifically. With few exceptions, most research to date has focused on

Black and gay victims of hate crime, and very little attention has been paid to Muslims as comparable targets. South Asian Muslims are a relatively new and rapidly expanding social group within Canada (Malenfant et al., 2011) and one that is often associated unfairly with radicalized terrorism and violence (Briskman, 2015; Perry, 2015; Zempi & Chakraborti, 2015). The purpose of the current research was to explore the way that observers react to and think about anti-Muslim hate crimes, including the way in which individuals ascribe blame to victims and perpetrators. Are Muslim hate crime victims likely to be blamed for their own attack, and what factors might influence these decisions?

To do so, this program of research explored the existence of lay prototypes about hate crimes, the content of those prototypes, and how they may influence legal decision making about anti-Muslim hate crime. A prototype is a mental representation of a particular category of things; a prototypic category member is one that shares the most traits with other members of the category and the fewest traits in common with different categories (Rosch & Mervis, 1975). The prototypic category member is the ideal representation of that category, and a standard against which other potential category members are compared (Rosch, 1975, 1978). As outlined more fully below, prototypes exist not only for object categories but also for more abstract concepts such as social groups and criminal offences. Following traditional prototype methods, Studies 1 and 2 explored the content of victim, perpetrator, and offence-related hate crimes, establishing that prototypes indeed exist and what they contain. Using the findings from Studies 1 and 2, Studies 3 and 4 were designed to provide an experimental demonstration of the consequences of perpetrator-related prototypes (Study 3) and victim-related prototypes (Study 4a and 4b) on decision making. In particular, we assess how prototypic expectations of the model perpetrator and model victim of hate crime influence observer perceptions of guilt, sentencing, perpetrator

blaming, and victim blaming. Before turning to the empirical studies, a discussion of hate crime in Canada, and anti-Muslim hate crime in particular will first be provided. The role of prototypicality in decision makers' evaluations of hate and its consequences will follow this general discussion.

Hate Crimes in Canada

The Canadian approach to hate crime takes a bifurcated route. On the one hand, the *Canadian Criminal Code* establishes four specific provisions pertaining to "hate crime." These include prohibitions against advocating genocide (s. 318), publicly inciting hatred against an identifiable group (s. 319), mischief in relation to religious property (s. 430.4.1), and a provision that creates a special warrant to seize hate-related propaganda (s. 320). In addition to these specific provisions, Canada has a broader sentencing provision that deems the presence of hate motivation for any offence to be an aggravating factor at sentencing. Thus, any criminal offence will be punished more harshly to the extent that it is "motivated by bias, prejudice, or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or gender identity" (*Canadian Criminal Code*, s. 718.2(a)(i)). This sentencing provision recognizes that hate motivation renders an offence more morally blameworthy and threatening to Canadian ideals of multiculturalism and equality. It is this latter, more general category that is typically at issue when we speak of hate crime, and is the focus of the present research.

Some scholars have argued that punishing hate crimes more harshly is equivalent to punishing thought itself, and potentially a violation of the constitutional right to freedom of thought or freedom of expression (Gey, 1997; Jacobs & Potter, 1997, 1998). Others argue that punishing hate creates a slippery slope whereby governments can begin to punish political

thoughts or any other belief system that they believe to be in violation of the State (Adelman & Mooreshead, 1995; Jacobs & Potter, 1997). Such criticisms, however, represent the minority of viewpoints. There are clear reasons to prohibit hate-motivated offences, including Canada's official national policy of multiculturalism, which was adopted in 1971 and later affirmed by the *Canadian Multiculturalism Act, 1985*. Hate crimes are a threat to this longstanding national policy, and an unfortunate reaction among some Canadians to its increased cultural diversification (Perry, 2015). Moreover, the actual victim targeted in a hate crime is often arbitrary, as any member of that victim's group might have been selected.

At a more pragmatic level, there is well-documented evidence that hate crimes do cause more harm than do similar, non-hate-based offences. As outlined by Iganski (2001), there are multiple layers of harm caused by hate crime. At the most proximal level is the individual victim, who often suffers greater physical and psychological harm than might a victim of a comparable non-hate-based offence. A consistent literature has documented that hate crimes are characterized by excessive brutality and violence and are more likely to result in hospitalization or severe injury (e.g., Iganski & Lagou, 2014; McDevitt, Balboni, Garcia & Gu, 2001; Wilson, 2014). They are also more likely to cause psychological harm and long-term consequences, including anxiety, depression, fear, post-traumatic stress disorder, anger, and apprehension about leaving one's home (McDevitt et al., 2001; Paterson et al., 2018; Williams & Tregidga, 2013).

Iganski (2001) further notes that the harms of hate extend beyond the individual victim. At the next level, hate crimes cause harm to other members of the victim's community who share the targeted identity. Those in the community who hear about the crime may experience fear and apprehension, perhaps avoiding certain locations or choosing to self-isolate to avoid a similar fate. At a broader level, hate crimes can harm members of other marginalized social groups, who

may feel “on notice” that their group may be targeted next. This is particularly true for highly publicized hate crimes, for which the message of hate may be spread nationwide. This is akin to what Weinstein (1992) identified as the *in terrorem* effects of hate crime, wherein an entire community may be intimidated by victimization of one member. These *in terrorem* effects were demonstrated by Perry and Alvi (2012) with a Canadian sample of vulnerable communities (indigenous persons, members of the Jewish faith, Muslims, South Asians, sexual orientation minorities, and transgendered persons). The authors found that the vast majority of participants experienced fear, a sense of increased vulnerability, and shock upon hearing about hate crimes targeting members of their community, including a feeling that Canada is not truly an accepting and multicultural society. A final ripple effect of hate crime is that intergroup relations may break down, creating resentment and hostility, deterioration of social order, and a violation of democratic ideals (Iganski, 2001). For these reasons, the aggravated sentencing provisions are not simply punishing thought; rather, “the punishment is awarded for the harm inflicted, not for the motivation behind the conduct that inflicts the harm” (Iganski, 2001, p. 633).

Attempts have been made to develop a typology of hate crime offenders. Levin and McDevitt (1993) prepared an early and influential typology of offenders based on a forensic analysis of police-reported hate crimes in Boston, later replicated and expanded by McDevitt, Levin, and Bennett (2002). The authors found evidence for four general types of hate crime offenders. *Thrill-seeking* offenders were by far the most common type, generally comprised of young males who are intoxicated, immature, impulsive, and trying to prove masculinity to one another. Roughly two-thirds of hate crimes fall into this form of offence, which may take the form of vandalism, swarming, gay-bashing, or group violence against a vulnerable target. The second most common category, at roughly 25% of cases, involves *Defended Turf*, in which the

perpetrator believes they are defending a space against persons who do not have a right to be there. This may occur on public transit, in restaurants, private property, schools, or any other location where the perpetrator encounters an othered minority. The third type of offender (roughly 8% of cases) is *Retaliatory*, offenders who seek to retaliate against the victim's group for a real or perceived attack. The spike of anti-Muslim hate crimes that occurred in response to 9/11 and the Charlie Hebdo attacks are prime examples of this form of offence. Finally, the *Mission* offender is the least common, at 1% of cases. This type of offender believes they are on a mission to cleanse the earth of a particular group, often due to mental illness or a delusion that one is fulfilling a higher purpose. A clear example of this type of offender is Marc Lepine, who murdered 14 women at École Polytechnique in an attempt to eradicate feminism.

Statistics Canada reported that there were 2,073 police-reported hate crimes in Canada in 2017 (Statistics Canada, 2018), with approximately half targeting victims on the basis of race, roughly one-third on the basis of religion, one-quarter on the basis of sexual orientation, and the remainder being a catchment of diverse identities (e.g., political affiliation, disability, age). In 2017, crimes targeting Muslims and South Asian persons were more likely to involve violence than other hate crimes based on religious bias. Moreover, Muslims were the only social group to experience an increase in hate crime victimization in 2013 (Allen, 2015), 2014 (Gaudet, 2018), and 2015 (Leber, 2017). In 2017, hate crimes against all groups increased sharply, with those targeting Muslims spiking by more than 200%, by far the highest increase reported that year. The National Council of Canadian Muslims has similarly documented a spike in anti-Muslim hate crimes since 2014, a figure that includes both police-reported and non-reported offences (Connolly, 2015). Indeed, anti-Muslim crimes are now as frequent as anti-Jewish hate crime, historically the most common target of religious hate crime in Canada. One notable difference,

however, is that Islamophobic hate crimes are far more likely to involve interpersonal violence than property damage, as is the case in anti-Jewish hate crime (Statistics Canada, 2018).

Islamophobia and a Focus on Anti-Muslim Hate Crime

The existence of anti-Muslim bias in North America and worldwide is abundant and on the rise. Lee and colleagues (2009) note that many public opinion polls in America have identified negative views of Islam, even though the vast majority of Muslims do not participate in any sort of political violence. A 2014 Pew Research poll found that Muslims were the least favourably viewed religious group in America (Pew Research Centre, 2014); another poll found that more than 50% of Americans held negative views of Islam (Deane & Fears, 2006). Similar findings have been found in Canada, where 54% of Canadians and 69% of Quebec respondents reported overtly negative attitudes towards Muslims (Angus Reid, 2013).

The term Islamophobia has been used widely by media, academia, and laypersons to mean many different things (Bleich, 2011). The term originated with the Runnymede Trust, who set forth a number of features that characterize Islamophobia. These include a view of Islam as (a) monolithic, (b) separate from Western culture, (c) inferior to Western culture, (d) an enemy of the West, and (e) as a political tool for manipulating its adherents. Some scholars have argued that Islamophobia is an inflammatory term too readily to describe legitimate criticism of Islam, ultimately censoring debate and secular criticism of theocratic Muslim states (e.g., Malik, 2005; Meer & Madood, 2009). Leaving aside political disagreement, Islamophobia has evolved into a broader term that captures general prejudice and negativity toward members of the Muslim faith. For example, Stolz (2005) describes Islamophobia more generally as a rejection of the Islamic faith and its members due to prejudice, similar to the prejudice facing any religious or racial group. Thus, it may include emotional and cognitive components, as well as discriminatory

behaviour or even violence. According to Lee and colleagues (Lee, Gibbons, Thompson, & Timani, 2009), Islamophobia is characterized most distinctly by the experience of fear and threat of both Islam and Muslims, while Perry (2014) suggests that Muslim and Arabic persons may be the “last ‘legitimate’ subjects of slanderous imagery and stereotypes” (Perry, 2014, p. 75). Not surprisingly, some commenters have argued that the term Islamophobia is simply a neologism for what we would otherwise recognize as racism, or what Imhoff and Recker (2012) refer to as “old wine in a new bottle” (p. 812).

This latter conceptualization appropriately characterizes Islamophobia as simply another type of prejudice, much like any other, which involves emotional, cognitive, and behavioural reactions to a particular group. That is to say, there is nothing special or unique about hatred of Islam as compared to hatred of Judaism or any other target. Although there may be nuance in the reasons given for the hatred, ultimately it operates and functions in the same manner. The present dissertation relied on this latter conception of Islamophobia, a more global dislike of the faith and its members rather than a secular critique of the faith. Thus, Imhoff and Recker’s (2012) Islamoprejudice measure was adopted for the present research, as it presented a multidimensional approach, assessing perceptions of Islam as unprogressive, violent, and inferior to the West.

Much of the overt negativity may be attributed to pernicious stereotypes and media representations of Muslim men and women as narrow caricatures. Rarely are Muslims depicted in television, movies, or other North American works of fiction as average persons for whom religion is only one aspect of their identity. Indeed, as Moore (1995) notes, there are common themes in media characterizations of Muslims, including sexual depravity (e.g., harems, belly dancers), savagery and barbarism (e.g., terrorists, warmongers), and wielding secret power (e.g.,

oil barons manipulating world politics), among other tropes. Added to this is the more recent news media coverage of Islamic extremist terrorism following the September 11, 2001 attacks on the twin towers in New York City (Perry, 2014). Attitudes toward Muslims have become more hardened since the 9/11 attacks, and hate crimes targeting Muslims and persons of South Asian and Middle Eastern heritage spiked following the attacks (Garland, Spalek, & Chakraborti, 2006). Indeed, as Ismael and Measor (2003) noted in a Canadian context, following 9/11:

The blend of the xenophobic fears of the ‘other’, and that of terrorism, provided media consumers in Canada with a clear path to the conclusion that Islam was a faith in which acts of unspeakable violence were acceptable and that terrorism was endemic to Muslim and Arab culture. This framed Arab and Muslim societies and individuals as somehow fundamentally different from the average Canadian. By refusing to represent the diversity of Islam as a faith, the obfuscation of its tenets, and through their lack of coverage of the articulated ideas of Muslims the world over endorsing peace and supportive of human rights, the media conducted reductive exercises of the highest order.

The presence of Islamophobic attitudes may have a dampening effect on a Muslim victim’s willingness to report hate crime victimization. Indeed, many Muslim persons have expressed reluctance to report incidents of hate crime to the police out of concern that they will not be taken seriously, or due to their experiences with systemic racism and Islamophobia (Poynting & Noble, 2004). Official crime statistics likely underrepresent the prevalence of hate crimes. The actual prevalence of most criminal behaviour is often described as a “dark figure” that can never be known (Biderman & Reiss, 1967; Nelson et al., 2016). For example, General Victim surveys have found that only one-third of hate crime victims in Canada report hate incidents to the police (Dauvergne & Brennan, 2013), which suggests that violence targeting Muslim victims is much more prevalent than reported.

McVeigh, Welch, and Bjarnason (2003) noted that the decision to report a hate crime to the police is based on a number of factors, including the willingness and ability of the victimized group to come forward, the resources and motivation of the police department to investigate hate

crimes, and the existence of mandated hate crime data collection. In addition to this, the reaction of lay observers to these crimes can have considerable impact, including the way in which blame, moral responsibility, and causality are apportioned. To the extent that victims do not report hate events out of concerns that they will be met with disbelief or suspicion, it is critical to identify the factors that shape reactions to hate crimes.

The Role of Prototypicality in Evaluations of Hate and Other Crimes

A small body of research has explored juror and observer reactions to hate crimes, including the content of lay expectations of the specific features they believe a hate crime might entail. For example, Craig and Waldo (1996) found that participants typically believed that a hate crime involves assault or violence committed by a White male against a minority group member. Similarly, Saucier, Hockett, Zanotti, and Heffel (2010) found that cross-racial crimes were considered more typical of a hate crime than were intra-racial crimes, particularly where a White person assaults a Black victim. Lyons (2008) found that cross-racial offences were seen as more typical of a hate crime than intra-racial crimes, as were crimes targeting sexual minorities. He further observed that Black men and gay men were seen as the most representative hate crime victims, and suggested hate crime prototypes as a possible mechanism through which observer reactions were made. There do, however, appear to be some boundaries on who constitutes a valid victim of hate crime. For instance, White victims were regarded as less typical victims of hate crime in comparison to Black, Asian, Latino, Jewish, or gay victims (Saucier et al., 2006). This is of interest, as race-based hate crimes in Canada targeting White victims occur nearly as often as those targeting some other ethnicities, including East Asians, West Asians, and Aboriginals (Allen, 2015). Interestingly, hate crimes that fit more prototypic models (i.e., a White perpetrator and a racialized minority victim) were more likely to result in charges being

laid by police than were non-prototypic hate crimes, achieving clearance rates comparable to non-hate-based crimes (Lyons & Roberts, 2014).

It seems that there may be a lay understanding of what constitutes a “true” hate crime, which may influence the tendency for observers to express moral outrage and attenuated victim blaming. That is, many people have an existing mental template of what a hate crime is that may differ from the legal definition of a hate crime. This mental template, accurate or inaccurate, may then influence how observers respond to and interpret whether the offence at hand is a hate crime. Understanding which elements tend to be associated with a prototypical hate crime may facilitate our understanding of how offences are recognized as hate-motivated, and how observers make decisions about responsibility and blame for victims and perpetrators.

Answers to these questions may be found in schematic processing research, which suggests that people rely on prototypes to enable categorization of information. A prototype is an ideal mental exemplar against which other similar objects are compared. If an object shares enough typical features with the exemplar of that category, the object will be seen as representative of the category (Rosch, 1975, 1978; Rosch & Mervis, 1975). A hallmark of prototyping is a typicality effect, wherein individuals respond more quickly to typical examples of a category than to atypical examples (Rosch, 1975; Skeem & Golding, 2001). This categorization process applies not only to inanimate objects, but also to abstract concepts such as social groups or types of crimes. The role of lay prototypes within a legal context was explored by Smith (1991, 1993), who found that jurors indeed hold prototypic mental representations of criminal offence categories. Although jurors are presumed to have no knowledge of the law, their decisions do seem to be informed by pre-existing schemas regarding offence types. That is, jurors compare the facts of a case against their own idea of what constitutes a certain type of

crime, regardless of the actual legal requirements for that crime (Finkel, Shaw, Bercaw & Koch, 1985; Kahan, 2015; Smith, 1991, 1993; Smith & Studebaker, 1993). Thus, jurors are more likely to convict a defendant if the crime fits their prototype, even if a less prototypical crime better satisfies the legal requirements.

Lay prototypes have been studied in the context of a variety of legal concepts, including legal insanity (Finkel et al., 1985; Kahan, 2010; Louden & Skeem, 2007), motive and intentionality (Malle & Nelson, 2003), sexual assault (McKimmie, Masser, & Bongiorno, 2014), and intimate partner violence (Russell & Melillo, 2006; Wasarhaley, Lynch, Golding, & Renzetti, 2015). For example, Finkel and Groscup (1997) determined that there are clear prototypes surrounding a typical defendant who raises the insanity defence: a young male with a history of psychiatric illness who has committed a crime against a stranger due to grandiose delusions. Skeem and Golding (2001) extended this research, exploring the content of insanity prototypes in more detail. The authors had 81 former jurors write out their thoughts about the typical insane defendant, and then had five different former jurors categorize the statements for common themes. This process revealed three subtypes of the insanity prototype: (a) the insane defendant suffering from severe mental disability, (b) the insane defendant having “moral insanity” and thus lacking a conscience, and (c) the insane defendant not understanding the consequences of his actions or the difference between right and wrong. Those with the latter subtype were more likely to deem a hypothetical defendant to be insane than were those holding the other subtypes.

Similarly, analogous research has consistently demonstrated that mock jurors hold expectations for how a typical rape victim should behave, including their emotionality, demeanour, prior sexual history, and alcohol consumption (Klippenstine & Schuller, 2012;

Schuller & Hastings, 2002; Schuller, McKimmie, Masser, & Klippinstine, 2010; Schuller & Wall, 1998). More specifically, mock jurors tend to expect “true” rape victims to be emotionally distraught, to have reported to police immediately, to abstain from alcohol consumption, and to have had no prior sexual relationship with the perpetrator (Klippinstine & Schuller, 2012; Schuller & Hastings, 2002; Schuller et al., 2010; Schuller & Wall, 1998). Deviations from these expectations can lead to reduced findings of guilt against the perpetrator, reduced belief in the victim’s credibility, and increased victim blame. Relatedly, McKimmie and colleagues (2014) found that mock jurors were more likely to find a defendant guilty where the victim matched stereotypes about a typical sexual assault victim.

Prototypes have been found to influence legal judgments of battered women on trial for killing their abusive husband, such that women who were depicted as an atypical victim (history of trying to leave the relationship) were more likely to be found guilty than prototypical defendants (women who were more passive and did not attempt to escape). Waserhaly et al. (2017) found that gender stereotypes of femininity impacted legal decision making in the context of intimate partner violence in a lesbian couple, with more masculine women being deemed more responsible for the offence than feminine defendants. A large literature thus has established that there are clear expectations of ideal or prototypical victims of various types of offences, with important implications for legal decision making.

Might these processes apply to hate crimes as well? Although there are prima facie reasons to believe that observers’ reactions to hate crimes, like other offences, may be influenced by prototypical thinking, the present research sought to establish this empirically. In addition, the present research systematically explored the content of what those prototypes might be, and which elements may be most influential on verdict and blame ratings.

Legal Consequences of Prototypes: Blame Attributions

One factor influencing how observers interpret hate crimes may involve the way in which responsibility and blame are apportioned between the victim and perpetrator. Unfortunately, victims of all crimes may be deemed responsible for their own victimization, particularly where people believe in a just world in which people get only what they deserve (Lerner, 1980; Lerner & Miller, 1978). In some cases, perpetrators are excused for their criminal actions, whereas the victim is blamed for having provoked it. An emerging literature has looked specifically at victim blaming in the context of hate crimes, and has found that the presence of hate motivation reduces victim blaming and increases perpetrator blame (e.g., Rayburn & Davison, 2002; Rayburn, Mendoza, & Davison, 2003; Saucier et al., 2010). For example, Rayburn and Davison (2002) had participants listen to an audiotaped conspiracy to commit a crime that was either hate-based in nature or was not hate-based. Content analysis of participants' verbal reactions revealed a greater intention on the part of participants to physically aggress against the conspirators when the proposed offence was hate-based (e.g., they uttered statements such as "I am going to beat those guys up").

Blame serves an important function in several critical steps in the legal process. First, blame attributions can influence how a victim interprets their experience and whether they decide to report the offence to friends, family, and the police. Similar processes can occur among witnesses and bystanders, who may or may not call police for assistance and whose evidence to the police may be influenced by how the witness interpreted fault as between the parties. Second, if police are informed of the offence, they may look to apportion responsibility as between victim and perpetrator. This can influence how notes are taken (later to be used as evidence), whether charges should be laid, emotional investment in pursuing the case, and how police respond to the

victim's needs. Third, juries may be more likely to impose guilt where an offence 'feels' like a hate crime, but be less likely to find guilt where the victim appears to have been blameworthy in some way.

Cramer, Chandler, and Wakeman (2010) found that participants were more willing to recommend the death sentence when there was evidence that the crime was motivated by hatred. Similarly, Plumm and Terrence (2013) discovered that labelling an assault as a "hate crime" led to higher ratings of guilt, higher ratings of the victim's mental stability, and lower ratings of the reasonableness of the attacker's actions. These effects seemed to hold regardless of the specific minority group targeted. For example, Rayburn and colleagues (2003) found that crimes targeting a minority victim versus a White victim were considered more typical of a hate crime and resulted in higher perpetrator blame and lower victim blame, regardless of whether the victim was Black, Jewish, or gay.

Where hate crimes fit the stereotypical pattern of a violent assault by a White male against a minority male (Craig & Waldo, 1996; Lyons, 2006), participants typically assign higher ratings of guilt and harsher sentences (Marcus-Newhall, Blake, & Baumann, 2002; Saucier, Brown, Mitchell, & Cawman, 2006). Prior research has found that participants tend to ascribe a sort of "victim halo" to victims of hate crime, wherein we see reduced victim blaming, higher victim sympathy, and more favourable emotional reactions to hate crime victims than to non-hate crime victims. In many of these prior studies, however, the victim does not interact with the perpetrator to any great extent. For example, Rayburn et al. (2003) depicted the victim as quietly walking home alone when attacked by two males shouting offensive slurs. Saucier et al. (2006, 2008) depicted interactions in which a perpetrator assaulted the victim and shouted slurs after only a brief verbal exchange. In another study, the victim merely said "hi" to the perpetrator in a

bar and walked away, when he was followed and beaten (Plumm, Terrance, & Potter, 2015).

Cramer et al. (2010, 2013, 2014) employed a scenario in which a man was murdered in his own home by a coworker, with whom he had no history of conflict.

The few studies that have humanized hate crime victims by describing their behaviour do indeed show an increase in victim blame, such as when the victim was seen kissing a same-sex partner or when a Black victim reacted verbally to a racist comment (Lyons, 2006; Plumm et al., 2013). The problem with prototypes is that they may be wildly inaccurate, and subject to racist, sexist, and other biases that can create unrealistic expectations for how an offence must look. In reality, racialized minorities do commit hate crimes (Cheng et al., 2013), and the expectation that the perpetrator will always be White might result in overlooking such offences. Moreover, if there are behavioural expectations of how a victim is to act during a hate crime, this may lead to problematic and harmful outcomes for victims who do not conform to these requirements.

Overview of Present Research

This research will provide valuable insight into the legal treatment of hate crimes before triers of fact, as well as the factors that inform decisions of guilt or acceptable defences for such crimes. Following traditional prototype methodology (e.g., Loudon & Skeem, 2007; Skeem & Golding, 2001; Smith, 1991, 1993), a series of studies were undertaken to explore the nature of hate crime prototypes and their potential impact on legal decision making. Specifically, participants in Study 1 were asked to provide a written description of their prototypes of hate crime. These open-ended responses were reviewed, and content coded for recurring themes, both for the nature and the frequency of the themes that emerged. In Study 2, a new sample of participants was presented with a list of the prototypical themes generated by participants in Study 1 and asked to rate each item for how typical they were of a hate crime. Prototype themes

that emerged consistently in Study 1 and Study 2 were selected as representative of hate crime prototypes in Canada. Study 3 then experimentally manipulated the presence of perpetrator-related prototypes in an anti-Muslim hate crime vignette, exploring the impact of perpetrator prototypes on legal decision making and blame attributions. Finally, Studies 4a and 4b experimentally manipulated the content of victim-related prototypes, exploring the impact of victim actions and responses on legal decision making and blame attributions.

Further, the data examined in this dissertation may help us to understand the burden of proof that must be met in hate crimes, and whether small contextual variations might raise the threshold for reasonable doubt. This has implications for both the victim's ability to see justice in court, but also for the defendant who may be facing a harsher legal burden if the facts of the case match expectations of a "true" hate crime. This research will also advance our understanding of the social cognitive processes underlying intergroup hostility, blame attribution, and victimization. Hate crime prototypes exist outside of the courtroom and can have considerable and varied real world effects, comparable to blame. First, lay prototypes influence whether a victim feels confident reporting their experience to friends, family, or to police. Second, lay prototypes may influence how family and friends react to claims that a person has been the victim of a hate crime. Third, prototypes may operate subconsciously among police officers, who have discretion over whether to investigate and how to record alleged hate crimes. Fourth, the decision to report to police has important consequences, including access to victim support, counselling and compensation schemes, accurate statistical records of victimization, prosecution of offenders, and allocation of police resources to at risk communities (Carcach, 1997; Wiedlitzka, Mazerolle, Fay-Ramirez, & Miles-Johnson, 2018). For these reasons, it is important to understand the nature and content of lay prototypes regarding hate crimes, and how they may

influence decision making processes and blame attributions. As a preliminary step, we must first explore the nature and content of hate-related prototypes in Canada.

Study 1

Participants

A total of 200 participants were recruited in two waves of data collection. The first wave of participants ($n = 118$) were recruited from introductory undergraduate psychology classes at York University, in exchange for partial course credit. Those participants who reported that they did not understand what a hate crime was or who expressed difficulty with the English language were excluded from analyses ($n = 8$), for a final university sample of 110 participants. This sample was comprised of 72 women and 38 men, ranging in age from 18 to 32 years ($M = 20.05$ years, $SD = 3.01$). To ensure generalizability of results, a second sample of 102 participants was recruited from a random sample of Canadians registered with a Qualtrics participant panel. Participants received financial compensation in exchange for their participation in the research (approximately \$7.00 CAD). The community sample were pre-screened and asked to confirm whether they understood the concept of a hate crime; only those who reported comprehension with the concept of hate crime and who had proficiency with the English language were permitted to proceed to the study. Responses that nonetheless revealed a misunderstanding of hate crime were excluded from analyses ($n = 11$). For example, one participant's description of a hate crime reflected marital discord in general rather than a criminal offence: "The victim is often detested by the culprit, which explains the gesture of the latter, which is inconceivable is when the victim and the culprit are in fact husband and wife." This resulted in a final sample of 91 participants (51 women, 40 men) who ranged in age from 19 to 82 years ($M = 44.87$, $SD = 15.83$).

As seen in Table 1, the university sample displayed somewhat more ethnic and religious diversity than the community sample. More specifically, the university sample had a significantly higher percentage of South Asian, Black, and Muslim participants, but significantly fewer White, Christian, and “other religion” participants relative to the community sample. The university sample was also younger on average than participants in the community sample ($t(198) = 16.06, p < .001$). The gender balance across the two samples, however, did not differ ($\chi^2(199) = 1.34, p = .247$), and there were no differences in the frequency of their self-reported sexual orientation.

Materials

In an online format, participants were informed that the study was an exploration of people’s attitudes and thoughts about hate crimes, and were reminded that there were no right or wrong answers. Following traditional prototype methods (Skeem & Golding, 2001; Smith, 1991, 1993), participants were instructed to take a few minutes to think about what a typical hate crime might look like. This was done to facilitate prototype-relevant information and to make it more accessible in participants’ minds (MacRae, Stangor, & Milne, 1994; Skeem & Golding, 2001). Participants were then given a series of open-ended questions probing their thoughts about a typical (1) hate crime victim, (2) hate crime perpetrator, and (3) hate crime offence. More specifically, they were given the following instructions:

Think about the typical PERPETRATOR of a hate crime (i.e., the person who committed the crime). What might they look like based on your experience and understanding? Who might they be? What might they look like? What social groups might they belong to? What is their personality like? Please provide as much information as you can think of regarding the typical person who would commit a hate crime.

A similar question format was used separately for the typical Victim of a hate crime and the typical Offence Characteristics of a hate crime.

Procedure

Participants in the student sample arrived at the laboratory and were seated at individual computer stations. After providing informed consent, they were able to proceed through all materials at their own pace. The community sample was recruited to participate in an online format, also completing materials at their own pace. The order with which the open-ended questions appeared assessing offence characteristics, victim characteristics, and perpetrator characteristics was randomized. Upon completion of the study, participants were thanked and debriefed.

Results

All open-ended measures were read in their entirety and reviewed for commonly recurring themes. A list of common concepts was compiled, and a coding guideline prepared for each of the victim, perpetrator, and offence characteristics. Two trained coders reviewed the open-ended responses and coded each item for the presence of as many of these themes as were applicable. Any discrepancy between coders on the presence of a theme was resolved by mutual agreement. Table 2 provides a list of the themes identified, their frequency, and inter-coder reliability for each item. Following the paradigm employed by Smith (1991), items that were generated by at least 30% of the sample are presented in Table 2. Overall, the items showed good inter-coder reliability, with the majority of kappa values falling in the .80 to .94 range.

Participants provided an overall average of 4.39 victim-related characteristics ($SD = 2.16$, range = 0 to 10 characteristics), with no significant differences between the university ($M = 4.63$ characteristics) and community samples ($M = 4.11$ characteristics; $t(198) = 1.68, p = .094$). In addition, participants provided an average of 4.85 perpetrator characteristics ($SD = 2.89$ characteristics, range = 0 to 14 characteristics), with more characteristics generated by the

university sample ($M = 5.31$ characteristics) than the community sample ($M = 4.30$ characteristics; $t(198) = 2.50, p = .013$). Finally, participants generated an average of 8.12 offence characteristics ($SD = 3.78$ characteristics, range = 0 to 17 characteristics), with no significant difference in the number generated by the students ($M = 7.83$ characteristics) and community samples ($M = 8.46$ characteristics; $t(198) = -1.19, p = .237$).

Prototype Content

Victim prototypes. The majority of respondents (54.50%) believed that a hate crime victim would be a racial minority, with a 51.00% mentioning a religious minority victim, and 30.00% referring to sexual orientation minority victims. Approximately one-third of participants (33.50%) reported that the victim would be visibly different from the perpetrator, perhaps wearing religious headdress, having a different skin colour, or speaking with an accent. For example, one participant stated that the typical victim would “belong to a different social group than the perpetrator”; another participant stated that “they may physically differ and be noticeable to the attacker”; and “The typical victim is a person who does not conform to the traditional Western view of an individual. For example, they may be wearing cultural clothing. They typically belong to minority groups.”

Perpetrator prototypes. The most common trait identified for perpetrators was prejudice and ignorance, with approximately half of respondents (50.50%) mentioning this trait. For example, one participant stated that hate crime perpetrators “are biased people who don't respect the difference between people,” and another stated, “I believe that the perpetrators are usually biased, close-minded and rigid people.” Approximately one-third (33.50%) of participants believed this prejudice would be reflected in some form of verbal abuse or harassment. For example, one participant referred to the perpetrator as “An individual chanting

racial slurs, hateful rhetoric to another person explicitly (yelling it in public)”, or “Someone calling a racial name or slur about another person of color or religion”, or “A typical hate crime would be someone yelling out racial slurs at a minority.” More than one-third of participants (33.50%) specifically identified the perpetrator as White. For example, one participant relayed that “I would imagine them being of white background,” and another stated that “Perpetrators in my opinion are poorly educated uninformed and easily manipulated white people.”

Offence prototypes. More than half of participants identified an act of physical interpersonal violence (55.00%) as a typical hate crime offence. For example, participants mentioned “An event involving any type of violence or threat of violence”, and “When I think of it, I think of violent crimes against people who are a minority in some way.” One-third of participants (34.50%) believed a hate crime would involve a single victim, e.g., the victim is described as “an individual,” “a person,” or a “member of the group.” In addition, participants often specifically mentioned the nature of the hate motivation itself, most commonly mentioning racism (54.23%) and religious bias (37.00%), often mentioning both motivations together. For example, “A typical hate crime will be someone going taking a gun to go shoot people praying at a church or mosque simply because of their religion or someone drawing a graffiti on the wall of a building with racist remarks knowing it will have a negative impact to those who see it.”

Prototype differences between participant samples. Overall, the student and community samples showed a similar and consistent pattern of themes with only a handful of significant differences between the samples. Several statistically significant differences were detected between the student and community samples with regard to the frequency with which prototypic items were mentioned. Religious minority victims were mentioned more often by the university sample (58.72%) than the community sample (41.58%; $\chi^2 (199) = 5.73, p = .017$). Similarly, the

university sample was more likely to mention religious-based hatred (43.13%) than was the community sample (29.67%; $\chi^2 (199) = 3.88, p = .049$). In contrast, the community sample was more likely to mention some form of status differential (e.g., difference in race, religion, sexual orientation) between the victim and perpetrator (38.46%) compared to the university sample (6.42%; $\chi^2 (199) = 32.34, p = .001$). The reason for these discrepancies is unclear but may be related to the higher percentage of Muslim and South Asian participants in the student sample, for whom these may have been more salient concepts. It is also possible that this difference emerged due to inflated Type I error that resulted from repeated comparisons between samples. It is important to note that there were no other differences between the community and university samples with regard to the nature and frequency of the themes identified.

Discussion

In Study 1, a blended sample of community members and university students provided their open-ended thoughts about typical hate crime victims, perpetrators, and offence characteristics. This exercise was semi-structured, and without provision of a legal definition of hate crime. The themes that emerged were thus organic and spontaneously generated by participants. There were few differences between the two participant samples in terms of the frequency with which they mentioned a particular prototypic element. Notably, the university sample was more likely to mention religion-based bias as a key hate crime motivation as well as victims being religious minorities. This likely reflects the higher percentage of Muslim participants in the university sample, for whom religious minority status and religious discrimination may be more personally relevant. Otherwise, it is worth noting that nearly identical themes were generated by the two samples. It does not appear that the two participant samples differ from each other in a consistent, meaningful or problematic way.

Taking the prototypic elements together, we begin to see a clear pattern of what constitutes a prototypical hate crime to lay observers. The offence would be an act of interpersonal violence, committed by a single perpetrator who differs visibly from the victim in terms of race and religion. The perpetrator is an overtly prejudiced White male, whereas the victim is a racialized, religious, or sexual minority. The offence would most likely involve an act of interpersonal violence against a single victim. These findings are comparable to the early findings observed by Craig and Waldo (1996), in which participants were most likely to believe a hate crime involved a White perpetrator and a Black victim. These findings are similar also to Saucier and colleagues' (2010) findings that cross-racial crimes were more readily interpreted as hate crimes than were intra-racial offences. Similarly, both Rayburn et al. (2003) and Saucier et al. (2006) found that Whites were less likely to be viewed as hate crime victims compared to Black, Asian, Latino, Jewish, or gay victims. Interestingly, the perpetrator in these studies has typically been depicted as an overtly bigoted person on a mission to target specific minorities. This may be slightly at odds with what is known of offender typology and the most common types of offenders. As noted above, roughly 2/3 of hate crimes are committed by young, intoxicated, opportunistic males, rather than lone racists with an ax to grind (Levin & McDevitt, 1993; McDevitt et al., 2002). In this way, it seems that observer prototypes may deviate somewhat from statistical realities, with possible implications for how they might interpret an offence that deviates from the lone wolf stereotype.

To verify that these prototypic elements are indeed characteristic of lay attitudes toward hate crime in a Canadian context, Study 2 tested the prototype elements with a new sample of participants. These participants were presented with a list of the most commonly identified prototypic elements, as well as any other themes that were generated by participants in Study 1.

By including both the high frequency and low frequency items, we sought to determine whether the lower frequency items are indeed considered uncharacteristic of a hate crime. It is possible that the higher frequency items were simply more readily present in participants' mind when performing the thought listing task. Items that are core to one's prototype are believed to structure memory around that concept, and will be the first items listed in free recall (Rosch, 1975; Louden & Skeem, 2007). This does not, however, mean that only those items that are elicited first will be critical components of that prototype. It is possible that other participants share and hold the less-frequently recalled items. Thus, to be confident that we have fully explored the possible dimensions of hate crime prototypes, both the higher and lower frequency traits were provided to participants in Study 2 in an aggregated and randomized order. As a form of cross-checking, the conceptual opposite of each item was presented as well (e.g., presenting both a White perpetrator and a racialized minority perpetrator), with the expectation that the opposing items would be perceived to be low in typicality. Participants then rated each element for how typical they would be of a hate crime victim, perpetrator, and offence. It was hypothesized that the high prototypicality items generated in Study 1 would be rated as high in typicality, and that the low typicality items would be rated as least prototypical.

Study 2

Study 1 explored the content of hate crime prototypes, allowing participants to organically generate any thoughts and beliefs they may have about a typical hate crime. These responses provided a rich source of data, from which a number of common themes were identified. To confirm the robustness of these prototypic elements, a new sample of participants were recruited to review and evaluate the elements identified in Study 1 for how characteristic each is of a typical hate crime. Those elements with the highest frequency were selected for inclusion into Study 2, with the expectation that the new participants would deem them to be the

most typical of a hate crime. As a secondary validation of the prototype content, the opposite of the highly prototypic elements was also presented to participants, with the expectation that these would be rated as the least typical of a hate crime. Finally, participants were asked to select the five most typical items and the five least typical items in an item selection and ranking task.

Method

Participants

296 participants were recruited from introductory undergraduate psychology courses at York University in exchange for partial course credit. Six participants were excluded from analyses due to inattentive responding and rapid completion of the study (i.e., completed in 4 minutes or less, with all responses containing an identical numeric response). This left a final sample of 290 participants, comprised of 169 women, 116 men, and 3 participants who identified with another gender ($M_{\text{age}} = 19.90$ years, $SD = 3.41$, ranging 17-40 years). The sample showed good ethnic diversity, with 27.01% identifying as South Asian, 21.90% identifying as White, 15.33% identifying as Middle Eastern, 12.41% identifying as Black, 8.39% identifying as Southeast Asian, 7.30% identifying as East Asian, 5.11% identifying as Latino, and 2.55% identifying with a mixed or other heritage. The sample also showed good religious diversity, with 37.28% identifying as Christian, 18.82% identifying as Muslim, 9.76% identifying as Hindu, 8.71% identifying as atheist, 8.01% identifying as agnostic, 5.57% identifying as Sikh, 2.44% identifying as Jewish, 1.74% identifying as Buddhist, and 7.67% identifying with another faith. The large majority of participants identified as heterosexual (90.28%), with 5.21% identifying as bisexual, 0.35% identifying as gay/lesbian, and 4.17% identifying as another sexual orientation or declining to report.

Materials and Procedure

Participants were told that the study explored people's attitudes and thoughts about hate crimes, and were provided with the following instructions that included a basic description of a hate crime:

We are interested in people's attitudes and thoughts about hate crimes. A hate crime is any criminal act that is motivated by prejudice or bias against the victim's group identity. We would like to know what people think about hate crimes, and what features they attribute to them. You will be asked to think about what a hate crime means to you, based on your experience and understanding of this concept. There are no right or wrong answers. This is not a test of your knowledge. We are solely interested in what comes to mind when you think about a hate crime.

Prototype element ratings. Participants were then provided with the following instructions for rating the victim (with nearly identical instructions for rating perpetrator elements and offence characteristics):

Just as we have ideas about elephants or dogs, or tables, or cars, we have ideas about more abstract things, like crimes. We would like to explore your thoughts about hate crimes and what a typical hate crime is to you.

Please take a few minutes to think about what you know about hate crimes and what images come to mind. Form an image or story in your mind about what kind of a crime has occurred, who was victimized, and who might have committed the offence.

Now, we would like you to think about the typical VICTIM of a hate crime victim (i.e., the person harmed by the crime). You will see a list of traits below that could be used to describe a victim of crime. Consider each item in the context of what you understand as being a typical hate crime. You may feel that the trait is something that would be typical or characteristic of hate crime victims, or something that is not at all typical or characteristic of a hate crime victim.

For each item, consider whether you believe it would be typical of a hate crime victim or not typical of a hate crime victim using the 5-point scale, where 1 means NOT AT ALL TYPICAL of a hate crime victim, and 5 means VERY TYPICAL of a hate crime victim. Consider each trait in isolation rather than in comparison to other traits on the list (e.g., you may find several things to be very typical of a hate crime, even though they are different from each other).

Participants were then presented with a list of 21 victim items, which included all items that were generated by participants in Study 1, both those that were high in frequency (e.g., the majority of participants mentioned) and those that were mentioned only infrequently. Each item was rated on a five-point scale from 1 – *Not at all Typical of a Hate Crime Victim* to 5 – *Extremely Typical of a Hate Crime Victim*. Participants also rated a list of 22 traits that might pertain to a typical perpetrator of a hate crime, as identified by participants in Study 1. This included both high frequency traits and their conceptual opposite, all presented in randomized order. These items were rated on a five-point scale from 1 – *Not at all Typical of a Hate Crime Perpetrator* to 5 – *Extremely Typical of a Hate Crime Perpetrator*. Finally, participants were presented with a list of 26 offence characteristics that were generated by participants in Study 1, both high frequency and low frequency items. These items were rated on a five-point scale ranging from 1 – *Not at all Typical of a Hate Crime* to 5 – *Extremely Typical of a Hate Crime*.

Characteristic ranking task. After completing the item rating task, participants were presented with a truncated list of 15 items that covered the major themes identified in Study 1 and asked to select up to five items that appeared the most typical of a hate crime. Participants were able to click and drag up to five items from the list into the prototypical column. Their remaining items were then carried over to the next page, where the participants could select up to five items that they considered to be the least typical of a hate crime. The items were dragged and dropped to a new column for atypical items. Participants selected an average of 4.89 items ($SD = 0.43$), ranging from 3 to 5 highly prototypical items. In addition, participants selected an average of 4.47 least typical items ($SD = 1.12$), with a range of 0 – 5 items. This ranking methodology was used to identify the more common themes across the victim, perpetrator and offence characteristic traits.

Results

Typicality Ratings

The mean scores for typicality appear in Table 3, organized by victim, perpetrator, and offence items. Typicality ratings could range from 1 to 5, with higher scores indicating that the item was deemed to be more typical of a hate crime. Selecting ratings that were in the top 20% of the possible 5-point range (i.e., 4.00 or above) as a cut-off point, several items emerged from this list as most typical. The highest rating was assigned to a general offence characteristic, that is, that the offence was motivated by hatred, bias, or prejudice ($M = 4.44$, $SD = 0.86$). Generally high ratings were given to offences generally involving a racial minority ($M = 4.28$, $SD = 0.97$), religious minority ($M = 4.26$, $SD = 0.97$), a sexual orientation minority ($M = 4.14$, $SD = 1.06$), or a gender identity minority (i.e., transgendered or non-binary, $M = 4.03$, $SD = 1.12$). More specific hate motivations were also rated as high in typicality, including crimes motivated by racism ($M = 4.40$, $SD = 0.87$), religious bias ($M = 4.35$, $SD = 0.92$), Islamophobia ($M = 4.21$, $SD = 1.03$), anti-Black racism ($M = 4.20$, $SD = 1.05$), bias against gays, lesbians, or bisexuals ($M = 4.16$, $SD = 1.06$), and anti-South Asian/Middle Eastern bias ($M = 4.07$, $SD = 1.06$).

Participants generally believed a typical hate crime to involve a victim who was different from the perpetrator in some meaningful way ($M = 4.34$, $SD = 0.96$), such as having a different racial or ethnic heritage than the perpetrator ($M = 4.10$, $SD = 1.04$), or different religious identities ($M = 4.01$, $SD = 1.02$). Participants gave high typicality ratings to a perpetrator who is prejudiced, closed-minded, and ignorant ($M = 4.29$, $SD = 0.93$), as well as to offences that involve offensive slurs against the victim ($M = 4.37$, $SD = 0.89$), verbal abuse and harassment ($M = 4.28$, $SD = 0.96$), or crimes that are meant to send a message to the victim's group ($M = 4.19$,

$SD = 0.92$). The offence itself was believed to involve moderate physical violence, such as hitting or beating ($M = 4.07$, $SD = 0.92$).

Ranking Task

As a second validation of prototype content, participants were directed to a characteristic selection task, in which participants were able to select up to five items that they believed were most typical of a hate crime and to rank order them in terms of typicality. Table 4 presents the relative ranking of these items, along with the total number of participants who selected that item as part of their top five choices. The most commonly selected item was having a victim who is a racial, religious or sexual minority, with 80.69% of participants selecting this item as highly typical of a hate crime. A large majority (71.38%) believed that a perpetrator making offensive slurs against the victim was highly typical, and 65.17% believed that the victim would be minding their own business at the time of the offence. More than half of the sample (56.90%) believed that a typical hate crime would involve violence, 43.45% believed it would occur in a public place, and 40.34% believed the typical perpetrator would be White.

As a final way to cross-check the prototype content, participants were asked to select up to five items that they believed were very low in terms of typicality of a hate crime (selecting from the ten items remaining after their high typicality items were removed from the list). Table 5 provides these rankings in descending order, wherein we see that 73.10% of the sample believed that the victim provoking the attack was atypical of a hate crime. A scenario where the victim and perpetrator were of the *same* race, religion, or sexual orientation as the victim was deemed least typical by 57.59% of the sample. More than half (52.41%) believed that a White victim was least typical, and 47.24% believed that a perpetrator who is a racial, religious, or sexual minority would be least typical of a hate crime.

Discussion

Taken together, the results of Study 1 and Study 2 dovetail to provide a clear and consistent picture of the nature and content of hate crime prototypes. Highly prototypic hate crimes appear to involve:

- A victim who is a racial, religious, or sexual minority
- A victim who is passive and unprovocative
- A perpetrator who is White
- A perpetrator who utters offensive slurs
- An act of violence that occurs in a public place

A clear image also emerges of what an atypical hate crime might look like, in many ways the inverse of highly prototypic themes. An atypical hate crime is one that involves:

- A perpetrator who is a racial, religious, or sexual minority
- A victim who engages in verbal or physical aggression against the perpetrator
- A victim and perpetrator who are of the same racial, religious, or sexual identity
- A victim who is White

Again, these characteristics are consistent with prior research exploring reactions to hate crime (Craig & Waldo, 1996; Rayburn et al., 2003; Saucier et al., 2006, 2010). Note that none of these elements are legally relevant or required under hate crime legislation in Canada. Indeed, the aggravated sentencing provisions require only that the crime was motivated by bias, prejudice or antipathy toward the target victim's group, *whatever* that group may be. There is no specification regarding minority status of the victim, the religious or racial identity of the perpetrator, or the behavioural innocence of the victim. While slurs may facilitate the recognition of bias motivation, it is neither necessary nor sufficient for an offence to be deemed hate-motivated.

Similarly, the expectation that perpetrators will be overtly biased sole attackers is inconsistent with observed offences, the majority of which involve groups of young males who are intoxicated and looking for an easy target to attack (Levin & McDevitt, 1993; McDevitt et al., 2002). Conceivably, the expectation that a hate crime will involve a solitary racist may influence whether observers recognize a more commonly observed hate crime as a hate crime at all. Interestingly, the present finding that hate crime victims are considered to be innocent and non-provoking is in line with the findings of Lyons (2006), who observed that victim blaming increased against a Black victim who responded verbally to a racist perpetrator. It is unclear whether this finding was tied to prototypic expectations of a “true” hate crime, to unfair behavioural assumptions of minority victims, or to some other causal element.

Moreover, it is unclear how elements high in prototypicality might influence legal decision making and blame attributions pertaining to hate crime. To explore these questions, we turn to an experimental approach in which key prototypic elements may be systematically manipulated. The use of vignettes and scenarios has been used to explore the impact of prototypes on legal decision-making (e.g., Loudon & Skeem, 2007; Skeem & Golding, 2001; Smith, 1991, 1993). To maintain a manageable amount of prototype content and to enhance interpretability of the results, prototypes of the perpetrator and victim were explored independently in two separate studies. Thus, Study 3 provides an exploration of the impact of perpetrator prototypes, holding the victim’s characteristics constant. Study 4a and Study 4b then explore the impact of victim prototypes, holding the characteristics of the perpetrator constant.

Study 3

As explored in some detail through Study 1 and Study 2, there are a number of highly prototypic elements associated with a hate crime: some that pertain to the victim, some that

pertain to the perpetrator, and some that pertain to the offence. Varying all prototypic elements, however, would render a large and unwieldy research design. Thus, the prototypic elements were bifurcated into those pertaining to the perpetrator and those pertaining to the victim. As a first step, Study 3 explored the importance of prototypes pertaining to the perpetrator, holding the victim and offence characteristics constant. In all cases, the victim was depicted in a prototypical way, always as a South Asian man who visibly identifies as a Muslim and who behaves in a relatively passive way. The offence is also fairly prototypic, involving an act of violence against a single victim in a public setting. The perpetrator, however, varied in terms of the two most commonly identified perpetrator prototypes identified in Studies 1 and 2: Perpetrator Ethnicity and Perpetrator Bias. With regard to Perpetrator Ethnicity, participants in Studies 1 and 2 reported beliefs that the perpetrator and the victim would be of different racial or religious groups, with a White perpetrator being named most often. Thus, a White perpetrator was deemed to be higher in prototypicality both as a White person and as someone who is of a different ethnicity from the victim. To provide a low prototypicality comparator to our South Asian Muslim victim, an Indian perpetrator was presented. This is lower in prototypicality both because the perpetrator is a racial minority, but also because he shares a superordinate ethnic identity with the victim as a South Asian person. With respect to Perpetrator Bias, the presence of overt prejudice was viewed as highly prototypical, including the presence of slurs. Study 3 thus manipulated two key perpetrator prototypes: (a) Perpetrator Identity (White, differing from the victim vs. Indian, similar in ethnicity to the South Asian Muslim victim) and (b) Perpetrator Bias (Islamophobic Slurs uttered vs. No Islamophobic Slurs uttered). In all cases, the victim was described as a South Asian Muslim man who is relatively passive in response to the perpetrator's harassment.

Hypotheses

Main effects were anticipated for both independent variables. Thus, for Perpetrator Ethnicity, it was hypothesized that offences involving a White perpetrator (versus an Indian perpetrator) would be viewed as more typical of a hate crime, with longer sentences, higher perpetrator blame, and lower victim blame. Similarly, a main effect of Perpetrator Bias was expected, such that where the perpetrator utters overtly Islamophobic slurs against the Muslim victim (versus offensive but non-Islamophobic comments), the crime will be viewed as more typical of a hate crime, with longer recommended sentences, higher perpetrator blame, and lower victim blame. The potential interactive effects of the two prototype variables was exploratory, as it is unclear whether the presence of multiple prototypic elements would enhance the effect of each factor or operate independently. That is, it is possible that the impact of Islamophobic slurs would be more pronounced when uttered by a White perpetrator but be attenuated when uttered by an Indian perpetrator. Conversely, it is possible that the perpetrator's ethnic identity would be more salient if he uttered Islamophobic slurs compared to offensive non-Islamophobic comments. In the further alternative, it is possible that the presence of prototypic elements do not operate in an interactive way at all, but function in a more additive way. Under this latter interpretation, the presence of one prototypic item would not moderate the impact of the other variable, but the presence of each prototypic element would contribute in a finite way to the recognition of the offence as a hate crime, with associated sentencing, perpetrator blame and victim blaming evaluations being impacted.

Finally, a measure of Islamophobia was included as a continuous independent variable. It was hypothesized that, because all crimes depicted in Study 3 targeted a South Asian Muslim victim, those participants higher in Islamophobic attitudes would assign higher victim blame and

lower perpetrator blame, regardless of prototype condition. Possible interactions between Islamophobia and our key independent variables were not anticipated, but interaction terms were included in analyses as an exploratory measure.

Method

Participants

A total of 414 participants were recruited from undergraduate introductory psychology courses at York University in exchange for partial course credit. Participants were excluded from analyses if they failed random attention checks ($n = 26$) or manipulation checks ($n = 67$). More specifically, 42 missed perpetrator race, 15 missed perpetrator bias, 15 missed the victim's race, and 10 participants incorrectly answered questions about basic premise of the scenario (i.e., why the victim was in the park). The final sample thus consisted of 327 participants (214 women, 101 men, $M_{\text{age}} = 20.43$ years, $SD = 5.05$ years). The sample showed good ethnic diversity, with 23.36% identifying as South Asian, 20.56% identifying as Black, 19.00% identifying as White, 10.28% identifying as East Asian, 0.31% identifying as Aboriginal, 12.77% identifying as a mixed or other ethnicity, and 13.71% declining to answer. The sample also showed religious diversity, with 35.51% identifying as Christian, 18.38% identifying as Muslim, 9.97% identifying as agnostic, 8.41% identifying as Sikh, 7.70% identifying as atheist, 4.98% identifying as Hindu, 2.18% identifying as Jewish, 1.56% identifying as Buddhist, and 10.90% identifying with multiple or other religions. The majority of the sample (90.34%) identified as heterosexual, 6.54% identified as bisexual, and 0.62% identified as gay/lesbian.

Materials

Vignettes. Participants read one of four vignettes that varied by Perpetrator Ethnicity (White vs. Indian) and Perpetrator Bias (Islamophobic Slurs vs. Offensive Comments). All four

vignettes followed the same basic fact pattern, in which the victim (always depicted as a South Asian Muslim man) was in a park holding a small demonstration to raise awareness for issues affecting the Muslim community in the area. The defendant, described either as a White man or a man of Indian heritage, begins verbally harassing the victim. In the overt bias conditions, he then calls the victim “raghead, Osama, jihadi, and terrorist.” In the low bias condition, he calls the victim “asshole, moron, dickhead, and freak.” In all conditions, the incident escalates to an assault on the victim that results in bodily harm. The information was not presented as a full trial transcript, but rather as a simple summary of facts as presented by the Crown and defence. This was done to explore the importance of only the prototype-related content, rather than introducing potentially confounding information pertaining to gender, race, age or other characteristic of the witnesses, experts, or legal counsel. Participants read both the Crown and Defence versions of the events, with the order of presentation randomized across participants. There were no observed differences in analyses as a function evidence order and results herein are presented collapsed across presentation order.

Case evaluations. After reading the vignette, participants were asked to render judgments about the case they had just read. They were provided with the legal definition of a hate crime: “*A hate crime is a criminal offence that is motivated by hatred or antipathy toward the victim on the basis of the victim’s race, religion, national origin, language, sex, age, or sexual orientation.*” Relying on this definition, participants were then asked to indicate whether they believed the assault was a hate crime (yes/no), and to indicate how certain they were of that decision on a 7-point scale (1 – *Not at all Certain* to 7 – *Completely Certain*). A product term was computed between the verdict and certainty scores, with the resulting scalar measure, Certainty of Hate, ranging from a possible -7 (Completely Certain this was NOT a Hate Crime)

to +7 (Completely Certain this WAS a Hate Crime). The inclusion of the certainty measure was to provide a greater range of responses than is observed with a simple yes/no response. In the present case, there is little question that the perpetrator committed an offence, and most participants were expected to impose a guilty verdict. Confidence in those scores, however, may be much more variable, suggesting that although the participant imposed guilt, they may have been very confident in that decision or only weakly certain of that decision. In addition, participants were asked to recommend a sentence for the perpetrator by sliding a scale anywhere from 0 (Not Guilty) up to 10 years, which they were advised is the maximum available for an assault causing bodily harm (s. 267 *Canadian Criminal Code*).

Reactions to the perpetrator. To obtain a multidimensional measure of blame, participants completed six items assessing both affective and cognitive components of blame. The affective scale included items assessing participants' overall emotional reaction to the perpetrator (1- *Very Negative* – 7 – *Very Positive*, reverse coded), the degree to which they felt sympathy toward the perpetrator (1 – *Not at all* to 7 – *Completely*, reverse coded), and anger toward the perpetrator (1 - *Not at All* to 7 – *Completely*). These items were summed and averaged ($\alpha = .72$), with higher scores indicating a more negative emotional reaction. The cognitive scale included items assessing the degree to which he was responsible for the assault (1 - *Not at All* to 7 – *Completely*), the reasonableness of his actions (1 - *Not at All* to 7 – *Completely*, reverse coded), and the degree to which they believed he was to blame for the assault (1 - *Not at All* to 7 – *Completely*). The items were summed and averaged ($\alpha = .72$), with higher scores indicating more perceived responsibility for the offence. The affective and cognitive scales were fairly strongly correlated ($r(321) = .64$) and were thus collapsed for a

single composite measure of perpetrator blame ($\alpha = .82$), wherein higher scores indicated more perpetrator blaming.

Reactions to the victim. Participants reported their attitudes and feelings toward the victim on the same six items, again including both affective and cognitive components of blaming. The affective items assessed overall emotional reaction to the victim (1 – *Very Negative* to 7 – *Very Positive*, reverse coded), the degree to which they felt sympathy toward the victim (1 – *Not at all* to 7 – *Completely*, reverse coded), and anger toward the victim (1 - *Not at All* to 7 – *Completely*). These items were summed and averaged ($\alpha = .72$), with higher scores indicating a more negative emotional reaction to the victim. The cognitive-based items assessed the degree to which the victim was responsible for the assault (1 - *Not at All* to 7 – *Completely*), the reasonableness of his actions (1 - *Not at All* to 7 – *Completely*, reverse coded), and whether the victim did something to provoke the assault (1 - *Not at All* to 7 – *Completely*). These items were summed and averaged for a composite measure of victim responsibility ($\alpha = .76$), with higher scores indicating greater perceived victim responsibility. The affective and cognitive items were strongly correlated ($r(321) = .71$), and thus were combined into one composite measure of victim blame ($\alpha = .84$), where higher scores reflect higher victim blame.

Manipulation checks and attention checks. Participants were asked to complete several questions assessing their comprehension and understanding of the vignette. More specifically, they were asked to report the ethnic identity of the victim and the perpetrator, what the perpetrator said in the park, and what the participant was doing in the park prior to the incident. In addition, participants were asked at four different points to select a specific numeric value on the response scale (e.g., Please select the number 3), to ensure attentive responding as

recommended by Marjanovic, Struthers, Cribbie, and Greenglass (2014). Participants who missed two or more attention checks were excluded from analyses.

Islamophobia scale. Upon completion of case-relevant materials, participants completed the 19-item Islamophobia scale developed by Imhoff and Recker (2011). The scale assesses perceptions of Islam as an outdated, violent, and foreign religion, and includes items such as “*Islam is an archaic religion, unable to adjust to the present,*” and “*I think the Islamic religion and its aggressive sides predispose it towards proximity to terrorism.*” Responses were provided on a 7-point scale, ranging from 1 (*Strongly Disagree*) to 7 (*Strongly Agree*), with higher scores indicating more negative, Islamophobic attitudes. The items were summed and averaged for a composite measure of Islamophobia ($\alpha = .83$).

Procedure

Upon providing informed consent, participants were randomly assigned to one of four conditions in this 2 (Perpetrator Ethnicity: White vs. Indian) x 2 (Perpetrator Bias: Overt vs. Absent) between-subjects factorial design. Sample sizes were nearly identical across the four conditions, with cell sizes ranging from 79 to 82 across the four conditions. After reading the vignette, participants proceeded to the case evaluations, followed by reactions to the victim and perpetrator (counterbalanced), the Islamophobia scale, manipulation checks, and demographic scales. Upon completion of all materials, participants were debriefed and thanked.

Results

Analyses of Variance

The main analyses were performed as a series of univariate analyses of variance, with Perpetrator Ethnicity, Perpetrator Bias, and Islamophobia entered as independent variables, and Certainty of Hate, Sentence, Perpetrator Blame, and Victim Blame as outcome variables. A

custom analysis was conducted with the two categorical predictors (Perpetrator Ethnicity and Perpetrator Bias), as well as a grand mean centred continuous Islamophobia measure. By default, an analysis of covariance provides F-values for the categorical factors, the interaction of the categorical factors, and one F-value for the continuous covariate. To explore possible interactions between the continuous Islamophobia measure and our categorical independent variables, the custom analysis created interaction terms between the continuous variable and the categorical variables, as outlined and demonstrated by Gardner (2007, 2008). This custom analysis provides intercepts for each of the four conditions, referring to them as expected cell means. These intercepts correspond to the expected means for the cell, given that the continuous measure was grand mean centred. The expected slopes for the cell were computed using the regression coefficients obtained with dummy coding for the categorical variables. Marginal values for both intercepts and slopes were determined by the unweighted mean values for each of the categorical factors (Gardener, 2008). This approach provides F values that are identical to those obtained through multiple regression with centered Islamophobia scores and effect coded categorical vectors, but provides a more readily interpretable value. The results of the ANOVAs appear in Table 6.

Certainty of hate. A main effect of Perpetrator Ethnicity emerged ($F(1, 313) = 4.61, p = .033, \eta^2 = .015$), such that participants were more certain that the offence was a hate crime when the perpetrator was White ($M = 2.83, SD = 4.78$) than when he was Indian ($M = 1.64, SD = 5.19$). In addition, there was a main effect of Perpetrator Bias ($F(1, 313) = 41.68, p < .001, \eta^2 = .118$), such that participants were more certain the offence was a hate crime when Islamophobic slurs were uttered ($M = 3.92, SD = 4.13$) than when they were absent ($M = 0.51, SD = 5.26$). No other terms or interactions reached statistical significance.

Sentence. A main effect of Perpetrator Ethnicity emerged ($F(1, 303) = 4.35, p = .038, \eta^2 = .014$), such that longer sentences were recommended for the White perpetrator ($M = 4.23$ years, $SD = 2.94$ years) than for the Indian perpetrator ($M = 3.52$ years, $SD = 2.88$). A main effect of Islamophobia was detected ($F(1, 303) = 10.25, p = .002, \eta^2 = .033$), such that those higher in Islamophobia assigned lower sentences overall ($b = -.177$). No other main effects or interactions reached statistical significance.

Victim blame. A significant main effect of Perpetrator Ethnicity was found ($F(1, 313) = 7.810, p = .006, \eta^2 = .024$), such that the victim was blamed less when he was attacked by a White perpetrator ($M = 2.80, SD = 1.08$) than when attacked by an Indian perpetrator ($M = 3.19, SD = 1.14$). A significant main effect was detected for Perpetrator Bias as well ($F(1, 313) = 5.50, p = .020, \eta^2 = .017$), such that victims were blamed less where the attacker uttered Islamophobic slurs ($M = 2.85, SD = 1.10$) than when he uttered offensive comments unrelated to the victim's religion ($M = 3.14, SD = 1.13$). A main effect of Islamophobia was also detected ($F(1, 313) = 78.73, p = .001, \eta^2 = .201$), such that the slope ($b = .409$) was significantly different from zero and indicating that those higher in Islamophobia assigned greater blame to the victim. No interaction terms emerged as significant.

Perpetrator blame. A main effect of Perpetrator Ethnicity emerged ($F(1, 313) = 5.07, p = .025, \eta^2 = .016$) such that the White perpetrator was deemed more blameworthy ($M = 5.59, SD = 0.97$) than the Indian perpetrator ($M = 5.29, SD = 1.08$). A main effect of Perpetrator Bias also emerged ($F(1, 313) = 8.38, p = .004, \eta^2 = .026$), such that perpetrators who uttered Islamophobic slurs were deemed more blameworthy ($M = 5.60, SD = 1.00$) than were perpetrators who uttered offensive comments not related to the victim's religious identity ($M = 5.27, SD = 1.05$). A main effect of Islamophobia also emerged ($F(1, 313) = 51.91, p < .001, \eta^2 = .142$), such that the slope

of the line differed significantly from zero ($b = -.342$) and indicating that those higher in Islamophobia assigned less perpetrator blame. No interactions emerged as significant.

The two-way interaction involving Perpetrator Ethnicity and Perpetrator Bias emerged as significant ($F(1, 313) = 3.91, p = .049, \eta^2 = .012$). To explore the nature of the interaction between Perpetrator Ethnicity and Perpetrator Bias, simple main effects analyses were performed. This revealed that, when the perpetrator was depicted as White, perpetrator blame was higher when he uttered an Islamophobic slur ($M = 5.87$) than when he did not ($M = 5.30; F(1, 317) = 12.69, p = .001$). When the perpetrator was described as Indian, perpetrator blame did not differ whether he uttered Islamophobic slurs ($M = 5.34$) or did not ($M = 5.25; F(1, 317) = 0.32, p = .573$). This interaction is depicted in Figure 1.

South Asian and Muslim participants. A large proportion of this sample identified as either South Asian ($n = 75$) or Muslim ($n = 59$), with a subset identifying as both ($n = 20$). To determine whether this might impact responses to a hate crime targeting a South Asian Muslim victim, a new variable was created that collapsed participant identification as South Asian and/or Muslim into one group ($n = 114$) and those who did not identify as either South Asian or Muslim into another group ($n = 207$). This variable was then entered into the same series of univariate analysis to predict certainty of hate, sentence, victim blame, and perpetrator blame. Participant identification as South Asian and/or Muslim did not influence victim blaming scores, perpetrator blame scores, or recommended sentence. For certainty of hate, however, there was a main effect of participant identity ($F(1, 310) = 5.19, p = .023, \eta^2 = .016$). More specifically, those who identified as South Asian and/or Muslim were more certain that the offence was a hate crime ($M = 3.04, SD = 4.68$) than were those who did not identify as South Asian or Muslim ($M = 1.78, SD$

= 5.15). Participant identification as South Asian and/or Muslim did not interact with Islamophobia, Perpetrator Ethnicity, or Perpetrator Bias.

To be thorough, these analyses were run again, exploring the impact of Muslim identification alone, entering Muslim identity as a predictor (i.e., a new variable was created to distinguish between Muslim and non-Muslim participants). For all dependent measures, participant identification as Muslim did not emerge as a significant main effect, nor were there any interactions between Muslim identity and the independent variables. Finally, analyses were run exploring the role of South Asian heritage on reactions to the offence (i.e., a new variable was created to distinguish between South Asian and non-South Asian participants). Again, no main effects or interactions emerged for any dependent measure as a function of the participant's identification as a South Asian person.

Discussion

In Study 3, the characteristics of the victim were held constant, depicted in all cases as a South Asian Muslim man who behaved in a relatively passive manner. Holding this constant, the characteristics of the perpetrator were varied, manipulating only the degree of perpetrator-related prototypic content present. For all key dependent measures, a main effect of Perpetrator Ethnicity was observed, such that when the anti-Muslim crime was committed by a White man, participants were more certain it was a hate crime, imposed a harsher sentence, assigned more blame to the perpetrator, and assigned less blame to the victim. In addition, a main effect of Perpetrator Bias was observed for dependent measures other than sentence, such that where the perpetrator uttered offensive Islamophobic slurs, participants were more certain the offence was a hate crime, assigned greater blame to the perpetrator, and assigned less blame to the victim. A main effect of Islamophobia was observed for all dependent measures except certainty of hate.

Those higher in Islamophobic attitudes imposed a lesser sentence, assigned lower perpetrator blame, and assigned higher victim blame, all of which is intuitive as the victim in all cases is described as Muslim.

Islamophobia did not interact with Perpetrator Ethnicity or Perpetrator Bias, likely because the victim in all cases was described as Muslim. Comparisons between a Muslim and non-Muslim victim might provide a more suitable basis on which to explore the role of Islamophobia in victim blaming. The interaction between Perpetrator Ethnicity and Perpetrator Bias was observed only for perpetrator blame, which merits further discussion. There were no a priori hypotheses regarding the possible interactive effects of prototype content, and the lack of interaction for any of the other dependent measures suggests that the prototype elements did not generally operate to moderate each other. One possibility is that the elements work in isolation rather than in a multiplicative way as a general rule. Thus, each item might independently influence judgments, but the presence of one does not necessarily moderate the impact of the other. The perpetrator blame measure, on the other hand, might have been more sensitive to manipulations in perpetrator prototypes, as the two are most closely conceptually related. It is unclear on the present data whether this was the case. The results of the simple main effects, however, suggest that the relation between prototype elements is more complex. It is possible that participants looked to the presence of Islamophobic slurs as a way to interpret the importance of the Perpetrator's race. Alternatively, the status of the perpetrator as White may have given context to the importance of the Islamophobic slurs, all working together to disambiguate the case details as a potential hate crime. To explore these possibilities further, a final study was run, this time manipulating prototypic characteristics of the victim while holding the perpetrator's behaviors and actions constant.

Study 4a and Study 4b

Study 4a and Study 4b focused more directly on prototypes of a typical hate crime victim, holding the characteristics of the perpetrator constant. As determined through Study 1 and Study 2, several characteristics emerged as clear prototypes of a typical hate crime victim. These included a victim who is a racial, religious, or sexual minority, which was endorsed by 80.69% of the sample. The second most prototypic element was a victim who was minding their own business at the time of the offence (65.17%). Conversely, a victim who provokes the incident was rated as highly atypical by nearly three quarters (73.10%) of the sample. A White victim was rated as highly atypical by more than half of the sample (52.41%). Thus, our prototypic elements include a victim who is (a) a racial/religious minority and (b) quiet, passive, and non-provocative in response to the harassment. In the context of Islamophobic hate crime, the prototypical victim was depicted as both a religious minority (Muslim) and a racialized minority (South Asian). The atypical victim was depicted as White with no religious affiliation (hence non-Muslim), and one who provokes a confrontation or in some way acts aggressively prior to the incident.

A main effect of Victim Identity was hypothesized, such that where the victim was described as a South Asian Muslim man (versus a White, non-Muslim man) participants would be more likely to interpret the offence as a hate crime, impose longer sentences, higher perpetrator blame, and lower victim blame. A main effect of Victim Behaviour was also hypothesized. When the victim was depicted as passive (high prototypicality), participants would be more certain the offence was a hate crime, with higher sentences, higher perpetrator blame, and lower victim blame. When, however, the victim becomes aggressive and confrontational (hence less prototypical), participants would be less likely to interpret the offence as a hate

crime, assign lower sentences, engage in less perpetrator blaming, and assign more blame to the victim. Again, no a priori assumptions were made for interactive effects between the prototype elements.

A main effect of Islamophobia was not anticipated, as there was no reason to believe that Islamophobic attitudes on their own would predict reactions to crime in general. However, interactive effects between Islamophobic attitudes and Victim Identity were anticipated. More specifically, it was hypothesized that Islamophobia would predict reactions to offences involving a South Asian Muslim victim, but not a White victim. Islamophobic participants exposed to a crime involving a Muslim victim would be less likely to interpret the offence as a hate crime, would assign a lighter sentence, lower perpetrator blame, and higher victim blaming in comparison to offences involving a White non-Muslim victim (where Islamophobic attitudes were not expected to be relevant).

Published Paper

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Abstract

Prior research has explored victim blaming in the context of hate, often depicting hate crime victims as relatively passive recipients of harassment and violence. In reality, victims often do engage with their perpetrators, and the present research explored the effect that victim behavior might have on observer reactions to Islamophobic hate crimes. Participants completed a measure of Islamophobia and read a scenario in which a White man verbally harassed a victim in the park before physically assaulting him. We manipulated both the victim's identity (White or South Asian Muslim) and the victim's response to the perpetrator's verbal harassment (the victim either ignored the offensive comments, verbally reacted to them, or became physically confrontational). When the victim was portrayed as passive and non-responding, the South Asian Muslim victim attracted lower victim blame, higher perpetrator blame, and increased certainty that the offence was a hate crime. As the victim's behavior became more aggressive, victim blaming increased and perpetrator blaming decreased, but only for the South Asian Muslim victim. It appeared that observers scrutinized the behavior of the South Asian Muslim victim in a way they did not for the White victim, such that sympathy toward the Muslim hate crime victim was tied to his 'good behavior.' We propose that observers hold expectations of the model hate crime victim, one who is a racialized, religious or sexual minority who accepts harassment passively and with good behavior; deviation from this script results in a loss of sympathy and an increase in victim blaming. Finally, those higher in Islamophobia displayed reduced perpetrator blame, guilt, and sentences but greater victim blame when the crime targeted a South Asian Muslim as opposed to White victim.

Keywords: Hate Crime, Muslim, Islamophobia, Blame Attribution, Victim Blame

Hate crimes are those motivated by prejudice or antipathy toward a target victim's group, typically on the basis of ethnicity, religion, or sexual orientation (Perry, 2001). They are often thought of as "message crimes" in that they are meant to harm not only the individual victim, but their entire community, by sending a message that they are disliked, unwanted, and unsafe (Cogan, 2002; Hanes & Machin, 2014). Some scholars have recommended the more general term *bias-motivated offence*, to reflect the fact that hate crimes are those in which victims are selected due to their membership in a particular group (Chakraborti, 2010; Perry, 2001). Regardless, the presence of bias motivation in the commission of a crime is legally relevant in a number of jurisdictions, including the United States of America, Canada, the United Kingdom, and Australia. Typically, this takes the form of a sentencing enhancement, wherein evidence of bias-motivation will extend the sentence otherwise available for a particular offence. One common justification provided for the sentencing enhancement is that hate crimes "hurt more" than comparable non-hate-based offences (Iganski, 2001, p. 626). Indeed, accumulating empirical evidence confirms that bias-motivated offences reflect greater brutality, physical injury, and profound psychological harm in relation to similar non-bias-motivated crimes (Herek, 2009; Iganski & Lagou, 2014; McDevitt, Balboni, Garcia & Gu, 2001). Recently, Paterson and colleagues reported that victims of hate crime experienced increased feelings of anger, anxiety, vulnerability, isolation, and ongoing fear about their own security (Paterson, Walters, Brown, & Fearn, 2018).

Despite the seriousness of hate crimes, their harmful impact on victims and communities, and the legislative recognition that hate crimes are morally serious, there is a dearth of psychological research investigating hate crimes (Perry, 2001; Nelson, Wooditch, Martin, Hummer, & Gabiddon, 2016). Moreover, little research attention has focused on how observers

(hence jurors) interpret hate crimes against Muslim persons although anti-Muslim violence has risen steadily in recent years, as outlined more fully below. The purpose of the present research was to understand how observers might interpret an act of anti-Muslim violence, and particularly how attributions of blame and responsibility are made for these hate-based offences.

Victim Blaming in the Context of Hate

Victims of all crimes may be deemed responsible for their own victimization, particularly when people believe in a just world wherein people get only what they deserve (e.g., Lerner, 1970). In some cases, perpetrators are excused for their criminal actions, whereas the victim is blamed for having provoked their own misfortune. Much of the literature exploring victim blaming has been conducted in the context of sexual assault, typically in an opposite-sex scenario with a female victim (Davies, 2002; Davies, Pollard & Archer, 2006). There is some evidence to suggest that a model victim prototype exists within this offence category, such that greater sympathy is found for female victims who strongly resist their attacker, abstain from alcohol and substances, have limited sexual history with the perpetrator, report the assault immediately, and exhibit negative emotionality after the assault (e.g., Cohn, Dupuis & Brown, 2009; Klippenstine & Schuller, 2012; Wenger & Bornstein, 2006). It is possible that a model victim stereotype exists for hate crimes as well, but has gone undetected due to the relatively limited research attention that this area has received in comparison to other forms of violence and crime (e.g., Nelson et al., 2016).

Alicke's (2000) culpable control model of blaming provides a possible explanation for how observers might interpret and react to incidents of hate. This model identifies key factors associated with blame attributions in the context of harmful events. Critical to our understanding of hate crimes, Alicke proposed that observers scrutinize event information and assign blame to

the person or persons who evoke the most negative reactions, or whose behavior “confirms the most unfavorable expectations” (p. 556). This model contemplates that observers make spontaneous emotional evaluations that are based on information pertaining to the actor’s intentions, behaviors, and consequences, but may also be based on extra-legal factors such as the actor’s race, gender, or reputation. In other words, if the victim elicits a negative emotional reaction, those negative emotions may foster enhanced victim blaming (Alicke, Buckingham, Zell, & Davis, 2008; Cramer, Wakeman, Chandler, Mohr, & Griffin, 2013).

An emerging literature has looked specifically at victim blaming in the context of hate crimes, finding generally that the presence of hate motivation reduces victim blaming and increases perpetrator blame (e.g., Rayburn, Mendoza, & Davison, 2003; Saucier, Brown, Mitchell, & Cawman, 2006). Where hate crimes fit the stereotypical pattern of a violent assault by a White male against a racialized minority male, participants typically assign harsher sentences and higher ratings of guilt (Lyons, 2006; Marcus-Newhall, Blake, & Baumann, 2002; Saucier et al., 2006). Moreover, there is evidence to suggest that the specific group identity of the victim may not matter where the crime fits this general fact pattern, so long as the victim is a racial, religious, or sexual minority (Rayburn et al., 2003).

The existing literature on victim blaming within the context of hate crimes has not considered the potential role of victim behavior and pre-offence interaction with the perpetrator. Rather, victims are typically depicted as a symbolic placeholder for a group identity. For example, Rayburn et al. (2003) depicted the victim as quietly walking home alone when attacked by two men shouting offensive slurs. Saucier and colleagues (Saucier et al., 2006; Saucier, Hockett, & Wallenberg, 2008) depicted interactions in which the perpetrator assaulted an individual while shouting slurs after only a brief verbal exchange. In another study, the victim

merely said “hi” to the perpetrator in a bar and walked away, when the victim was followed and beaten (Plumm, Potter & Terrance, 2015). Cramer and colleagues (Cramer, Nobles, Amacker, & Dovoedo, 2013) employed a scenario in which a gay man was murdered in his own home by a co-worker with whom he had no history of conflict, with the perpetrator expressing rage at the victim’s sexual orientation.

In reality, however, victims often do behave, speak, and react to offenders prior to the offence as is their right and prerogative (e.g., Poynting & Noble, 2004). The few studies that have humanized the victim by describing their behavior do indeed show an increase in victim blame. For example, Lyons (2006) found that hate crime perpetrators received higher blame ratings when the victim ignored an offensive comment but observed that perpetrator blame decreased when the victim made eye contact or spoke with the perpetrator. Plumm, Terrance, and Austin (2014) observed that perpetrators were blamed less for attacking a gay man or a Native American victim when that victim was actively marching in a group-related parade as opposed to merely watching it. Such findings suggest that hate crime victims may receive observer sympathy only when they behave within prescribed roles of model behavior.

The purpose of the present research was to explore how observers interpret and react to incidents of hate crime, and whether the tendency to engage in victim blaming is related to behavioral expectations of a model hate crime victim. Thus, we varied both the identity of the victim and his behavioral response to harassment to determine whether the influence of the victim’s behavior on observer reactions would depend upon the victim’s group identity.

A Focus on Islam

South Asian Muslims were chosen as the primary focus due to the recent increase of hate crimes targeting this community (e.g., Leber, 2017), and because this group has received

relatively limited research attention in general. Following the Al-Qaeda terrorist attacks of September 11, 2001 in New York City, the United States saw a marked increase in hate crimes targeting Muslims and persons of Middle Eastern heritage (e.g., Cheng, Ickes & Kenworthy, 2013; Disha, Cavendish, & King, 2011). These trends were observed not only in the United States, but in many other countries, including Australia (Poynting & Noble, 2004), the United Kingdom (Hanes & Machin, 2014), and Canada (Rousseau, Hassan, Moreau, & Thombs, 2011). This rise in anti-Muslim hate crime is generally believed to be related to the professed association to Islam by the 9/11 terrorist attackers (Byers & Jones, 2007; Nelson et al., 2016). In addition, anti-Muslim hate crimes in England, France, Canada, and the United States spiked in response to the November 13, 2015 terrorist attacks in Paris and the January 7, 2015 attacks on Charlie Hebdo, which were attributed to Islamic terrorists (Stack, 2016).

Similar attacks against Muslim persons and Eastern European immigrants increased in Britain following the vote to leave the European Union (e.g., Forster, 2016), and following the election of Donald Trump to the presidency of the United States (Wendling, 2016). The most recent estimates from Statistics Canada indicate that anti-Muslim hate crimes rose by 61% in 2015, compared to a 17% decrease in crimes targeting Jewish persons and a 9% decrease in hate crimes targeting sexual orientation (Leber, 2017). This increase in attacks on innocent Muslim persons for the crimes of unrelated terrorists who share only a nominal religious identity is a clear example of what has been termed vicarious retribution (Lickel, Miller, Stenstrom, Denson, & Schmader, 2006). The present research investigated whether anti-Muslim hate crimes might be viewed comparably to other forms of hate crime and explored the potential role of victim behavior in these reactions. How might a South Asian Muslim victim's pre-offence behavior be

viewed in comparison to a White victim's pre-offence behavior? Are there indeed expectations for a model hate crime victim, and how might these influence observers' perceptions of blame?

Pilot Study ["Study 4a"]

Before exploring the impact of victim's pre-offence behavior and expectations of model victims, we felt it prudent to verify whether Muslim victims are indeed considered comparable to other hate crime victims, who may be viewed as more traditional targets of hate crime and who have been the focus of scholarly attention (i.e., Black and gay targets). As noted, Muslims are a relatively new target of hate and potentially occupy a unique position in North America due to the recent rise of terrorism attributed to Islamic extremists (Byers & Jones, 2007; Nelson et al., 2016). A pilot study was thus conducted as a preliminary step, comparing observer reactions to hate crimes targeting a victim depicted as either Black, gay, Muslim, or White (as a baseline comparison group), with a scenario comparable to those used in prior research on victim blaming in the context of hate (i.e., a relatively passive victim).

Two-hundred and twenty-two participants for the pilot study were recruited from a large Canadian university. Ten participants were dropped due to inattentive responding ($n = 7$) or poor English comprehension ($n = 3$), resulting in a final sample of 212 participants (105 men, 104 women, 3 undisclosed; $M_{\text{age}} = 19.51$ years, $SD = 4.13$). Participants read one of four possible vignettes describing an assault committed by a White man against a male victim who was identified as either White, Black, Muslim, or gay. In the scenario, the victim was walking home from a community centre when he was followed by the defendant. The victim was then attacked from behind, and witnesses reported that they overheard the defendant making "offensive comments and slurs" about the victim's identity. All vignettes employed an identical script, differing only in the description and name of the victim, as well as his attire (e.g., varsity t-shirt

and baseball cap for the White condition, a Black power t-shirt showing a raised fist for the Black condition, short knitted skull cap, a long white robe, and a full beard for the Muslim condition, t-shirt with a rainbow emblem for the gay condition), and who they were meeting with (members of a study group, members of a Black students association, members of a Muslim students association, members of a gay and lesbian students association). As well, the victim claimed that the individual began taunting him, shouting what he believed to be offensive and insulting comments (again tailored to condition: uttering personal insults, uttering anti-Black comments, uttering offensive comments about Muslim persons, uttering offensive comments about gay persons). He told the man to "get lost," but otherwise ignored him and continued walking on his way. The assailant was apprehended by police the next day and charged with assault.

After reading the vignette, participants reported the degree to which they believed the event was a hate crime, and completed several measures assessing victim and perpetrator blame. The data were analyzed with univariate analyses of variance with victim identity as the independent variable. Crimes targeting a White victim were rated as less likely to be a hate crime ($M = 4.66$, $SD = 1.62$) than were crimes targeting a Muslim ($M = 6.30$, $SD = 1.29$), Black ($M = 6.12$, $SD = 1.34$) or gay victim ($M = 6.44$, $SD = 1.01$; $F(3,208) = 20.39$, $p < .0001$, $\eta^2 = .227$). Post hoc analyses confirmed that the White control condition differed significantly from the minority victim conditions (all $ps < .05$), which did not differ from each other. Although victim blaming was low in all conditions, the Black ($M = 2.11$, $SD = 0.86$), gay ($M = 1.97$, $SD = 0.91$), and Muslim ($M = 2.08$, $SD = 0.96$) victims received less blame than did the White victim ($M = 2.55$, $SD = 0.85$, $F(3,208) = 4.41$, $p = .005$, $\eta^2 = .06$). Again, all minority conditions differed from the White control, but did not differ from each other. Participants' ratings of perpetrator

blame were not influenced by the victim's identity, but participants' ratings of perpetrator blame were very high regardless of the victim's identity, suggesting a possible ceiling effect related to the events depicted in the vignette.

The Present Research [“Study 4b”]

The results of the pilot study indicate that Muslim victims are indeed viewed as comparable victims of hate crime, in much the same way as Black or gay victims. Consistent with prior literature examining reactions to hate crimes, the specific identity of the victim did not matter as much as the fact that the victim was a minority (e.g., Rayburn et al., 2003; Saucier et al., 2006). What is unclear is whether these conclusions may be restricted to circumstances in which a White male attacks a minority victim in the context of an unprovoked assault. The purpose of the present research was to explore what might occur when the victim is portrayed less passively. What might happen if the victim did not ignore the harassment, but actually defended himself or engaged in verbal interaction with the perpetrator? Under the Culpable Control Model (Alicke, 2000), observers are thought to assign blame to persons who elicit the most unfavorable reaction or who confirm negative expectations. Thus, victims who elicit negative reactions may also attract increased blaming (Alicke et al., 2008; Cramer et al., 2013).

There is also evidence that prior biases can affect how observers react to hate crimes. For example, Saucier et al. (2008) found that those with higher levels of anti-Black bias gave lower sentences to Whites who attacked a Black victim and imposed harsher sentences against Blacks who attacked White victims. Similarly, Saucier, Hockett, Zanotti, and Heffel (2010) found that those with anti-Black attitudes recommended higher sentences for Black, as opposed to White, perpetrators who committed an aggravated assault. Finally, Plumm, Terrance, Henderson, and Ellingson (2010) found that those who were unsupportive of the gay community in general

showed greater victim blaming in an anti-gay hate crime than did those more supportive of the gay community. An additional purpose of the current research was thus to explore the role of Islamophobic attitudes in predicting reactions to Islamophobic offences.

How might observer reactions differ where the victim interacts with the perpetrator prior to the offence? We hypothesized that observers hold expectations for how an ‘appropriate’ hate crime victim should behave. Victims who remain quiet and passive without emotional display were expected to receive the benefit of a victim halo, in which victim blaming would be low, perpetrator blaming would be high, and the crime would elicit negative emotional reactions from observers. The study was conducted to explore these possibilities in more depth. The identity of the victim was manipulated to be either White or South Asian Muslim, and his behavioral reaction to harassment was either passive, verbally responsive, or physically confrontational.

We hypothesized a main effect of victim identity, such that crimes targeting a South Asian Muslim victim would more likely be interpreted as a hate crime, would be considered more offensive, and would attract lower victim blame. We also hypothesized a main effect of victim behavior, such that as the victim’s reaction became more aggressive, participants would be less likely to interpret the crime as a hate crime and would impose greater victim blame. Finally, an interaction was predicted between victim identity and behavior, such that when the victim was Muslim and portrayed as passive (what we refer to as the “model” hate crime victim), a protective halo would emerge around the victim leading to reduced victim blame and increased perpetrator blame. When the Muslim victim broke out of the prescribed victim role and responded either verbally or physically, the halo effect was expected to dissipate. Finally, we hypothesized that victim identity would interact with group-based prejudice, such that those with

more Islamophobic attitudes would show more victim blaming and less perpetrator blaming when the crime targeted a South Asian Muslim versus a White victim.

Method

Participants

Participants were recruited from a large Canadian university. After removing participants due to inattentive responding ($n = 4$) or poor comprehension of English ($n = 3$), the final sample consisted of 313 participants (155 men, 158 women) with an average age of 20.22 years ($SD = 4.51$). The sample showed a wide range of ethnic diversity, with 41.99% identifying as South Asian/Middle Eastern, 23.08% identifying as White, 18.59% identifying as East Asian, 9.94% identifying as Black, and 6.41% identifying as a different or mixed ethnicity. The sample also showed wide diversity in religious affiliation, with 32.26% identifying as Christian, 20.97% identifying as atheist/agnostic, 16.77% as Muslim,¹ 8.39% as Sikh, 8.39% as Hindu, 4.52% as Buddhist, 3.55% as Jewish, and 5.16% identifying with a different religious faith.

Materials

Vignettes. Participants were randomly assigned to read one of six vignettes in this 2 (Victim Identity: South Asian Muslim vs. White) x 3 (Victim Reaction: no response, verbal response, physical confrontation) between-subjects factorial design. The vignette described a hypothetical set of events in which a White man was walking through a public park when he observed a young man, either White or South Asian Muslim (depending on condition) who appeared to be holding a demonstration with several friends. The defendant claimed that the group was too disruptive, shouting at them that if they disliked the neighborhood they should leave it, and that Toronto would be better off without “people like them.” The response of the victim then took one of three forms: (a) he ignored the comment, (b) he responded with an angry

verbal comeback, or (c) he responded with an angry verbal comeback and physically approached the defendant, shoving him backward. In all conditions, the defendant then struck the victim repeatedly and later claimed he was acting in self-defense. Please see the appendix for stimulus materials.

Reactions to the offence. Participants were provided with the legal definition of a hate crime as used at the sentencing stage in Canada (s. 718.2(a)(i) of the *Canadian Criminal Code*). This provision states that a sentence should be increased where there is “*evidence that the offence was motivated by bias, prejudice, or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or any other similar factor.*” Participants were then asked to rely on this definition to determine whether a hate crime had occurred (yes/no) and to report how certain they were of this decision on a 7-point scale (1 – not at all certain to 7 - completely certain). Guilty verdicts were then coded +1, and Not Guilty as -1. These verdicts were multiplied by the certainty score to form a continuous scalar measure that ranged from -7 (certain this was not a hate crime) to +7 (certain this was a hate crime).

Reactions to the targets. To assess both cognitive and affective dimensions of blaming, participants were asked to complete six items that assessed their overall emotional reaction to the victim (1 - very negative to 7 – very positive, reverse coded), the degree to which they felt sympathy for the victim (1 - not at all to 7 – completely, reverse coded), anger toward the victim (1 - not at all to 7 – completely), his responsibility for the assault (1 - not at all to 7 – completely), whether he provoked the defendant’s actions (1 - not at all to 7 – completely), and whether he did something to deserve the attack (1 - not at all to 7 – completely). All ratings were provided on 7-point scales, with higher scores reflecting greater victim blaming. These six items

were summed and averaged to form a composite measure of victim blame ($\alpha = .85$). Similarly, participants completed parallel ratings for the perpetrator: emotional reaction to the perpetrator, sympathy for the perpetrator (reverse coded), anger towards the perpetrator, his responsibility for the assault, degree to which he felt threatened (reverse coded), whether the events were attributable to his actions, and the unreasonableness of his behavior. These items were summed and averaged for a composite measure of perpetrator blame ($\alpha = .82$). Note that the targets were identified only by their names and were not labelled as “victim” or “perpetrator” to avoid any unintended influence on ratings.

Islamophobia. Participants completed a shortened version of Imhoff and Recker’s (2012) Islamophobia scale ($\alpha = .70$; e.g. “Islam is an archaic religion, unable to adjust to the present”). To reduce participant fatigue, we selected items that assessed participants’ views that Islam is an outdated, non-progressive and violent religion. These items tapped into more overt Islamonegative attitudes, which were of most interest to the present research. Questions assessing more secular critiques, political opposition, or subtle aversion to the faith were excluded as it was unclear whether they tapped into Islamonegativity specifically or into more complex and fluctuating political attitudes.

Results

The impact of victim identity (Muslim vs. White), victim behavior (ignore comment, verbal response, or physical confrontation), and participant Islamophobia on our key dependent measures were examined by conducting analyses of variance of the two categorical factors (Victim Identity, Victim Reaction), and the one grand-mean-centered continuous factor (Islamophobia). The default analysis of covariance yields F-ratios for the categorical factors and their interaction, as well as one for the covariate, but does not routinely output F-ratios for the

interactions involving the covariate. To obtain a complete factorial output, it is necessary to run a custom analysis that adds the relevant interactions between the continuous variable and the categorical effects as demonstrated by Gardner (2007, 2008). The custom analysis yields intercepts for each of the cells in the 2 by 3 table, referring to them as the expected cell means. Given that the continuous variable was grand-mean-centered, these intercepts correspond to the expected means for that cell. The analysis does not yield the expected slopes for each cell, but they can be calculated using the regression coefficients based on dummy coding.

Marginal values for both the intercepts and slopes can be computed as the unweighted mean values across each of the two categorical factors (Gardner, 2008). This data analytic strategy provides F values identical to those obtained through multiple regression with the continuous variable grand-mean centered, and effect coded vectors for the categorical factors. The results of the analysis of variance for each of the dependent measures are presented in Table 1 and summarized in the following text below.

Victim blame. As seen in [Table 7 of the dissertation], we obtained significant findings for our three main effects (Victim Identity, Victim Reaction, and Islamophobia), as well as the Islamophobia x Victim Identity interaction, and the Victim Identity x Victim Reaction interaction. In terms of the main effect of Victim Identity ($F(1, 301) = 27.79, p = .001$), victim blaming was lower for South Asian Muslim victims ($M = 3.72, SD = 1.15$) compared to White victims ($M = 4.29, SD = 1.06$). The main effect for Victim Reaction ($F(2, 301) = 32.29, p = .001$) revealed that victim blaming was lowest when there was no reaction ($M = 3.44, SD = 1.16$) and became progressively higher as the victim responded verbally to harassment ($M = 4.06, SD = 1.07$) and even further when the victim became physically confrontational ($M = 4.51, SD = 0.89$). Post hoc tests using a Bonferroni error correction revealed that all three behavioral conditions

differed significantly from each other (all $ps < .01$). The main effect of Islamophobia ($F(1, 301) = 32.51, p = .001$) was also significant and is a test that the mean slope of victim blaming on Islamophobia ($b = .261$) differed significantly from 0, indicating that participants with higher levels of Islamophobia had higher victim blaming scores overall.

Focusing on the two significant interactions, the interaction of Victim Identity x Victim Reaction ($F(2, 301) = 3.73, p = .025$) is presented in [Figure 2 of the dissertation]. Simple main effects analyses revealed that victim blaming was significantly lower for the South Asian Muslim victim than the White victim in the passive response ($F(1, 301) = 28.54, p = .001$) and verbal response conditions ($F(1, 301) = 4.52, p = .03$). In the physically confrontational condition, blaming did not differ between South Asian Muslim and White victims ($F(1, 301) = 1.87, p = .17$). The interaction of Islamophobia x Victim Identity was also significant ($F(1, 301) = 7.71, p = .006$), indicating that overall the slope of victim blame on Islamophobia was greater for South Asian Muslim victims ($b = .388$) than for White victims ($b = .134$). In other words, those higher in Islamophobia assigned more blame to South Asian Muslim victims than to White victims.

Perpetrator blame. The results for perpetrator blame are a near mirror reflection of those obtained for victim blame. A main effect of victim identity was seen ($F(1, 301) = 7.69, p = .006$), wherein higher blame was assigned to the perpetrator who attacked a South Asian Muslim victim ($M = 4.75, SD = 1.02$) compared to a White victim ($M = 4.46, SD = 0.99$). A main effect of victim reaction emerged as well ($F(2, 301) = 8.19, p = .001$), wherein perpetrator blame was highest when the victim's response was passive ($M = 4.81, SD = 0.99$) and became lower as the victim was verbally responsive ($M = 4.70, SD = 1.07$) or physically confrontational ($M = 4.30, SD = 0.89$). Post hoc analyses were performed using a Bonferroni error correction, which

revealed that while the passive and physically confrontational conditions differed significantly from each other, the verbal reaction condition failed to differ from either of these two conditions. A main effect of Islamophobia ($F(1, 301) = 19.02, p = .001$) revealed that those higher in Islamophobia assigned lower blame for perpetrators overall ($b = -.208$), such that the slope of Islamophobia differed significantly from 0 and suggesting that Islamophobia was associated with lower perpetrator blame overall.

The significant interaction between Victim Identity x Victim Reaction ($F(2, 301) = 3.03, p = .033$) is presented in [Figure 3 of the dissertation]. Simple main effects analyses revealed that perpetrator blaming was significantly higher for the South Asian Muslim victim than the White victim in the passive response condition ($F(1, 307) = 12.91, p < .001$), but not in the verbal response ($F(1, 307) = 0.73, p = .394$) or physical confrontation condition ($F(1, 307) = .003, p = .954$). Again, perpetrator blame was not as strongly influenced by victim behavior when the victim was White, suggesting a greater scrutiny of the South Asian Muslim's behavior. We also observed an interaction between Islamophobia and victim identity ($F(1, 301) = 5.61, p = .018$), indicating that the overall slope of perpetrator blame on Islamophobia was stronger in the Muslim victim condition ($b = -.305$) than in the White victim condition ($b = -.090$).

Hate crime guilt. Victim identity emerged as the sole main effect predicting the scalar measure of hate crime guilt: participants were more certain the event was a hate crime if the victim was a South Asian Muslim man ($M = 0.50, SD = 5.34$) than if he was White ($M = -3.43, SD = 4.71; F(1, 301) = 48.03, p < .001$). This main effect, however, was qualified by an interaction between Islamophobia and Victim Identity ($F(1, 301) = 6.20, p = .013$), wherein Islamophobia was more strongly and negatively associated with certainty of guilt in the South Asian Muslim victim condition ($b = -.811$) compared to the White victim condition ($b = .378$).

That is, those higher in Islamophobia were less likely to interpret the anti-Muslim offence as hate-based. No other main effects or interactions reached statistical significance.

Sentence. A main effect of victim behavior emerged for recommended sentence ($F(2, 297) = 4.43, p = .013$), such that harsher sentences were recommended for assaults against the passive victim ($M = 1.60$ years, $SD = 1.33$ years) compared to the verbally responsive victim ($M = 1.23$ years, $SD = 1.26$ years) and physically confrontational victim ($M = 1.04$ years, $SD = 1.29$ years). Post-hoc analyses revealed that only the passive and physical confrontation conditions differed significantly from each other ($p = .003$). An interaction between Islamophobia and victim identity also emerged ($F(1, 297) = 10.93, p = .001$). Examination of the slopes revealed that Islamophobia was negatively associated with sentencing decisions in the South Asian Muslim condition ($b = -.306$), whereas it was only weakly and positively related to sentencing decisions in the White control condition ($b = .102$). That is, participants higher in Islamophobia imposed a lighter sentence on perpetrators who assaulted a South Asian Muslim victim. No other terms or interactions emerged as significant.

Participant identity. [this paragraph originally appeared as a footnote] Given that we observed a relatively large proportion of Muslim participants in our sample, we ran all main analyses with these participants excluded and detected the same pattern of results, thereby strengthening the conclusions we draw from these data. With respect to victim blame, we again observe significant main effects of victim identity, victim reaction, Islamophobia, and a significant Victim Identity x Islamophobia interaction. The Victim Identity x Victim Reaction interaction was reduced to nonsignificance ($p = .08$). With respect to perpetrator blame, we again see significant main effects of Victim Reaction, Islamophobia, and a significant Islamophobia x Victim Identity interaction. The Victim Identity x Reaction interaction ($p = .06$) and the main

effect of Victim Identity ($p = .07$) were reduced to nonsignificance. With regard to guilt, we see a main effect of Victim Identity, Islamophobia and an Islamophobia x Victim Identity interaction. Finally, for recommended sentence, we see a main effect of Victim Reaction and an interaction between Islamophobia x Victim Identity. All trends were in the same direction observed in the full sample.

Discussion

The results of this research suggest that both victim identity and behavior are important factors influencing observer reactions to hate crime. Where the victim is depicted as a passive South Asian Muslim man who ignores harassment, victim blaming was lower and perpetrator blaming was higher than where the victim is a passive White man. Where the victim engaged with his harasser, either verbally or physically, these minority-protective responses dissipated and the minority victim was no longer viewed any differently than the White victim. With regard to blame evaluations, it appears that participants scrutinized the behavior of the South Asian Muslim victim to a much greater extent than the White victim.

In addition, a consistent interaction between observer Islamophobic attitudes and victim identity emerged for all key dependent measures. Those higher in Islamophobia showed higher victim blaming, lower perpetrator blaming, lower sentences, and reduced hate crime guilt ratings when the victim was depicted as a South Asian Muslim man as opposed to a White man. Determinations that the offence was hate-motivated were related primarily to victim identity; victim behavioral reactions were unrelated to observer interpretation of the offence as hate-based.

These findings provide important insight into observer reactions to hate crimes, particularly those targeting Muslim men. Our pilot research established that Muslim men were

viewed comparably to other hate crime targets (i.e., Black or gay males), particularly in the context of a victim who ignores offensive comments and is assaulted by a clearly biased attacker. Our main study confirmed that anti-Muslim crimes were more likely to be interpreted as hate-based than those targeting a White victim, although those high in Islamophobia were less willing to interpret an anti-Muslim attack as a hate crime. In addition, our main study made the novel finding that victim blame and perpetrator blame are influenced by the victim's behavioral reaction, but most particularly for a South Asian Muslim victim.

A large percentage of our participant sample identified as Muslim. As indicated in footnote 1, we ran our analyses both with and without these participants included, observing similar but non-significant trends when the Muslim participants were excluded. This finding warrants some consideration. It is possible that excluding Muslim participants reduced the data to non-significance simply due to a reduction in statistical power resulting from the loss of 17% of the data. It is also possible that the Muslim participants were driving the effects we observed, a finding that was not hypothesized. Such an outcome might be explained as analogous to a "black sheep effect," wherein observers view deviant ingroup members more negatively than outgroup members (Marques, Yzerbyt, & Levens, 1988). Thus, Muslim participants theoretically might be showing more negative responses to the aggressive Muslim victim than to the White victim. This possibility can neither be verified nor ruled out based on the present data and will require additional research.

The present research has implications for the legal treatment of hate crimes, as well as lay reactions and victim willingness to report hate crimes to police. Hate crimes are consistently underreported in comparison to parallel, non-hate-based offences, with estimates suggesting that only 20-30% of hate crimes are reported to police (Dauvergne & Brennan, 2013). McVeigh,

Welch, and Bjarnason (2003) noted that the decision to report a hate crime to the police is based on a several factors, including the willingness and ability of the victimized group to come forward, the resources and motivation of the police department to investigate hate crimes, and the existence of mandated hate crime data collection. Poynting and Noble (2004) documented the reluctance among Muslim persons to report hate crimes to the police out of concern that they will not be taken seriously, or due to their experiences with systemic racism and Islamophobia. The present research also illuminates on whether witnesses to hate crime will intervene or report the offence to police. If witnesses or bystanders are interpreting the offence differently based on their expectations of “true” victims of hate, they may be less likely to report offences that deviate from their expectations. It is critical to understand whether prior interactions between victims and attackers further reduce the likelihood that such attacks are reported. The current results are an important first step toward understanding how observers interpret events as hate crimes as opposed to non-hate-based crimes, and the possibility that sympathy may be extended only to model victims who behave within a prescribed role.

One limitation of this research involves the use of a vignette and questionnaire method to assess reactions to hate crime. Reading about a violent hate crime lacks external validity in comparison to direct observation of the event itself or the experience of sitting on a jury. The use of an in-lab approach was preferred as a first step to isolate key variables of interest. Future work might include video re-enactments of a hate crime, an audio recording, or a more court-like setting with transcripts or video. In addition, the content of the vignette itself warrants examination. The vignette in the main study presented the victim as holding a demonstration to raise awareness for issues affecting his community. This may have presented the victim in a more positive and prosocial way and may have sensitized participants to racial or religious

discrimination. If anything, however, this provided a more conservative test of our hypotheses and strengthens our conclusions. Presenting the victim in a less sympathetic context, perhaps showing them engaging in criminal behavior or presenting them in less flattering way might lead to more pronounced effects.

Another potential limitation of this study is the use of a university sample, which may be systematically different from the Canadian population to which we wish to generalize. With this in mind, we note that our sample showed wide diversity in ethnicity, race, and religious affiliation, with a nearly even representation of men and women. We believe that this diversity somewhat allays concerns about the representativeness of our student sample, although we do acknowledge that our sample may be younger and potentially more educated than the population in general. There is some evidence that university samples may differ from community samples on punitiveness, authoritarianism, blame attributions and evidence comprehension (Hosch, Culhane, Tubb, & Granillo, 2011; Kerr & Bray, 2005; Weiner, Krauss, & Lieberman, 2011), although in a complex fashion that precludes clear conclusions. It is thus imperative that research employing more diverse and representative samples be conducted to ensure replicability of the present findings.

One possible explanation for these results is the activation of stereotypes of Muslim persons as violent and threatening (e.g., Poynting & Noble, 2004). That is, where the Muslim victim behaved in an aggressive way in reaction to harassment, participants may have interpreted this behavior as consistent with stereotypes of Muslim persons as threatening or aggressive. Future research should incorporate groups who do not share a common stereotypic representation for aggression or violence as well as those that do. Potentially, observers might be more likely to blame victims of hate where they engage in negative stereotype-consistent ways prior to the

assault. Further work is needed to determine whether these results relate to aggression itself, aggression connected to Muslim victims specifically, negative stereotype-consistent actions, or some other mechanism. In addition, the present research referred to the Muslim victim's ethnicity as South Asian. It is unclear whether or how this might have influenced reactions to the victim, and whether a Muslim victim who was identified as "Middle Eastern", White, Black or East Asian would have elicited similar responses from observers. There is also the distinction between sub-groups of Muslim identities which have been left unexplored here (e.g., Sunni vs. Shia), as well as the overly-broad grouping of "White males". Further research should tease apart the relative roles of religious and ethnic identity in observer reactions to anti-Muslim hate crime.

Prototypes also seem to rely on crude aggregates of identity, overlooking the many identities that may fall within the category of "Asian" (e.g., Korean, Japanese, Chinese), "Black" (African, Caribbean, American), or Indigenous (e.g., Cree, Mohawk, Metis, Inuit). For example, Asians have been found to be more likely to commit hate crimes against other Asians, generally committing offences within sub-identities of the crude Asian umbrella (Cheng et al., 2013).

The present research provides a first step toward unravelling observer reactions to hate crime and suggests a more nuanced process may occur among observers to hate. It appears that observers express more sympathy and compassion to model victims of hate through reduced victim blaming, as well as a sense of justice through enhanced guilt rating of the perpetrator. This may be contingent, however, upon their performance of model victim behavior, including acceptance of racial or other harassment, a burden that no victim should have to bear.

General Discussion

The present research explored the role of prototypicality on perceptions of hate crimes, particularly those targeting Muslim victims. Research exploring victim blaming in the context of hate crimes is still in its nascency, and studies specifically exploring anti-Muslim violence is scarce. The present research has further developed this emerging line of inquiry, providing a rare Canadian perspective on this troubling phenomenon. Study 1 explored the spontaneously-generated prototype content of a blended community and student sample. Consistent themes were detected between the two samples, suggesting that the general concept of hate crimes is understood in a fairly consistent way. The themes generated by participants in Study 1 were then presented to a new sample of participants in Study 2, who rated and selected from a long list of characteristics the items they believed were either high in typicality or low in typicality with respect to hate crime perpetrators, victims, and offences. Consistent and similar themes emerged in this second study, showing a clear concept of what a typical hate crime might resemble. Prototypes of hate crime involved a White perpetrator who is overtly biased, a racialized or religious minority victim who does not provoke the offence, and an act of interpersonal violence against a single victim.

Study 3 then explored the importance of perpetrator prototypes, finding that more prototypic perpetrators attracted more blame, longer sentences, greater certainty that the offence was hate-based, and lower victim blame. There was a significant interaction between Perpetrator Ethnicity and Perpetrator Bias predicting perpetrator blame scores. Simple main effects analyses revealed that, where the perpetrator was White, participants looked to the presence or absence of slurs to interpret and contextualize the assault. When the perpetrator was described as Indian, perpetrator blame was not influenced by the presence or absence of Islamophobic slurs. Study 4a

established, for the first time, that Muslims are viewed as comparable to other targets of hate crime. It was necessary to establish this equivalency due to several specific issues pertaining to Muslims as a target group, including sensationalized media coverage of extremism and terrorism, the political fallout from 9/11, the unique position of Muslims as the only group consistently increasing as victims of hate crime, and the visibility of Muslims relative to other religious groups (e.g., Ismael & Measor, 2003; Perry, 2014). Finally, Study 4b reinforced the importance of prototypes on legal decision making, this time exploring the importance of victim prototypes. The results of the final study revealed a similar tendency to make legal judgments in line with prototypical expectations. To the extent that the victim was more prototypic, there was lower victim blame, greater perpetrator blame, longer recommended sentences, and greater certainty that the offence was motivated by hate.

The final study further revealed that prototypes of the victim are perhaps more complex, particularly in the context of anti-Muslim hate crime. It appears that the victim's identity was important at disambiguating the events as hate-based, but the Muslim victim's behaviour was scrutinized in a way that the White victim's behaviour was not. That is, the South Asian Muslim victim was evaluated differently depending on this behaviour. When he behaved passively and appeared non-responsive to the perpetrator's harassment, victim blame was low, and guilt and sentencing were much higher. When the South Asian Muslim victim behaved in a verbally or physically aggressive manner, participants were less sympathetic – victim blaming was higher, perpetrator blaming was lower, and guilt and sentences were lower overall. Perhaps race is the most salient cue for hate crime prototypicality, alerting the observer to the possibility of a hate crime and providing a lens with which to interpret other relevant (e.g., behavioural) cues. In Study 3, the presence or absence of Islamophobic slurs was salient only when the perpetrator was

White. When the perpetrator was Indian, the presence of slurs had no effect on perpetrator blame ratings. Similarly, in Study 4b, the victim's behavioural response to harassment was relevant only where the victim was a South Asian Muslim; the victim's behaviour was far less relevant when he was described as White (and non-Muslim). These findings raise the possibility that ethnicity and race are particularly salient cues that trigger hate-related prototypes and expectations. When victims are White and/or the perpetrator is a racial minority, hate crime prototypes pertaining to behavioural expectations may not be activated as readily.

Although prototype elements have important implications for legal decision making in the context of hate, the issue is complicated by the existence of group-specific prejudices. Islamophobic attitudes emerged as a consistent predictor of essentially all key variables in conditions involving a South Asian Muslim victim. Note that Islamophobic attitudes were not related to legal decision making where the victim was described as White and non-Muslim, indicating that this measure is specific to Muslim victims rather than a general tendency toward punitiveness. It is likely that similar results would be observed with other social groups, wherein group-specific attitudes might predict reactions to crimes targeting that group exclusive of other groups. There is evidence to suggest that prior attitudes and beliefs might influence how one interprets and responds to hate crimes. For example, Saucier et al. (2008) found that those with higher levels of anti-Black racism gave lower sentences to White attackers/Black victims and higher sentences for Black attackers/White victims. Plumm, Terrance, Henderson and Ellington (2013) assessed victim blaming in hate crimes based on sexual orientation and found that those who were unsupportive of the gay community in general showed higher victim blaming than did those more supportive of the gay community.

Prototype Research

It is clear that prototypes play a role in legal decision making about hate crime, which is in line with prior research. This literature has found that prototypes influence judgments about a diverse range of criminal behaviours, generally finding that guilt and blame attributions are made with prototypes in mind. More specifically, McKimmie and colleagues (2014) established that participants were more willing to impose guilt on an alleged rapist when the victim appeared to be more prototypical. Similar results have been found regarding expectations that “true” rape victims strongly fight back against their attacker, are emotionally distraught, report the offence to police immediately, abstain from drugs and alcohol, and have no prior sexual history with the accused (Klippenstine & Schuller, 2012; Schuller & Hastings, 2002; Schuller et al., 2010; Schuller & Wall, 1998). Masser and colleagues (2010) found that when a hypothetical rape victim acted counter-stereotypically, participants relied on gender stereotypes to make determinations of blame. This suggests that counter-prototypical scenarios may cause participants to scrutinize situations with an eye to stereotypic expectations to disambiguate the situation. Thus, in the same way that observers are sympathetic to prototypic rape victims (women who fought back, cried, reported), they are sympathetic to prototypic hate crime victims (minorities who mind their own business and accept harassment). When victims deviate from these prototypic molds (e.g., the rape victim who didn’t fight back or the hate crime victim who confronted their harasser), observers are less likely to feel sympathy. They may in fact search for other elements in the situation to interpret whether the offence was truly a rape (e.g., was she drinking?) or truly a hate crime (e.g., did the perpetrator utter slurs?). The greater the deviation from the prototypic script, the greater the reliance on extraneous case details and stereotyping.

The present research was somewhat different, in that hate crime prototypes were activated when the race of the perpetrator and/or victim were already prototypical; it is possible that the results observed by McKimmie et al. (2014) and Masser et al. (2010) might have been different if the offence depicted a male victim and female perpetrator (i.e., less likely to activate prototypes of rape that inherently presume a female victim). The original conceptualization of prototype thinking was that as more prototypic elements were present, observers would be more likely to interpret the stimulus as part of the category. As Smith (1991) explains, “one implication of the prototype model is that categories have a graded structure; the more typical features an object possesses, the more representative of the category it is perceived to be” (p. 859). In situations where some elements are present and others are absent, perhaps observers will rely on group-based or offence-based stereotypes to disambiguate the information. It is also possible that certain elements are more persuasive or more core to the prototype. Thus, it is possible that the presence of slurs, for example, might be more persuasive than a passive victim when interpreting the scenario. Future research might explore the contours of hate prototypes and which elements may be more central or more peripheral to our understanding of hate crime.

Other research has shown that participants rely on prototypes when making case judgments. For example, Waserhaly et al. (2017) explored the role of feminine gender stereotypes in reactions to cases of intimate partner violence within a lesbian couple. Women who were depicted as more masculine were deemed more responsible for assaulting their partners than were women depicted as more feminine. Prototypes of battered women have also been shown to influence judgments of women who kill their abusive husbands. For example, Russell and Melillo (2006) found that women who were depicted as atypical battered women (i.e., they had a history of actively trying to leave the marriage) were significantly more likely to

be found guilty for murdering their husband than were more prototypical battered women (i.e., those who were passive, with no history of trying to leave). In the same way that observers expect battered women to be broken down emotionally to be a “true” victim, they may expect hate crime victims to remain passive and polite to be “true” victims deserving of sympathy.

Other research has shown the importance of prototypes of mental insanity (Louden & Skeem, 2007; Skeem & Golding, 2001) on subsequent determinations of whether a defendant is indeed insane. Such prototypes rely on extreme cases of mental illness or lack of moral conscience, neither of which are legally necessary or sufficient for a finding of legal insanity. This is reminiscent of Smith (1991, 1993), who found that mock jurors make case judgments in line with prototypic expectations, finding guilt more often where the case matches a prototype, even if another less prototypic crime better meets the legal requirements of the case. Similarly, Smith and Studebaker (1996) found that mock jurors were more susceptible to misleading information if it was prototype-consistent than if it was inconsistent with prototypes. A reliance on such common-sense judgments *may* result in accurate and legally appropriate case judgments, but is equally likely to result in legally inaccurate and prejudicial judgments (Skeem & Golding, 2001). As Louden and Skeem (2007) suggested, our knowledge of prototype-based juror decision making “could move the field of jury decision making research beyond prediction to explanation” (p. 450).

The present research has contributed to the prototype literature by demonstrating that guilt and blame attributions are influenced by the presence of perpetrator prototypes and victim prototypes in the context of hate crimes. With regard to perpetrator prototypes, it appeared that observers conceptualized the typical offender as a single male with overt hostility and prejudice against the victim’s group. In reality, the most common perpetrators are small groups of

intoxicated young males who are attempting to perform masculinity, achieve status within the group, or to simply go along with the leader of the group (Levin & McDevitt, 1993; McDevitt et al., 2002). Thus, most hate crimes lack ties to organized hate or directed missions to cleanse the earth of a particular group. The expectation that a hate crime offender will be a White supremacist, connected to organized hate groups, or be on a mission to eradicate a group may result in the most common form of hate crime being overlooked. It should be noted that the devastating impact of hate crime to victims and communities are present regardless of the perpetrator's motivation or type.

Moreover, these data reveal that South Asian Muslim victims of hate crime are subjected to similarly unfair and legally extraneous expectations. This is important, as none of these prototypic elements are legally required for a finding of hate motivation. That is, there is no requirement that the victim be a racialized minority or a religious minority or a sexual minority. Indeed, official police-reported hate crime data indicates that anti-White hate crimes occur as frequently as anti-indigenous hate crimes, and that anti-Christian hate crimes occur more often than anti-Sikh, anti-Buddhist, or anti-Hindu hate crimes combined (Allen, 2015). More troubling is the finding that legal decision making in the context of hate crime relied heavily on expectations of a passive victim, one who is quiet and offers no resistance to their harassment. This is in no way an element of the offence, and it should be made clear to decision makers that victims can speak, engage with, or talk to the perpetrator of the offence without nullifying the hate-based nature of the offence. That decisions surrounding guilt and blame may hinge on the passivity of the victim is deeply problematic, exacerbated by the fact that this passivity requirement appears to apply differentially to South Asian Muslim victims but not to White non-Muslim victims.

Islamophobia and Religious Minority Bias

This research expands upon the literature into Islamophobia, which remains a relatively understudied area. The present research suggests that lay observers do have sympathy and compassion for Muslim victims of hate crime, but that there may be strings attached to this sympathy. Muslim victims are expected to behave politely, to accept harassment quietly, and to ignore harmful treatment from White Canadians. If they speak or engage physically with a harasser, this sympathy disappears and victim blaming begins to occur. This was not the case for a victim depicted as a White, non-Muslim man, suggesting that there is differential scrutiny of the Muslim victim's behaviour. It appears that when the racial or religious dyad of the perpetrator and victim are consistent with hate crime prototypes (i.e., asymmetry of race or religion, with the victim holding lesser historical privilege and power than the perpetrator), hate crime prototypes are activated and behavioural information is then scrutinized more closely to verify whether the offence is indeed a hate crime. Whether this finding is specific to Muslims or is representative of expectations that might be placed on any marginalized community cannot be determined at present.

What is clear is that hate crimes based on religious minority bias appear to be on the rise in Canada and internationally, as evidenced by the Quebec City mosque shooting in January, 2018 (Lum, 2017). Similar attacks have occurred in recent weeks, including the tragic mosque shooting in Christchurch, New Zealand, which took the lives of 51 people and injured 50 others (abc.net.au, March 17, 2019). On April 27, 2019, a gunman opened fire on a synagogue outside of San Diego, killing a 60-year old woman and wounding an 8-year-old girl (Watson & Spagat, 2019). The gunman claimed that his actions were done because, in his perception, he was “trying to defend my nation from the Jewish people...They're destroying our country” (Watson &

Spagat, 2019). This statement reflects a common and deeply-held belief among many White nationalist and alt-right followers, that religious and racialized minorities are permanent outsiders and an ongoing threat to existing White, Christian hegemonic power (Perry, 2001; Perry, 2015). Despite these trends, religious-based hate crimes are generally understudied. As Scheitle and Hansmann (2016) notes, the research that has been conducted on religious-based hate crime is “sparse and narrowly focused” (p. 860), possibly due to a general academic intellectual avoidance of religious topics and a preference for race-based research.

The results presented in this dissertation touch on existing stereotypes of Muslim men as aggressive, violent, or threatening (e.g., Perry, 2014, 2015; Poynting & Noble, 2004). This was particularly true for Study 4b, in which the victim behaved in ambiguously or overtly aggressive ways in two conditions. Future research may wish to incorporate groups who share stereotypic representations of aggression and those who do not share such stereotypes. It is possible that observers will be more likely to engage in victim blaming where that victim behaves in negative stereotype-consistent ways. The present research relied on Imhoff and Recker’s (2012) Islamonegativity scale, which assesses prejudice and hostility toward Islam and its adherents that is not related to secular opposition to specific religious practices. Future research may explore how secular opposition to Islam may relate to expectations of Muslim hate crime victims, victim blaming, and perceptions of guilt. In addition, future research may also attempt to replicate these results with alternative measures of Islamophobia, as different scales have been developed that may tap into different aspects of Islamophobic thought. For example, Lee, Gibbons, Thompson, and Timani (2009) developed one of the first psychometrically validated scales assessing Islamophobia. This scale measures more overtly negative and hostile attitudes toward Muslims, with an affective-behavioural subscale (e.g., “I would be extremely uncomfortable speaking with

a Muslim”) and a cognitive subscale (e.g., “Islam is an evil religion”). The items tap into a much more deeply-held and unambiguous bigotry against Muslims and the Islamic faith, and for these reasons it was not selected for use in the present research. That is, because it contained explicitly negative global assessments of Islam, a possible floor effect was anticipated. Future studies may wish to assess the applicability of such a scale with a broader community sample, particularly exploring the way it might relate to prototype content.

The finding that Islamonegative attitudes predicted greater victim blaming and reduced perpetrator blaming in the context of an anti-Muslim hate crime is intuitive. Islamonegative views predicted blame attributions only in conditions involving a Muslim victim, suggesting that it is indeed group-specific prejudice at work rather than a general tendency toward punitiveness, global bias, or dislike of all groups. It is reasonable to suspect that similar results would be observed with different target groups and group-specific attitudes. For example, we might expect that homonegative attitudes might predict increased victim blaming and reduced perpetrator blaming for offences involving a gay/lesbian victim. Similarly, anti-Black attitudes might similarly predict reactions to an anti-Black hate crime. Further research is warranted to answer these questions and to explore under which conditions such attitudes might be more or less predictive.

Practical Implications and Policy

The present research informs the legal treatment of hate crime victims by police, juries, and triers of fact, as well as how lay observers may react to hate crimes outside of the courtroom. We have seen that hate crimes that look a certain way are more likely to attract a guilty verdict. Thus, guilt and innocence decisions may be influenced by prototypicality and legally-irrelevant case characteristics. The implications of this are twofold: (1) defendants involved in a crime that

appears to be a prototypical hate crime may be at a greater likelihood of being found guilty simply by virtue of how closely the offence matches the expectations of the trier of fact; and (2) victims of crimes that do not appear prototypical may see their perpetrator go free, losing a sense of justice and leading to a chilling effect on subsequent victim reporting.

In addition, there are implications of this research outside of the courtroom. Hate crimes are consistently underreported, with only approximately one-third of hate crimes reported to police (Dauvergne & Brennan, 2013). Poynting and Noble (2014) noted that Muslim victims in particular may be reluctant to report hate crimes to police, due to experiences with systemic Islamophobia and out of fear that their experiences will not be taken seriously. Moreover, there is evidence that hate crimes that fit more prototypic patterns (e.g., White perpetrators, non-White victims) were more likely to be cleared by police (Lyons & Roberts, 2014). This troubling finding provides concrete evidence that prototypes indeed influence legal decision making, even among criminal justice professionals. The impact of prototypes on triers of fact (i.e., judges and juries) has yet to be explored.

Furthermore, prototypes can influence how the victim interprets whether the offence was hate-motivated, and can thus influence whether victims tell friends and family about the offence, how those friends and family members react, whether the victim decides to report to police, and even whether a witness or third party reports to police. The decision to report criminal victimization to police is complex, but may be based on several factors. As outlined by McVeigh, Welch, and Bjarnason (2003), the decision to report a hate crime to police may be informed by the victim's ability and willingness to report to police, and the resources and responsiveness of a police service to respond to hate crime. If victims have internalized prototypes around what a true hate crime must look like, this may be an additional hurdle to

reporting. The decision to report to police has secondary consequences, to the extent that the victim may be directed to victim counselling services, compensation schemes, and allocation of police resources to the community and neighborhood (Carcach, 1997; Wiedlitzaka et al., 2018). It is therefore critical to explore how prototypes might influence the recognition of an event as hate-based, including any legally-irrelevant behavioural expectations placed on subsets of victims as a function of their ethnic or religious identity. The present research has shown that such expectations may exist in the eyes of observers; internalization of such expectations by victims is a possible but yet unexplored extension of this work.

Limitations and Future Research

As with all research, the present line of studies suffered from some limitations. The general use of a student sample may be problematic, as this population has been found to differ in terms of punitiveness, authoritarianism, blame attributions, and reading comprehension (Hosch, Culhane, Tubb, & Granillo, 2011; Kerr & Bray, 2005; Weiner, Krauss, & Lieberman, 2011). The incorporation of a community-based sample in Study 1 was done to partially address these concerns, demonstrating that the content of hate crime prototypes did not differ between university and community samples. It should be noted as well that the samples in all studies showed wide diversity in terms of religious affiliation and ethnic identity, although the university sample was younger and had a higher proportion of Muslim and South Asian participants whereas the community sample had a higher proportion of White and Christian participants. Future research may wish to replicate the experimental findings with a community-based sample to ensure generalizability of the results in the Canadian population. Although the content of the prototypes may be equivalent between the samples, the influence of the prototypes on legal decision making remains uncertain in a larger community sample. It seems reasonable to assume

that prototypes would operate in a comparable manner for the community, although it would be prudent to verify this with a community replication.

Studies 3, 4a, and 4b relied on a written vignette as a vehicle to present case-relevant information with experimental control over the variables of interest. As this research remains in its early stages, a shortened version of case facts was preferred over a full trial transcript to isolate the prototype variables of interest, introducing as little additional and potentially confounding detail as possible (e.g., age, gender, names of counsel and witnesses). The use of questionnaires to assess reactions to hate crime and to approximate legal decision-making lacks external validity, a trade-off to gain experimental control. At these preliminary stages of research, however, vignettes and questionnaires were selected as a way to explore the nature, content, and influence of hate crime prototypes in an experimentally controlled way and to isolate key variables of interest parsimoniously. Future research may wish to incorporate a written format that more closely follows a trial transcript format, live action video coverage or re-enactment, an audio recording, or a court simulation involving in-court testimony. In addition, the scenario depicted in the vignette itself merits consideration. The vignette employed in Study 3 and Study 4b incorporated a victim engaging in a small political demonstration in an attempt to raise awareness about issues affecting his community. This may have sensitized participants to issues of identity, inequality, system disruption, and symbolic value threat (e.g., Parsons, 1991). The impact of any or all of these themes may have influenced the responses provided, although it is unclear how this influence might have taken shape. If anything, this may have provided a more conservative test of hypotheses, but further exploration is necessary. An alternative fact scenario might depict the victim as engaging in antisocial or even criminal behaviour (loitering, vandalizing public property, selling illegal drugs), to determine whether the prototypical

elements of racial identity and non-provocation would still result in sympathy for the victim. Such a negative or antisocial depiction may result in more pronounced effects.

Study 4a and 4b explored victim prototypes, including the importance of victim identity on reactions to anti-Muslim hate crime. The victim was depicted as both a South Asian and a Muslim male in the high prototypicality conditions, and as a White male in the low prototypicality condition. By incorporating a White male as the control condition, it is possible that the offence depicted was no longer viewed as a hate crime at all. That is, by presenting the victim as South Asian and Muslim, the issue of hate crime is brought to the fore whereas a White victim might have brought simple assault to the fore. Although this is partially what was hypothesized, it is also possible that the comparison being made is less focused on South Asian Muslim vs. White hate crime victims, but a hate crime versus a simple assault. The context of the interpersonal assault may have plausibly been interpreted as a disagreement in the park between two White males, which then escalated to a fight. Reactions to the offence based on that potential interpretation may be quite different to an anti-White hate crime and awaits future research. For example, future studies may explore more plausible control conditions, perhaps giving the White victim a different identity on which to interpret hate motivation (e.g., as a Christian, an atheist, communist). Without post-study probing for how participants interpreted the offence, it is not possible to determine whether they evaluated the White victim conditions as hate crimes at all.

In all four studies, the participant pool included a fairly high proportion of both South Asian and Muslim participants. In Study 3, identification as a Muslim and/or South Asian did not predict reactions to any dependent measures with the exception of Certainty of Hate, where South Asian/Muslim participants were more likely to interpret the offence as a hate crime than were other participants. In Study 4b, it was observed that excluding Muslim participants resulted

in a pattern of results that were very similar in nature, but reduced to non-significance. This finding warrants consideration. One possible explanation is that our Muslim participants were indeed driving the effects observed, such that in-group policing of appropriate behaviour led to the interactions observed. Relatedly, these findings might reflect a form of “black sheep effect”, in which observers view deviant or non-normative in-group members more harshly than might outgroup observers (Marques, Yzerbyt, & Levens, 1998). That is, Muslim participants might have judged Muslim actors more closely than did non-Muslim participants, interpreting the victim’s actions with a lens informed by personal experience as a Muslim person in Canada. On the other hand, it is possible that the loss of a large proportion of the sample (17% in Study 4b) resulted simply in a loss of statistical power and an inability to detect the significant trends. These possibilities cannot be ruled out or confirmed with the present data, and further research is warranted to determine whether and how victim blaming in the context of hate crime might be affected where the observer and the victim share a religious, racial, or other social identity.

Study 3 used the full 19-item Islamophobia measure, whereas Study 4b used a truncated 7-item version of the scale that excluded items assessing secular or political disagreement with theocratic governments and secular opposition to the faith. The shortened version retained items that assessed more Islamonegative perceptions that Islam is outdated, non-progressive, or violent. This was done to reduce participant fatigue, but it does introduce a degree of inconsistency in the Islamophobia measure. The findings obtained in both Study 3 and Study 4b were consistent, however, both showing that Islamophobia predicted increased victim blaming against a Muslim victim, and perpetrator blaming was lower when the perpetrator attacked a Muslim victim. Thus, it does not appear that the shortening of the scale affected the pattern of

results in a material way. It would, however, be prudent to employ alternative measures of Islamophobia, perhaps exploring potential dimensions underlying Islamophobic attitudes.

Further research is warranted to determine the scope and extent of prototype influence on legal decision making and to disentangle the role of race versus religious identity. In Study 3 and Study 4b, the victim was depicted as both Muslim and South Asian, making it unclear whether the reactions to the victim were related to ethnicity or religious affiliation. The two identities were merged together as they maximized the prototypicality of the victim in a credible way, as nearly 90% of those identifying as Muslim in Canada also report being a visible minority, most often South Asian, West Asian, or Arabic (Allen, 2015). Having a Muslim victim who is not South Asian would likely have struck participants as unusual, subverting the very prototype activation we were hoping to elicit. This, however, leaves open the question of whether the present results are unique to South Asian Muslim victims, South Asians, or Muslims. How might the results differ if the victim is a Black, East Asian, or White Muslim man? How might reactions differ if the victim is a Muslim woman? Perry (2014) notes that Muslim women are unique among hate crime victims, as they are at a much higher risk of hate crime victimization than are women of other social groups. She attributes this partially to the greater visibility and identifiability of Muslim women as members of their faith, due to the religious headdress (e.g., hijab, niqab) many Muslim women wear.

The present research explored the impact of communally-held prototypes about hate crimes, but it is probable that individual differences exist regarding personal beliefs about hate crime. The content of prototypes is informed by personal experiences, culture, and attitudes (Skeem & Golding, 2001), and thus individual variation may exist regarding the content and complexity of hate-related prototypes. Future directions may wish to explore how individual

level prototypes and beliefs influence judgments at the individual level, particularly with regard to the ways that personal biases toward the victim's group might influence these decisions.

Concluding Remarks

Note that not all instances of bias, prejudice, discrimination or offensive conduct will rise to the level of hate crime. Similarly, not all crimes involving minority or marginalized victims are hate-based. A hate crime in Canada requires that (a) a crime has been committed, (b) the crime was motivated by hatred toward the victim's group, and (c) the hate targeted an identity protected by the *Criminal Code* sentencing provisions (e.g., race, religion). This leaves open to question whether crimes that target victims based on hatred toward other group affiliations should be recognized as hate. For example, hate crime scholars have discussed the rash of violent crimes targeting other groups of victims, suggesting that attacks against the homeless, sex workers, or addicts ought to be included within hate crime frameworks (Chakraborti & Garland, 2012; Garland, 2010; Levin, 2015). These groups are generally marginalized and vulnerable, sharing a common social identity, and are often targeted for violence due to hatred or contempt due to their identity. Others would extend hate crime recognition to other groups who may be less vulnerable but who are identifiable and often targeted for violence due to their identities (e.g., youth subcultures such as goths, punks). At present, Canada does provide some of the broadest protection of group identity in the world, having included sexual orientation, gender, and gender identity as protected grounds. As a comparator, fewer than half of the states in the United States recognize sexual orientation and gender identity as prohibited grounds of discrimination or hate crime law.

The present research has shown the importance of prototypicality and expectations of the model victim on lay reactions to hate crimes. We see a general sympathy for prototypical hate

crime victims, who were visibly different, marginalized, and who accepted harassment in stride. This sympathy dissolved easily when the victim spoke back against the perpetrator, as was his right and a likely natural real-world reaction. Deviations from a quiet minority member led to victim blaming against South Asians Muslims far more than for non-Muslim Whites, suggesting minority victims may earn sympathy only when performing and reinforcing their marginalized status. That this trend was detected with a large percentage of Muslim participants is concerning and suggestive of possible in-group policing or the degree to which harmful beliefs and prototypes exist in Canada. To the degree that this affects legal outcomes such as police or judicial responses, reactions of friends and family, the victim's willingness to report to police, it is critical to understand how these prototypes operate and perhaps how to counteract them.

The present research suggests that observers may have subtle expectations of a model hate crime victim: a minority group member who is polite, passive, and accepts harassment with good grace. If this is indeed the case, it suggests an unsettling reality for victims of hate. Canada, as a mature liberal democracy, has enshrined ideals of multiculturalism, intergroup equality, human rights, and protection of minority groups. The existence of hate crime is a violation of these principles and serves as a reminder of the disconnect between our national ideals and the reality of intergroup relations in Canada. Our understanding of the potential expectations placed on victims to conform to prototypic expectations is an important step toward combatting the harms of hate crime and reaffirming our commitment to diversity and multiculturalism.

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Table 1

Demographic Characteristics of Student and Community Samples, Study 1

	Sample		Combined Sample	χ^2
	Student	Community		
Ethnicity				
White	21 (19.09%)	68 (74.73%)	89 (44.28%)	61.76**
Black	21 (19.09%)	6 (6.59%)	27 (13.43%)	6.06*
East Asian	18 (16.36%)	9 (9.89%)	27 (13.43%)	1.86
South Asian	35 (31.82%)	1 (1.10%)	36 (17.91%)	32.31**
Other	15 (13.64%)	7 (7.69%)	22 (10.95%)	1.87
Religion				
Atheist/Agnostic	18 (16.36%)	23 (25.27%)	41 (20.40%)	2.34
Christian/Catholic	42 (38.18%)	48 (52.75%)	90 (44.78%)	4.05*
Jewish	5 (4.55%)	2 (2.20%)	7 (3.48%)	0.84
Muslim	24 (21.82%)	1 (1.10%)	25 (12.44%)	19.84**
Hindu	5 (4.55%)	0 (0.00%)	5 (2.49%)	0.06 ^a
Sikh	4 (3.64%)	0 (0.00%)	4 (1.99%)	0.13 ^a
Buddhist	4 (3.64%)	2 (2.20%)	6 (2.99%)	0.37
Other	8 (7.27%)	15 (16.48%)	23 (11.44%)	4.07*
Sexual Orientation				
Heterosexual	98 (89.09%)	80 (87.91%)	178 (88.56%)	0.20
Gay/Lesbian	3 (2.73%)	2 (2.20%)	5 (2.49%)	0.06
Bisexual	6 (5.45%)	7 (7.69%)	13 (6.47%)	0.39
Other/Declined	1 (0.91%)	2 (2.20%)	3 (1.49%)	0.55

Note. * denotes $p < .05$. **denotes $p < .01$.

^a Fischer's Exact Test was used for this test due to a 0 cell count.

Table 2

Prototypic Themes Generated by 30% or more of Participants, Full Sample, Study 1

	University Sample		Community Sample		Combined Sample		Comparison Between Samples	
	Intercoder Reliability	N (/109)	Intercoder Reliability	N (/91)	N	% (/200)	χ^2	p
Victim Traits								
Racial Minority Victim	.81	60	.81	49	109	54.50%	0.03	.865
Religious Minority Victim	.88	64	.86	38	102	51.00%	5.73	.017
Visible Minority Victim	.58	40	.64	27	67	33.50%	1.10	.293
Gay/Lesbian/Bisexual Victim	.94	31	.94	29	60	30.00%	0.27	.599
Perpetrator Traits								
Racist motivation	.86	61	.83	48	109	54.23%	0.21	.649
Prejudiced	.73	55	.74	44	99	49.50%	0.09	.767
Religious bias motivation	.79	47	.89	27	74	37.00%	3.88	.049
White Perpetrator	.89	41	.93	26	67	33.50%	1.83	.176
Offence Traits								
Physical Violence	.93	55	.84	55	110	55.00%	2.00	.157
Single Victim	.58	29	.47	40	69	34.50%	6.61	.010
Verbal Abuse	.85	39	.87	28	67	33.50%	0.56	.454

Table 3

Mean Typicality Ratings for Victim, Perpetrator, and Offence Characteristics, Study 2

	<i>M</i>	<i>SD</i>
Victim Traits		
Victim is different from the perpetrator in some meaningful way	4.34	0.96
Victim is racial minority (e.g., Black, South Asian, East Asian)	4.28	0.97
Victim is religious minority (e.g., Jewish, Muslim)	4.26	0.97
Victim is targeted due to their sexual orientation (e.g., LGB)	4.14	1.06
Victim and perpetrator were from different racial/ethnic groups	4.10	1.04
Victim is targeted for gender identity (e.g., transgendered, non-binary)	4.03	1.12
Victim and perpetrator from different religions	4.01	1.02
Victim is targeted due to a physical or mental disability	3.68	1.21
Victim and perpetrator were of different sexual orientations	3.67	1.11
Victim is quiet, passive, or shy	3.51	1.02
Victim is female	3.62	0.96
Victim is average social status, part of mainstream society	3.28	0.95
Victim is male	3.13	1.03
Victim has aggressive and dominant personality traits	2.58	1.07
Victim is heterosexual	2.56	1.38
Victim has high social status (e.g., wealthy, educated, professional)	2.36	1.13
Victim is from the same religion as the perpetrator	2.32	1.04
Victim is White	2.30	1.11
Victim did something to provoke the crime	2.30	1.13
Victim is responsible for the offence in some way	2.28	1.12
Victim and perpetrator were from the same racial/ethnic group	2.18	1.08

Perpetrator Prototypes

Perpetrator is prejudiced, closed-minded and ignorant	4.29	0.93
Perpetrator is male	3.99	0.93
Perpetrator is straight/heterosexual	3.98	0.98
Perpetrator has aggressive personality traits	3.90	0.92
Perpetrator is White	3.89	1.00
The perpetrator has been taught to hate by his friends and family	3.77	1.02
The perpetrator is generally a very bad person, overall	3.71	0.96
The perpetrator is part of an organized hate group	3.68	1.07
The perpetrator committed the crime with co-perpetrators	3.66	0.92
The perpetrator is a person of average social status	3.58	0.89
The perpetrator has problems with drugs or alcohol	3.46	0.99
The perpetrator is a person of high social status (wealthy, educated)	3.45	1.08
The perpetrator is physically large and intimidating	3.21	0.94
The perpetrator is a person of low social status (poor, uneducated)	3.13	1.07
The perpetrator is female	3.03	1.01
The perpetrator is a racial minority	2.84	1.24
The perpetrator has weak, passive or fearful personality traits	2.82	1.16
The perpetrator is a religious minority (e.g., Jewish, Muslim)	2.80	1.25
The perpetrator is a person from an oppressed and vulnerable group	2.64	1.20
The perpetrator is physically small and weak	2.64	1.03
The perpetrator is a sexual minority (e.g., gay, lesbian, bisexual)	2.52	1.16
The perpetrator is generally a very good person, overall	2.15	1.07

Offence Traits

The offence was motivated by hatred, bias, and prejudice	4.44	0.86
The offence is motivated by racism	4.40	0.87
The offence involved offensive slurs against the victim	4.37	0.89

The offence is motivated by religious bias	4.35	0.92
The offence involves verbal abuse and harassment	4.28	0.96
The offence is motivated by Islamophobia	4.21	1.03
The offence was motivated by anti-Black racism	4.20	1.05
The offence was intended to send a message to the victim's group	4.19	0.92
The offence was motivated by homophobia or bias against gays, lesbians, or bisexuals	4.16	1.06
The offence was motivated by anti-South Asian/Middle Eastern bias	4.07	1.05
The offence involved moderate physical violence (hitting, beating)	4.07	0.92
The offence is motivated by anti-Semitism	3.98	1.11
The offence occurred at a symbolic location important to the victim's group	3.90	1.03
The offence was motivated by anti-Asian bias	3.86	1.19
The offence involved pulling off religious headdress (hijab, turban)	3.86	1.14
The offence involved multiple perpetrators	3.84	0.91
The offence involved multiple victims	3.80	1.02
The offence occurred at a place of religious worship (e.g., mosque, synagogue)	3.79	1.14
The offence took place in an isolated location (e.g., secluded, out of the way)	3.77	1.15
The offence involved severe physical violence (murder, rape)	3.76	1.14
The offence involved a mass attack on victims	3.71	1.07
The offence involved a single victim	3.63	1.11
The offence took place in a public area (e.g., park, road, beach)	3.62	0.99
The offence involves property damage	3.54	1.10
The offence involved offensive graffiti	3.51	1.16
The offence involved a single perpetrator	3.49	1.07

Table 4

Number of Participants Selecting Item by Top Five Rank for Prototypical Content, Study 2

	Ranking					Total	
	Rank #1	Rank #2	Rank #3	Rank #4	Rank #5	N	%
Highly Prototypical							
The victim was a racial, religious, or sexual minority	81	50	24	30	49	234	80.69
The perpetrator made offensive slurs against the victim	28	51	69	39	20	207	71.38
The victim was minding their own business at the time of the crime	44	45	32	35	33	189	65.17
The offence involved violence	19	20	51	39	36	165	56.90
The offence occurred in public	30	23	19	31	23	126	43.45
The perpetrator was White	27	29	22	16	23	117	40.34
The offence occurred at a place of religious worship	10	7	21	23	25	87	30.00
The perpetrator was heterosexual	15	18	9	14	13	69	23.79
The offence involved property damage	7	10	15	15	15	62	21.38
The perpetrator was a racial, religious or sexual minority	13	12	11	13	12	61	21.03
The victim provoked the incident	2	6	1	6	5	20	6.90
The victim and perpetrator were from the same race, religion, or sexual orientation	4	5	4	3	3	19	5.52
The victim was White	4	3	5	1	2	15	5.17
The victim was heterosexual	1	3	3	3	3	13	4.48

Table 5

Number of Participants Selecting Item by Top Five Rank for Least Typical Content, Study 2

	Ranking					Total	
	Rank #1	Rank #2	Rank #3	Rank #4	Rank #5	N	%
Least Typical							
The victim provoked the incident	63	41	31	32	45	212	73.10
The victim and perpetrator were from the same race, religion, or sexual orientation	44	55	40	36	22	197	57.59
The victim was White	30	28	35	32	27	152	52.41
The perpetrator was a racial, religious or sexual minority	34	37	21	26	19	137	47.24
The victim was heterosexual	12	16	19	22	15	84	28.97
The offence involved property damage	15	12	13	12	16	68	23.45
The offence occurred at a place of religious worship	11	13	17	10	9	60	20.69
The offence occurred in public	9	7	11	15	8	50	17.24
The perpetrator was heterosexual	5	14	9	4	11	43	14.83
The victim was minding their own business at the time of the crime	11	7	6	3	10	37	12.76
The perpetrator was White	7	4	10	3	7	31	10.69
The offence involved violence	3	3	2	7	3	18	6.21
The victim was a racial, religious, or sexual minority	4	5	5	1	2	17	5.86
The perpetrator made offensive slurs against the victim	2	4	3	5	1	15	5.17

Table 6

Main Effects and Interactions for Key Dependent Measures, Study 3

	<i>df</i>	<i>F</i>	<i>p</i>	η_p^2
Certainty of Hate				
Perpetrator Ethnicity	1	4.61	.033	.015
Perpetrator Bias	1	41.68	.001	.118
Islamophobia	1	2.83	.094	.009
Perp. Ethnicity x Perp. Bias	1	0.74	.390	.002
Islamophobia x Perp. Ethnicity	1	0.66	.417	.002
Islamophobia x Perp. Bias	1	0.14	.709	.001
Islam. x Perp. Ethnicity x Perp Bias	1	0.53	.467	.002
Error	313			
Sentence				
Perpetrator Ethnicity	1	4.35	.038	.014
Perpetrator Bias	1	2.54	.112	.008
Perp. Ethnicity x Perp. Bias	1	0.59	.445	.002
Islamophobia	1	10.25	.002	.033
Islamophobia x Perp. Ethnicity	1	0.01	.912	.001
Islamophobia x Perp. Bias	1	0.92	.338	.003
Islam. x Perp. Ethnicity x Perp Bias	1	1.15	.285	.004
Error	303			
Victim Blame				
Perpetrator Ethnicity	1	7.81	.006	.024
Perpetrator Bias	1	5.50	.020	.017
Perp. Ethnicity x Perp. Bias	1	1.70	.193	.005
Islamophobia	1	78.73	.001	.201
Islamophobia x Perp. Ethnicity	1	0.01	.933	.001

Islamophobia x Perp. Bias	1	0.18	.674	.001
Islam. x Perp. Ethnicity x Perp Bias	1	0.30	.584	.001
Error	313			

Perpetrator Blame

Perpetrator Ethnicity	1	5.07	.025	.016
Perpetrator Bias	1	8.38	.004	.026
Perp. Ethnicity x Perp. Bias	1	3.91	.049	.012
Islamophobia	1	51.91	.001	.142
Islamophobia x Perp. Ethnicity	1	0.20	.654	.001
Islamophobia x Perp. Bias	1	0.02	.897	.001
Islam. x Perp. Ethnicity x Perp Bias	1	0.37	.544	.001
Error	313			

Table 7

Main Effects and Interactions for Key Dependent Measures, Study 4b

	<i>df</i>	<i>F</i>	<i>p</i>	η^2
Certainty of Hate				
Victim Identity	1	28.03	.001	.138
Victim Behaviour	1	1.84	.161	.012
Islamophobia	1	0.82	.365	.003
Victim Identity x Victim Behaviour	1	1.31	.272	.009
Islamophobia x Victim Identity	2	6.20	.013	.020
Islamophobia x Victim Behaviour	2	2.01	.136	.013
Islam. x Victim Identity x Victim Behaviour	2	0.97	.381	.006
Error	301			
Sentence				
Victim Identity	1	0.81	.369	.003
Victim Behaviour	1	4.43	.013	.029
Islamophobia	1	2.75	.098	.009
Victim Identity x Victim Behaviour	1	0.76	.467	.005
Islamophobia x Victim Identity	2	10.93	.001	.035
Islamophobia x Victim Behaviour	2	1.41	.246	.009
Islam. x Victim Identity x Victim Behaviour	2	0.35	.707	.002
Error	301			
Victim Blame				
Victim Identity	1	27.79	.001	.085
Victim Behaviour	1	32.29	.001	.177
Islamophobia	1	32.51	.001	.097
Victim Identity x Victim Behaviour	1	3.73	.025	.024
Islamophobia x Victim Identity	2	7.71	.006	.025

Islamophobia x Victim Behaviour	2	0.46	.633	.003
Islam. x Victim Identity x Victim Behaviour	2	1.79	.168	.012
Error	301			

Perpetrator Blame

Victim Identity	1	7.69	.006	.025
Victim Behaviour	1	8.19	.001	.052
Islamophobia	1	19.02	.001	.059
Victim Identity x Victim Behaviour	1	3.44	.033	.022
Islamophobia x Victim Identity	2	5.61	.018	.018
Islamophobia x Victim Behaviour	2	0.61	.543	.004
Islam. x Victim Identity x Victim Behaviour	2	0.79	.454	.005
Error	301			

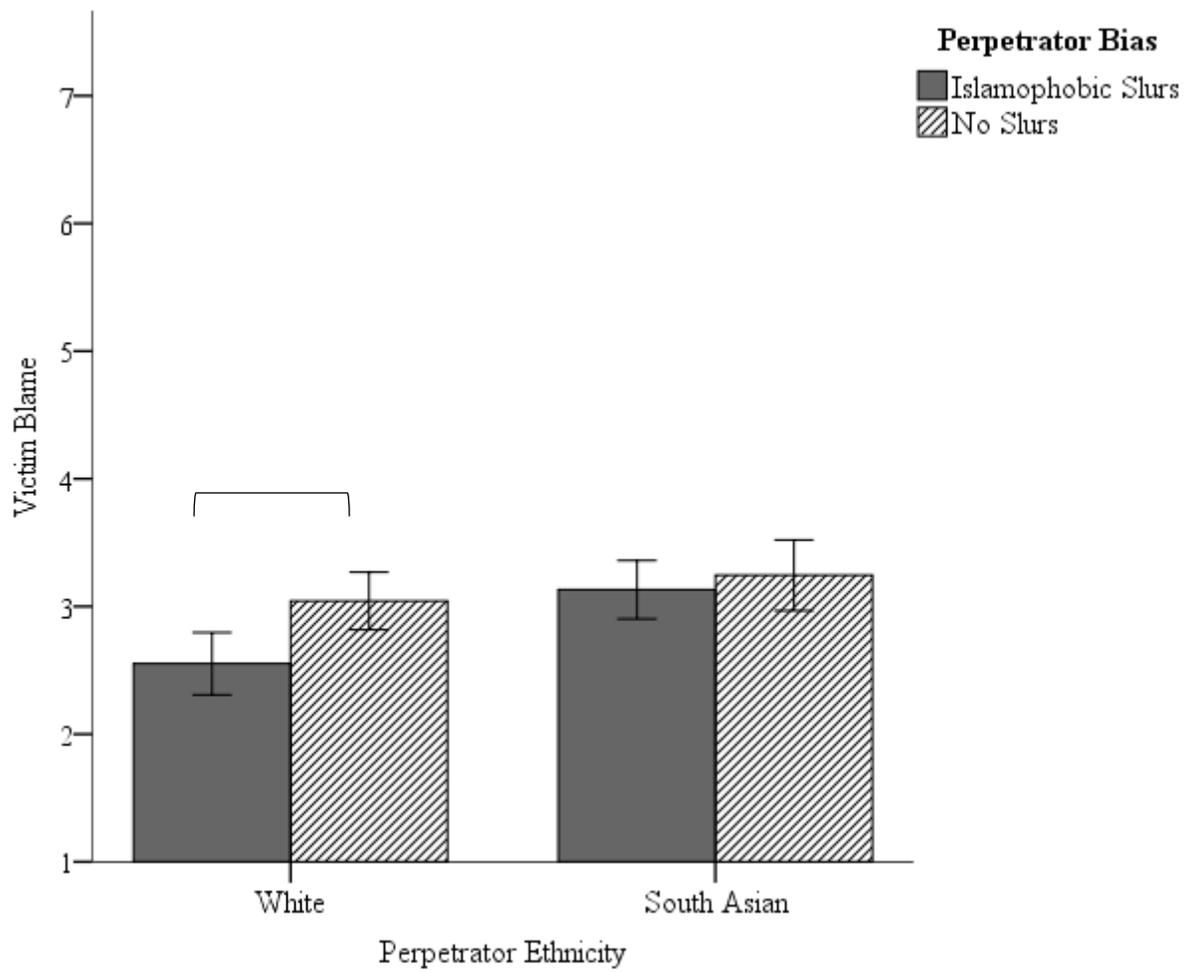


Figure 1. Perpetrator blame as a function of Perpetrator Ethnicity and Expressed Bias, Study 3.

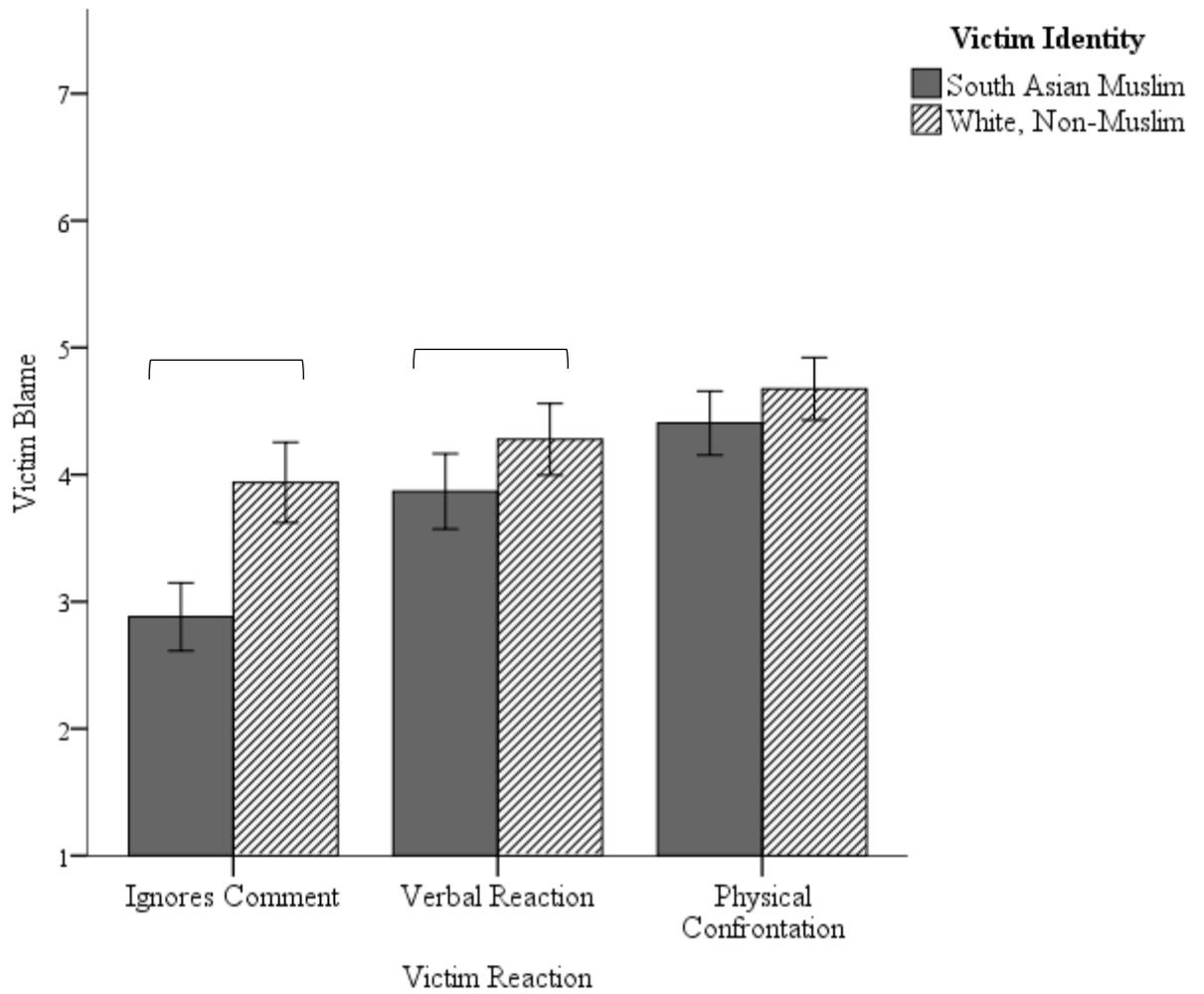


Figure 2. Victim blame as a function of victim identity and victim behavioural reaction, Study 4b.

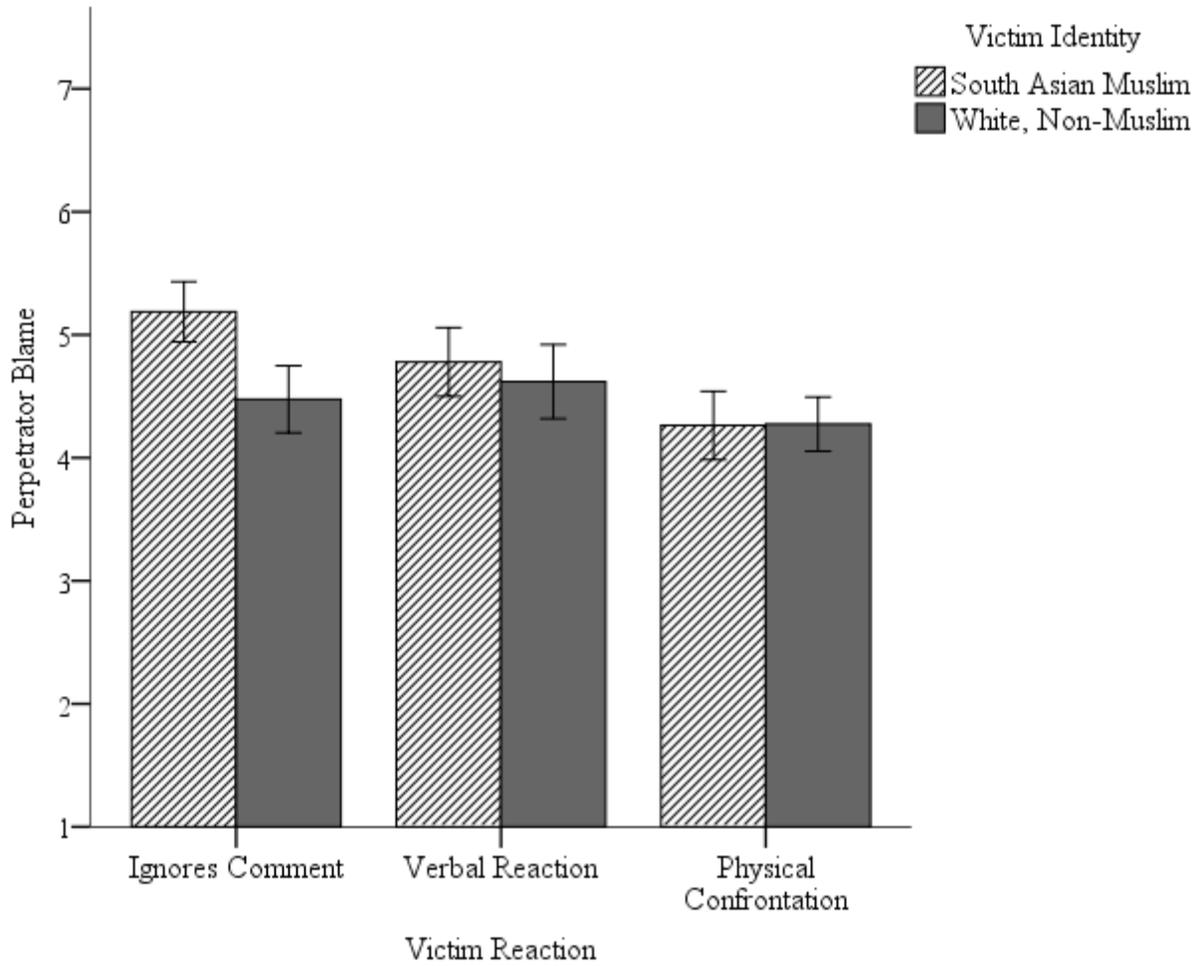


Figure 3. Perpetrator blame as a function of victim identity and victim reaction, Study 4b.

Appendix A - Study 1 – Study Materials

Thank you for coming today. We are interested in people's attitudes and thoughts about hate crimes. We would like to know what people think about hate crimes, and what features they attribute to them. You will be asked to think about what a hate crime means to you, based on your experience and understanding of this concept.

There are no right or wrong answers. This is not a test of your knowledge. We are solely interested in what comes to mind when you think about a hate crime.

Please take a few minutes to think about what you know about hate crimes and what images come to mind. Form an image or story in your mind about what kind of a crime has occurred, who was victimized, and who might have committed the offence.

Think about the typical PERPETRATOR of a hate crime (i.e., the person who committed the crime). What might they look like based on your experience and understanding? Who might they be? What might they look like? What social groups might they belong to? What is their personality like? Please provide as much information as you can think of regarding the typical person who would commit a hate crime.

Think closely about the typical VICTIM of a hate crime. What might they look like, based on your experience and understanding? Who might they be? What social groups might they belong to? What is their personality like? Please provide as much information as you can think of regarding the typical person who might be a hate crime victim.

Think closely about the CRIME itself. What would a typical hate crime look like, based on your experience and understanding? Please write down a detailed description of what this crime looks like to you, including time, location, type of crime committed, or anything else that might seem relevant to you.

Appendix B- Study 2- Prototype Item Evaluation

Thank you for coming today. We are interested in people's attitudes and thoughts about hate crimes. A hate crime is any criminal act that is motivated by prejudice or bias against the victim's group identity. We would like to know what people think about hate crimes, and what features they attribute to them. You will be asked to think about what a hate crime means to you, based on your experience and understanding of this concept.

There are no right or wrong answers. This is not a test of your knowledge. We are solely interested in what comes to mind when you think about a hate crime.

Just as we have ideas about elephants (or dogs, or tables, or cars), we have ideas about more abstract things like crimes. We would like to explore your thoughts about hate crimes and what a typical hate crime is to you.

Please take a few minutes to think about what you know about hate crimes and what images come to mind. Form an image or story in your mind about what kind of a crime has occurred, who was victimized, and who might have committed the offence.

Now, we would like you to think about the typical VICTIM of a hate crime victim (i.e., the person harmed by the crime). You will see a list of traits below that could be used to describe a victim of crime. Consider each item in the context of what you understand as being a typical hate crime. You may feel that the trait is something that would be typical or characteristic of hate crime victims, or something that is not at all typical or characteristic of a hate crime victim.

For each item, consider whether you believe it would be typical of a hate crime victim or not typical of a hate crime victim using the 5-point scale, where 1 means NOT AT ALL TYPICAL of a hate crime victim, and 5 means VERY TYPICAL of a hate crime victim. Consider each trait in isolation rather than in comparison to other traits on the list (e.g., you may find several things to be very typical of a hate crime, even though they are different from each other).

The VICTIM was different from the perpetrator in some meaningful way (e.g., they were of different races, different religions, skin tones)

The VICTIM was a racial minority (e.g., Black, South Asian, East Asian)

The VICTIM was a religious minority (e.g., Jewish, Muslim)

The VICTIM was targeted due to a physical or mental disability

The VICTIM was targeted because of their gender identity (e.g., transgendered, non-binary)

VICTIM comes from group that has historically suffered from prejudice and oppression

The VICTIM was very quiet, passive, or shy

The VICTIM was generally a very good person, overall

The VICTIM was completely innocent

VICTIM was minding their own business at the time of the crime

VICTIM and perpetrator were from the same racial/ethnic group

VICTIM and perpetrator were from different racial/ethnic groups

VICTIM was from a different religion than the perpetrator

VICTIM and perpetrator were of different sexual orientations

VICTIM was wearing religious garments or headdress (e.g., hijab, turban)

VICTIM is over the age of 60

VICTIM is between the ages of 18-24

VICTIM is middle-aged

VICTIM is under the age of 16

The VICTIM reported the crime to police

The VICTIM was male

The VICTIM could be male or female

The VICTIM was female

The VICTIM was of high social status (e.g., wealthy, educated, professional)

The VICTIM was of average social status (e.g., part of mainstream society)

The VICTIM was of low social status (e.g., poor, uneducated, unemployed)

VICTIM was intoxicated at the time of the offence

VICTIM was from the same religion as the perpetrator

The VICTIM was generally a bad person, overall

The VICTIM had very aggressive and dominant personality traits

The VICTIM was responsible for the offence in some way

The VICTIM did something to provoke the crime

VICTIM shouted or swore at the perpetrator prior to the offence
VICTIM hit, struck, or pushed the perpetrator prior to the offence
The VICTIM was targeted as a straight/heterosexual person
The VICTIM was targeted as a White person

Now, we would like you to think about the typical PERPETRATOR of a hate crime victim (i.e., the person/s who committed the crime). You will see a list of traits below that could be used to describe the perpetrator of a crime. Consider each item in the context of what you understand as being a typical hate crime. You may feel that the trait is something that would be typical or characteristic of hate crime perpetrators, or something that is not at all typical or characteristic of a hate crime perpetrators.

For each item, consider whether you believe it would be typical of a hate crime perpetrator or not typical of a hate crime perpetrator using the 5-point scale, where 1 means NOT AT ALL TYPICAL of a hate crime perpetrator, and 5 means VERY TYPICAL of a hate crime perpetrator. It is possible that you may find two things to be very typical of a hate crime, even if those items seem different from each other. Consider each trait in isolation rather than in comparison to other traits on the list.

The PERPETRATOR could be anyone
The PERPETRATOR is White
The PERPETRATOR is straight/heterosexual
The PERPETRATOR is a prejudiced, closed-minded and ignorant person
The PERPETRATOR has aggressive or dominant personality traits
The PERPETRATOR has weak, passive or fearful personality traits
The PERPETRATOR is generally a very bad person, overall
The PERPETRATOR has been taught to hate by his friends and family
The PERPETRATOR is part of an organized hate group
The PERPETRATOR is male
The PERPETRATOR is female
The PERPETRATOR could be a man or a woman
The PERPETRATOR is a person of high social status (wealthy, educated, professional)
The PERPETRATOR is a person of average social status
The PERPETRATOR did not know the victim prior to committing the crime
The PERPETRATOR is a person of low social status (poor, low income, uneducated)
The PERPETRATOR has had negative experiences with the victim's group in the past (e.g., lost jobs, humiliation, threats)
The PERPETRATOR is physically large and intimidating
The PERPETRATOR is physically small and weak
The PERPETRATOR was intoxicated at the time of the offence
PERPETRATOR did not know the victim before committing the crime
The PERPETRATOR is an outsider or loner with few friends
The PERPETRATOR has mental health problems
The PERPETRATOR has problems with drugs or alcohol
The PERPETRATOR committed the crime with co-perpetrators
The PERPETRATOR is a racial minority

The PERPETRATOR is a religious minority (e.g., Jewish, Muslim)
The PERPETRATOR is a sexual minority (e.g., gay, lesbian, bisexual)
The PERPETRATOR is a person from an oppressed and vulnerable group
The PERPETRATOR has had positive experiences with the victim's group in the past
The PERPETRATOR is generally a very good person, overall

Now, we would like you to think about the typical OFFENCE characteristics of a hate crime. You will see a list of traits below that could be used to describe a crime. Consider each item in the context of what you understand as being a typical hate crime. You may feel that the trait is something that would be typical or characteristic of a hate crime, or something that is not at all typical or characteristic of a hate crime perpetrators.

For each item, consider whether you believe it would be typical or not typical of a hate crime using the 5-point scale, where 1 means NOT AT ALL TYPICAL of a hate crime, and 5 means VERY TYPICAL of a hate crime. It is possible that you may find two things to be very typical of a hate crime, even if those items seem different from each other. Consider each trait in isolation rather than in comparison to other traits on the list.

The OFFENCE was motivated by hatred, bias, and prejudice
The OFFENCE is motivated by racism
The OFFENCE is motivated by religious bias
The OFFENCE was motivated by anti-Black racism
The OFFENCE was motivated by anti-Asian bias
The OFFENCE was motivated by anti-South Asian/Middle Eastern bias
The OFFENCE was motivated by homophobia or bias against gays, lesbians, or bisexuals
The OFFENCE is motivated by anti-Semitism
The OFFENCE is motivated by Islamophobia
The OFFENCE involves property damage
The OFFENCE involves verbal abuse and harassment
The OFFENCE involved offensive slurs against the victim
The OFFENCE involved offensive graffiti
The OFFENCE involved an act of moderate physical violence (hitting, striking, beating)
The OFFENCE involved pulling off religious headdress (hijab, turban)
The OFFENCE involved a single victim
The OFFENCE took place in a public open area (e.g., a park, road, beach)
The OFFENCE involved a mass attack on victims
The crime was totally unprovoked
The victim was minding their own business when the crime occurred
OFFENCE occurred at a place of religious worship (e.g., mosque, synagogue)
The perpetrator harassed the victim prior to the offence
The OFFENCE took place at a symbolic location that is important to the victim's group
The OFFENCE could occur anytime or any place
The OFFENCE was intended to send a message to the victim's group
The OFFENCE was motivated by personal revenge
The OFFENCE was motivated by financial interests

The OFFENCE involved cyber/online abuse
The OFFENCE involved severe physical violence (murder, rape)
The OFFENCE involved a single perpetrator
The OFFENCE involved multiple perpetrators
The OFFENCE involved multiple victims
The OFFENCE took place at night
The OFFENCE took place during the day
The perpetrator of the OFFENCE gets away with the crime
The perpetrator of the OFFENCE is caught by police and prosecuted
The OFFENCE took place in an isolated location (e.g., secluded, out of the way)
The OFFENCE took place at the victim's school
The victim was intoxicated at the time of the OFFENCE
The victim hit, struck or pushed the perpetrator prior to the offence
The victim shouted or swore at the perpetrator prior to the offence

Appendix C- Study 2 – Item Selection Task

Below, you will see a list of items that might apply to a hate crime victim, perpetrator or offence. Please select up to 5 items that you feel are MOST typical of a hate crime and drag them into the box.

- The victim was a racial, religious, or sexual minority
- The victim was minding their own business at the time of the crime
- The victim provoked the incident
- The victim and perpetrator were from the same race, religion or sexual orientation
- The crime was committed by a racial, religious or sexual minority
- The perpetrator was White
- The perpetrator was heterosexual
- The perpetrator has friends or romantic partners from other races
- The victim was White
- The victim was heterosexual
- The perpetrator made offensive slurs against the victim
- The offence involved property damage
- The offence involved violence
- The offence occurred in public
- The offence occurred at a place of religious worship

MOST TYPICAL OF A HATE CRIME (Choose up to 5)

Below, you will see a list of items that might apply to a hate crime victim, perpetrator or offence. Please select up to 5 items that you feel are LEAST typical of a hate crime and drag them into the box.

- The victim was a racial, religious, or sexual minority
- The victim was minding their own business at the time of the crime
- The victim provoked the incident
- The victim and perpetrator were from the same race, religion or sexual orientation
- The crime was committed by a racial, religious or sexual minority
- The perpetrator was White
- The perpetrator was heterosexual
- The perpetrator has friends or romantic partners from other races
- The victim was White
- The victim was heterosexual
- The perpetrator made offensive slurs against the victim
- The offence involved property damage
- The offence involved violence
- The offence occurred in public
- The offence occurred at a place of religious worship

LEAST TYPICAL/ATYPICAL (Choose up to 5)

Appendix D - Study 3 – Vignettes - [White Perp/Slurs]

The Case for the Crown Prosecution

At approximately noon on Tuesday, September 30, 2017, the defendant Andrew Clarke, a 28 year old White male, was walking in an area of northwest Toronto near his own neighbourhood at Kipling Avenue and Dixon Road. He passed by a local community park, where Mohammed Homeini, a 26 year old South Asian Muslim male, was part of a public demonstration to raise awareness for issues facing Muslim persons in the area.

Mohammed Homeini was standing near a fundraising table with three of his male friends. They were partially blocking the sidewalk, calling out to passersby and playing loud music on a portable sound system to get people's attention. According to Mohammed Homeini, Andrew Clarke appeared annoyed at this display and shouted at him, saying that he should leave the neighbourhood and that Toronto would be better without "backwards people like him" in it. He then continued to call Mohammed Homeini offensive names, such as raghead, Osama, jihadi, and terrorist.

According to Mohammed Homeini, at this point he asked Andrew Clarke to repeat what he said, and then turned his attention to other visitors in the park and continued the demonstration. Andrew Clarke then struck him several times, knocking him on the ground and causing some mild bruising and facial lacerations. A police officer who happened to be nearby was called over, and after discussions with Mohammed Homeini and his friends, Andrew Clarke was arrested and charged with assault.

Mohammed Homeini was taken to the hospital and treated for his injuries. He mostly recovered from the assault, but sustained permanent numbness in his left cheek, a small scar over his left eye, persistent headaches, and an ongoing fear of returning to the park in any capacity.

The Case for the Defence

The defendant, Andrew Clarke, alleges that on Tuesday, September 30, 2017, he was walking through a local community park near his home in the Kipling Avenue and Dixon Road area, on his way to visit some friends for lunch at a local restaurant. He states that his passage through the park was blocked by a small political demonstration conducted by Mohammed Homeini. He claims that Mr. Homeini had set up a table blocking the foot path, forcing pedestrians to walk in the muddy grass and to bump into each other to continue on their way.

Andrew Clarke was annoyed at having to jostle around other people to get on his way, and was offended by the extremely loud music being played from their portable speakers. He felt that the volume was excessive and interfered with the ability of others in the park to enjoy themselves. As he approached the table, he says that three young Muslim men were shouting out aggressively at pedestrians and complaining about the community.

Andrew Clarke felt irritated by the criticisms of his neighbourhood. He admits that he said something to the effect that, "if you don't like this neighbourhood the way it is, why don't you just leave! Toronto would be better off without you!" He admits that he used religiously offensive language, slurs, and some profanity against Mohammed Homeini, but attributes this to his anger at the situation.

According to Andrew Clarke, at this point, Mohammed Homeini asked, "what did you say?" and looked at him in anger. Andrew Clarke became concerned that Mohammed Homeini and his friends were going to attack him. He wasn't sure what was going to happen next, but became worried that he was outnumbered three-to-one. When Mohammed Homeini faced him again, Mr. Clarke interpreted the action as threatening, and believed that he had to protect himself. He thus struck Mohammed Homeini, but did not use any more force than he felt was reasonably necessary in the circumstances.

Study 3 – Vignettes - [White Perp/No Slurs]

The Case for the Crown Prosecution

At approximately noon on Tuesday, September 30, 2017, the defendant Andrew Clarke, a 28 year old White male, was walking in an area of northwest Toronto near his own neighbourhood at Kipling Avenue and Dixon Road. He passed by a local community park, where Mohammed Homeini, a 26 year old South Asian Muslim male, was part of a public demonstration to raise awareness for issues facing Muslim persons in the area.

Mohammed Homeini was standing near a fundraising table with three of his male friends. They were partially blocking the sidewalk, calling out to passersby and playing loud music on a portable sound system to get people's attention. According to Mohammed Homeini, Andrew Clarke appeared annoyed at this display and shouted at him, saying that he should leave the neighbourhood and that Toronto would be better without "assholes like him" in it. He then continued to call Mr. Homeini offensive names, such as moron, dickhead, and freak.

According to Mohammed Homeini, at this point he asked Andrew Clarke to repeat what he said, and then turned his attention to other visitors in the park and continued the demonstration. Andrew Clarke then struck him several times, knocking him on the ground and causing some mild bruising and facial lacerations. A police officer who happened to be nearby was called over, and after discussions with Mohammed Homeini and his friends, Andrew Clarke was arrested and charged with assault.

Mohammed Homeini was taken to the hospital and treated for his injuries. He mostly recovered from the assault, but sustained permanent numbness in his left cheek, a small scar over his left eye, persistent headaches, and an ongoing fear of returning to the park in any capacity.

The Case for the Defence

The defendant, Andrew Clarke, alleges that on Tuesday, September 30, 2017, he was walking through a local community park near his home in the Kipling Avenue and Dixon Road area, on his way to visit some friends for lunch at a local restaurant. He states that his passage through the park was blocked by a small political demonstration conducted by Mohammed Homeini. He claims that Mr. Homeini had set up a table blocking the foot path, forcing pedestrians to walk in the muddy grass and to bump into each other to continue on their way.

Andrew Clarke was annoyed at having to jostle around other people to get on his way, and was offended by the extremely loud music being played from their portable speakers. He felt that the volume was excessive and interfered with the ability of others in the park to enjoy themselves. As he approached the table, he says that three young Muslim men were shouting out aggressively at pedestrians and complaining about the community.

Andrew Clarke felt irritated by the criticisms of his neighbourhood. He admits that he said something to the effect that, "if you don't like this neighbourhood the way it is, why don't you just leave! Toronto would be better off without you!" He admits that he used offensive language and some profanity against Mohammed Homeini, but attributes this to his anger at the situation. According to Andrew Clarke, at this point, Mohammed Homeini asked, "what did you say?" and looked at him in anger. Andrew Clarke became concerned that Mohammed Homeini and his friends were going to attack him. He wasn't sure what was going to happen next but became worried that he was outnumbered three-to-one. When Mohammed Homeini faced him again, Mr. Clarke interpreted the action as threatening, and believed that he had to protect himself. He thus struck Mohammed Homeini but did not use any more force than he felt was reasonably necessary in the circumstances.

The Case for the Crown Prosecution

At approximately noon on Tuesday, September 30, 2017, the defendant Arjun Kapoor, a 28 year old man of Indian descent, was walking in an area of northwest Toronto near his own neighbourhood at Kipling Avenue and Dixon Road. He passed by a local community park, where Mohammed Homeini, a 26 year old South Asian Muslim male, was part of a public demonstration to raise awareness for issues facing Muslim persons in the area.

Mohammed Homeini was standing near a fundraising table with three of his male friends. They were partially blocking the sidewalk, calling out to passersby and playing loud music on a portable sound system to get people's attention. According to Mohammed Homeini, Arjun Kapoor appeared annoyed at this display and shouted at him, saying that he should leave the neighbourhood and that Toronto would be better without "backwards people like him" in it. He then continued to call Mohammed Homeini offensive names, such as raghead, Osama, jihadi, and terrorist.

According to Mohammed Homeini, at this point he asked Arjun Kapoor to repeat what he said, and then turned his attention to other visitors in the park and continued the demonstration. Arjun Kapoor then struck him several times, knocking him on the ground and causing some mild bruising and facial lacerations. A police officer who happened to be nearby was called over, and after discussions with Mohammed Homeini and his friends, Arjun Kapoor was arrested and charged with assault.

Mohammed Homeini was taken to the hospital and treated for his injuries. He mostly recovered from the assault, but sustained permanent numbness in his left cheek, a small scar over his left eye, persistent headaches, and an ongoing fear of returning to the park in any capacity.

The Case for the Defence

The defendant, Arjun Kapoor ,alleges that on Tuesday, September 30, 2017, he was walking through a local community park near his home in the Kipling Avenue and Dixon Road area, on his way to visit some friends for lunch at a local restaurant. He states that his passage through the park was blocked by a small political demonstration conducted by Mohammed Homeini. He claims that Mr. Homeini had set up a table blocking the foot path, forcing pedestrians to walk in the muddy grass and to bump into each other to continue on their way.

Arjun Kapoor was annoyed at having to jostle around other people to get on his way, and was offended by the extremely loud music being played from their portable speakers. He felt that the volume was excessive and interfered with the ability of others in the park to enjoy themselves. As he approached the table, he says that three young Muslim men were shouting out aggressively at pedestrians and complaining about the community.

Arjun Kapoor felt irritated by the criticisms of his neighbourhood. He admits that he said something to the effect that, “if you don’t like this neighbourhood the way it is, why don’t you just leave! Toronto would be better off without you!” He admits that he used religiously offensive language, slurs, and some profanity against Mohammed Homeini, but attributes this to his anger at the situation.

According to Arjun Kapoor, at this point, Mohammed Homeini asked, "what did you say?" and looked at him in anger. Arjun Kapoor became concerned that Mohammed Homeini and his friends were going to attack him. He wasn't sure what was going to happen next but became worried that he was outnumbered three-to-one. When Mohammed Homeini faced him again, Mr. Kapoor interpreted the action as threatening, and believed that he had to protect himself. He thus struck Mohammed Homeini, but did not use any more force than he felt was reasonably necessary in the circumstances

The Case for the Crown Prosecution

At approximately noon on Tuesday, September 30, 2017, the defendant Arjun Kapoor, a 28 year old man of Indian descent, was walking in an area of northwest Toronto near his own neighbourhood at Kipling Avenue and Dixon Road. He passed by a local community park, where Mohammed Homeini, a 26 year old South Asian Muslim male, was part of a public demonstration to raise awareness for issues facing Muslim persons in the area.

Mohammed Homeini was standing near a fundraising table with three of his male friends. They were partially blocking the sidewalk, calling out to passersby and playing loud music on a portable sound system to get people's attention. According to Mohammed Homeini, Arjun Kapoor appeared annoyed at this display and shouted at him, saying that he should leave the neighbourhood and that Toronto would be better without "assholes like him" in it. He then continued to call Mohammed Homeini offensive names, such as moron, dickhead, and freak.

According to Mohammed Homeini, at this point he asked Arjun Kapoor to repeat what he said, and then turned his attention to other visitors in the park and continued the demonstration. Arjun Kapoor then struck him several times, knocking him on the ground and causing some mild bruising and facial lacerations. A police officer who happened to be nearby was called over, and after discussions with Mohammed Homeini and his friends, Arjun Kapoor was arrested and charged with assault.

Mohammed Homeini was taken to the hospital and treated for his injuries. He mostly recovered from the assault, but sustained permanent numbness in his left cheek, a small scar over his left eye, persistent headaches, and an ongoing fear of returning to the park in any capacity.

Case for the Defence

The defendant, Arjun Kapoor, alleges that on Tuesday, September 30, 2017, he was walking through a local community park near his home in the Kipling Avenue and Dixon Road area, on his way to visit some friends for lunch at a local restaurant. He states that his passage through the park was blocked by a small political demonstration conducted by Mohammed Homeini. He claims that Mr. Homeini had set up a table blocking the foot path, forcing pedestrians to walk in the muddy grass and to bump into each other to continue on their way.

Arjun Kapoor was annoyed at having to jostle around other people to get on his way, and was offended by the extremely loud music being played from their portable speakers. He felt that the volume was excessive and interfered with the ability of others in the park to enjoy themselves. As he approached the table, he says that three young Muslim men were shouting out aggressively at pedestrians and complaining about the community.

Arjun Kapoor felt irritated by the criticisms of his neighbourhood. He admits that he said something to the effect that, "if you don't like this neighbourhood the way it is, why don't you just leave! Toronto would be better off without you!" He admits that he used offensive language and some profanity against Mohammed Homeini, but attributes this to his anger at the situation.

According to Arjun Kapoor, at this point, Mohammed Homeini asked, "what did you say?" and looked at him in anger. Arjun Kapoor became concerned that Mohammed Homeini and his friends were going to attack him. He wasn't sure what was going to happen next, but became worried that he was outnumbered three-to-one. When Mohammed Homeini faced him again, Mr. Kapoor interpreted the action as threatening, and believed that he had to protect himself. He thus struck Mohammed Homeini, but did not use any more force than he felt was reasonably necessary in the circumstances.

Appendix E - Study 4a Vignettes

[control condition – no group identified]

At approximately 8:00 p.m. on a Friday night several months ago, the victim, Kyle Harris, was walking home from his local community centre where he had been meeting with fellow members of a university study group. He was walking home alone, quietly thinking about the ideas that had been discussed. At the time, he was wearing blue jeans, a grey t-shirt and a baseball hat.

As he was crossing a large, grassy park on his way home, a man started to follow him. He states that he felt uncomfortable and thus quickened his pace, but the man similarly quickened his own pace to keep up. Mr. Harris claims that the individual began taunting him and shouting what he believed to be offensive and insulting comments against him personally. Mr. Harris told the man to "get lost", but otherwise ignored him and continued walking on his way.

Shortly after this, Mr. Harris was attacked from behind, and punched repeatedly in the face and head. Closed circuit video surveillance from a campus security camera recorded a man beating Mr. Harris about the head, knocking off his hat and tearing his shirt. Witnesses who were walking in a nearby section of the park testified that they overheard a man whom they later identified as the defendant, Andrew Clarke, yelling obscenities and profanities and shouting that Mr. Harris had "better leave the neighbourhood" if he knew what was good for him. Mr. Harris states that he struggled with the defendant, and managed to escape to safety. He was later taken to the hospital and treated for facial lacerations, contusions and a mild concussion.

Mr. Clark was apprehended by police the next day and charged with assault. The victim was not known to the defendant prior to the attack.

[Muslim victim condition]

At approximately 8:00 p.m. on a Friday night several months ago, the victim, Khalid Hamidi, was walking home from his local mosque where he had been meeting with fellow members of a Muslim students association. He was walking home alone, quietly thinking about the ideas that had been discussed. At the time, he was wearing a short knitted skullcap, a long white robe, and had a full beard.

As he was crossing a large, grassy park on his way home, a man started to follow him. He states that he felt uncomfortable and thus quickened his pace, but the man similarly quickened his own pace to keep up. Mr. Hamidi claims that the individual began taunting him and shouting what he believed to be offensive and racist comments against him as a Muslim person. Mr. Hamidi told the man to "get lost", but otherwise ignored him and continued walking on his way.

Shortly after this, Mr. Hamidi was attacked from behind, and punched repeatedly in the face and head. Closed circuit video surveillance from a campus security camera recorded a man beating the victim about the head, knocking off his religious headdress, and tearing his shirt. Witnesses who were walking in a nearby section of the park testified that they overheard a man whom they later identified as the defendant, Mr. Clarke, yelling obscenities and profanities and shouting that he'd "better leave the neighbourhood" if he knew what was good for him. Mr. Hamidi states that he struggled with the defendant, and managed to escape to safety. He was later taken to the hospital and treated for facial lacerations, contusions and a mild concussion.

The defendant was apprehended by police the next day and charged with assault. The victim was not known to the defendant prior to the attack.

[Black victim condition]

At approximately 8:00 p.m. on a Friday night several months ago, the victim, Keshawn Hardy, was walking home from his local community centre where he had been meeting with fellow members of a Black students association. He was walking home alone, quietly thinking about the ideas that had been discussed. At the time, he was wearing blue jeans, a Black power t-shirt showing a raised fist, and had long dreadlocks tied at his back.

As he was crossing a large, grassy park on his way home, a man started to follow him. He states that he felt uncomfortable and thus quickened his pace, but the man similarly quickened his own pace to keep up. Mr. Hardy claims that the defendant began taunting him and shouting what he believed to be offensive and racist comments against him as a Black person. Mr. Hardy told the man to "get lost", but otherwise ignored him and continued to walking on his way.

Shortly after this, Mr. Harris was attacked from behind, and punched repeatedly in the face and head. Closed circuit video surveillance from a campus security camera recorded a man beating the victim about the head, knocking off his baseball hat, and tearing his shirt. Witnesses who were walking in a nearby section of the park testified that they overheard a man whom they later identified as the defendant, Mr. Clarke, yelling obscenities and profanities and shouting that he'd "better leave the neighbourhood if he knows what's good for him." Mr. Hardy states that he struggled with the defendant, and managed to escape to safety. He was later taken to the hospital and treated for facial lacerations, contusions and a mild concussion.

Mr. Clark was apprehended by police the next day and charged with assault. The victim was not known to the defendant prior to the attack.

[Gay victim condition]

At approximately 8:00 p.m. on a Friday night several months ago, the victim, Kevin Hamilton, was walking home from his local community centre where he had been meeting with fellow members of a gay and lesbian students association. He was walking home alone, quietly thinking about the ideas that had been discussed. At the time, he was wearing blue jeans, a sleeveless t-shirt with a rainbow emblem on the front, and had long hair with a partially-shaved head.

As he was crossing a large, grassy park on his way home, a man started to follow him. He states that he felt uncomfortable and thus quickened his pace, but the man similarly quickened his own pace to keep up. Mr. Hamilton claims that the individual began taunting him and shouting what he believed to be offensive and homophobic comments against him as a gay person. He told the man to "get lost", but otherwise ignored him and continued walking on.

Shortly after that, Mr. Hamilton was attacked from behind, and punched repeatedly in the face and head. Closed circuit video surveillance from a campus security camera recorded a man beating the victim about the head, knocking off his hat, and tearing his shirt. Witnesses who were walking in a nearby section of the park testified that they overheard a man whom they later identified as the defendant, Mr. Clarke, yelling obscenities and profanities and shouting that he'd "better leave the neighbourhood" if he knew what was good for him. Mr. Hamilton states that he struggled with the defendant, and managed to escape to safety. He was later taken to the hospital and treated for facial lacerations, contusions and a mild concussion.

Mr. Clark was apprehended by police the next day and charged with assault. The victim was not known to the defendant prior to the attack.

Appendix F –Study 4b Vignettes

[South Asian Muslim victim, No Reaction]

You have been asked to serve as a juror for the trial of Andrew Clarke, who has been charged with assaulting Khalid Homeini. Please carefully read the following description of the events surrounding the alleged assault, and complete the questions that follow.

The Case for the Crown

At approximately noon on Tuesday, September 30, 2016, the defendant Andrew Clarke, a 25-year-old White male, was walking in an area of northwest Toronto near his own neighbourhood at Kipling Avenue and Dixon Road. He passed by a local community park, where Khalid Homeini, a 21-year-old South Asian Muslim male, was part of a public demonstration to raise awareness for issues facing Muslim persons in the area. Khalid Homeini was standing near a fundraising table with one of his male friends, collecting signatures for a petition to the city to develop more community programming for Muslim youth. They were standing close to the sidewalk, calling out to passersby and playing music on a portable sound system to get people's attention. The defendant, Andrew Clarke, appeared annoyed at this display and shouted at him, saying that if he didn't like the city then he should just leave it -- Toronto would be better without people like him in it anyway.

According to Khalid Homeini, at this point he ignored the comments, turned his attention to other visitors in the park and continued the demonstration. Andrew Clarke continued his harassment, saying that Khalid and his friends weren't welcome in the neighbourhood, that "it would be better for you if you left," and "you're what's wrong with this country!" When Khalid Homeini continued to ignore this comment, Andrew Clarke ripped up the signature sheet. Not wanting to escalate the situation, Mr. Homeini looked around for an escape but was suddenly

struck in the face several times by Mr. Clarke. He was knocked to the ground and suffered mild bruising and facial lacerations. A police officer who happened to be nearby was called over by a witness, and after discussions with Khalid Homeini and his friends, Andrew Clarke was arrested and charged with assault. Mr. Homeini now suffers from stress and anxiety and is afraid to return to the community park where the alleged assault occurs. He believes that he was targeted due to his identity as a South Asian Muslim man, and believes that he has been the victim of a hate crime.

The Case for the Defence

Andrew Clarke alleges that on Tuesday, September 30, 2016, he was walking through a local community park near his home in the Kipling Avenue and Dixon Road area, on his way to visit some friends for lunch at a local restaurant. He states that his passage through the park was disrupted by Khalid Homeini's demonstration, as he had set up a table blocking the foot path, forcing pedestrians to walk in the muddy grass and to bump into each other to continue on their way. Andrew Clarke was annoyed at having to jostle around other people to get on his way, and was offended by the music being played from their portable speakers. He felt that the demonstration interfered with the ability of others in the park to enjoy themselves. As he approached the table, he says that two young Muslim men were calling out aggressively at pedestrians and complaining about the community.

Andrew Clarke says that he felt irritated by the criticisms of his neighbourhood. He admits that he said something to the effect that, "if you don't like this neighbourhood the way it is, why don't you just leave! Toronto would be better off without you!" He claims that Mr. Homeini rolled his eyes and showed clear dislike of the comments, which irritated Andrew Clarke. He wanted to get Mr. Homeini's attention and tried to grab the petition from him, and

accidentally ripped it in the process. At this point, Mr. Homeini looked in the direction of his friend and Mr. Clarke thought that they were going to attack him.

He wasn't sure what was going to happen next, but became worried that he was outnumbered two-to-one. When Khalid Homeini faced him again, Mr. Clarke interpreted the action as threatening, and believed that he had to protect himself. He then struck Khalid Homeini, but did not use any more force than he felt was reasonably necessary in the circumstances. Mr. Clarke denies that the incident in the park was a hate crime, and claims that he was really just acting in self-defence.

[South Asian Muslim victim, Verbal Response]

You have been asked to serve as a juror for the trial of Andrew Clarke, who has been charged with assaulting Khalid Homeini. Please carefully read the following description of the events surrounding the alleged assault, and complete the questions that follow.

The Case for the Crown

At approximately noon on Tuesday, September 30, 2014, the defendant Andrew Clarke, a 28 year old White male, was walking in an area of northwest Toronto near his own neighbourhood at Kipling Avenue and Dixon Road. He passed by a local community park, where Khalid Homeini, a 26 year old South Asian Muslim male, was part of a public demonstration to raise awareness for issues facing Muslim persons in the area. Khalid Homeini was standing near a fundraising table with three of his male friends. They were partially blocking the sidewalk, calling out to passersby and playing loud music on a portable sound system to get people's attention. According to Khalid Homeini, Andrew Clarke appeared annoyed at this display and shouted at him, saying that he should leave the neighbourhood and that Toronto would be better without people like him in it.

According to Khalid Homeini, at this point he ignored the comments, turned his attention to other visitors in the park and continued the demonstration. Andrew Clarke then struck him several times, knocking him on the ground and causing some mild bruising and facial lacerations. A police officer who happened to be nearby was called over, and after discussions with Khalid Homeini and his friends, Andrew Clarke was arrested and charged with assault.

The Case for the Defence

Andrew Clarke alleges that on Tuesday, September 30, 2014, he was walking through a local community park near his home in the Kipling Avenue and Dixon Road area, on his way to visit some friends for lunch at a local restaurant. He states that his passage through the park was blocked by Khalid Homeini's demonstration, as he had set up a table blocking the foot path, forcing pedestrians to walk in the muddy grass and to bump into each other to continue on their way. Andrew Clarke was annoyed at having to jostle around other people to get on his way, and was offended by the extremely loud music being played from their portable speakers. He felt that the volume was excessive and interfered with the ability of others in the park to enjoy themselves. As he approached the table, he says that three young Muslim men were shouting out aggressively at pedestrians and complaining about the community.

Andrew Clarke felt irritated by the criticisms of his neighbourhood. He admits that he said something to the effect that, "if you don't like this neighbourhood the way it is, why don't you just leave! Toronto would be better off without you!"

According to Andrew Clarke, at this point, Khalid Homeini said nothing but looked away in anger. Andrew Clarke became concerned that Khalid Homeini and his friends were going to attack him. He wasn't sure what was going to happen next, but became worried that he was outnumbered three-to-one. When Khalid Homeini faced him again, Mr. Clarke interpreted the action as threatening, and believed that he had to protect himself. He thus struck Khalid Homeini, but did not use any more force than he felt was reasonably necessary in the circumstances.

[South Asian Muslim victim; Physically Aggressive Reaction]

You have been asked to serve as a juror for the trial of Andrew Clarke, who has been charged with assaulting Khalid Homeini. Please carefully read the following description of the events surrounding the alleged assault, and complete the questions that follow.

The Case for the Crown

At approximately noon on Tuesday, September 30, 2014, the defendant Andrew Clarke, a 28 year old White male, was walking in an area of northwest Toronto near his own neighbourhood at Kipling Avenue and Dixon Road. He passed by a local community park, where Khalid Homeini, a 26 year old South Asian Muslim male, was part of a public demonstration to raise awareness for issues facing young Muslim persons in the area. Khalid Homeini was standing near a fundraising table with three of his male friends. They were partially blocking the sidewalk, calling out to passersby and playing loud music on a portable sound system to get people's attention. According to Khalid Homeini, Andrew Clarke appeared annoyed at this display and shouted at him, saying that he should leave the neighbourhood and that Toronto would be better without people like him in it.

According to Khalid Homeini, at this point he was offended by Andrew Clarke's comment and said, "What did you say to me?" When Mr. Clarke did not respond, Khalid Homeini then walked over to Andrew Clarke to confront him. He admits that he may have raised his voice, and that he lightly pushed Andrew Clarke during the exchange, but denies that he was being threatening. Andrew Clarke then struck him several times, knocking him on the ground and causing some mild bruising and facial lacerations. A police officer who happened to be nearby was called over, and after discussions with Khalid Homeini and his friends, Andrew Clarke was arrested and charged with assault.

The Case for the Defence

Andrew Clarke alleges that on Tuesday, September 30, 2014, he was walking through a local community park near his home in the Kipling Avenue and Dixon Road area, on his way to visit some friends for lunch at a local restaurant. He states that his passage through the park was blocked by Khalid Homeini's demonstration, as he had set up a table blocking the foot path, forcing pedestrians to walk in the muddy grass and to bump into each other to continue on their way. Andrew Clarke was annoyed at having to jostle around other people to get on his way, and was offended by the extremely loud music being played from their portable speakers. He felt that the volume was excessive and interfered with the ability of others in the park to enjoy themselves. As he approached the table, he says that three young Muslim men were shouting out aggressively at pedestrians and complaining about the community.

Andrew Clarke felt irritated by the criticisms of his neighbourhood. He admits that he said something to the effect that, "if you don't like this neighbourhood the way it is, why don't you just leave! Toronto would be better off without you!"

According to Andrew Clarke, Khalid Homeini then shouted angrily, "What did you just say to me? What did you just say to me?" He then began shouting in Arabic, made aggressive gestures and walked toward Mr. Clarke in a physically intimidating manner. According to Andrew Clarke, Khalid Homeini entered his personal space and aggressively shoved him backwards while shouting at him. His tone of voice and posturing led Andrew Clarke to fear for his safety. Fearing imminent violence and feeling threatened and outnumbered, Andrew Clarke felt that he had to protect himself. He thus struck Khalid Homeini, but did not use any more force than he felt was reasonably necessary in the circumstances.

[White Victim, Passive Reaction]

You have been asked to serve as a juror for the trial of Andrew Clarke, who has been charged with assaulting Kyle Hamilton. Please carefully read the following description of the events surrounding the alleged assault, and complete the questions that follow.

The Case for the Crown

At approximately noon on Tuesday, September 30, 2014, the defendant Andrew Clarke, a 28 year old White male, was walking in an area of northwest Toronto near his own neighbourhood at Kipling Avenue and Dixon Road. He passed by a local community park, where Kyle Hamilton, a 26 year old White male, was part of a public demonstration to raise awareness for issues facing youth in the area. Kyle Hamilton was standing near a fundraising table with three of his male friends. They were partially blocking the sidewalk, calling out to passersby and playing loud music on a portable sound system to get people's attention. According to Kyle Hamilton, Andrew Clarke appeared annoyed at this display and shouted at him, saying that he should leave the neighbourhood and that Toronto would be better without people like him in it.

According to Kyle Hamilton, at this point he ignored the comments, turned his attention to other visitors in the park and continued the demonstration. Andrew Clarke then struck him several times, knocking him on the ground and causing some mild bruising and facial lacerations. A police officer who happened to be nearby was called over, and after discussions with Kyle Hamilton and his friends, Andrew Clarke was arrested and charged with assault.

The Case for the Defence

Andrew Clarke alleges that on Tuesday, September 30, 2014, he was walking through a local community park near his home in the Kipling Avenue and Dixon Road area, on his way to visit some friends for lunch at a local restaurant. He states that his passage through the park was blocked by Kyle Hamilton's demonstration, as he had set up a table blocking the foot path, forcing pedestrians to walk in the muddy grass and to bump into each other to continue on their way. Andrew Clarke was annoyed at having to jostle around other people to get on his way, and was offended by the extremely loud music being played from their portable speakers. He felt that the volume was excessive and interfered with the ability of others in the park to enjoy themselves. As he approached the table, he says that three young White men were shouting out aggressively at pedestrians and complaining about the community.

Andrew Clarke felt irritated by the criticisms of his neighbourhood. He admits that he said something to the effect that, "if you don't like this neighbourhood the way it is, why don't you just leave! Toronto would be better off without you!"

According to Andrew Clarke, at this point, Kyle Hamilton said nothing but looked away in anger. Andrew Clarke became concerned that Kyle Hamilton and his friends were going to attack him. He wasn't sure what was going to happen next, but became worried that he was outnumbered three-to-one. When Kyle Hamilton faced him again, Mr. Clarke interpreted the action as threatening, and believed that he had to protect himself. He thus struck Kyle Hamilton, but did not use any more force than he felt was reasonably necessary in the circumstances.

[White victim, Verbal Response]

You have been asked to serve as a juror for the trial of Andrew Clarke, who has been charged with assaulting Kyle Hamilton. Please carefully read the following description of the events surrounding the alleged assault, and complete the questions that follow.

The Case for the Crown

At approximately noon on Tuesday, September 30, 2014, the defendant Andrew Clarke, a 28 year old White male, was walking in an area of northwest Toronto near his own neighbourhood at Kipling Avenue and Dixon Road. He passed by a local community park, where Kyle Hamilton, a 26 year old White male, was part of a public demonstration to raise awareness for issues facing youth in the area. Kyle Hamilton was standing near a fundraising table with three of his male friends. They were partially blocking the sidewalk, calling out to passersby and playing loud music on a portable sound system to get people's attention. According to Kyle Hamilton, Andrew Clarke appeared annoyed at this display and shouted at him, saying that he should leave the neighbourhood and that Toronto would be better without people like him in it.

According to Kyle Hamilton, at this point he was offended by the comment and said, "What did you just say to me?" Kyle Hamilton admits that he may have raised his voice, but denies that he was being threatening. Andrew Clarke then struck him several times, knocking him on the ground and causing some mild bruising and facial lacerations. A police officer who happened to be nearby was called over, and after discussions with Kyle Hamilton and his friends, Andrew Clarke was arrested and charged with assault.

The Case for the Defence

Andrew Clarke alleges that on Tuesday, September 30, 2014, he was walking through a local community park near his home in the Kipling Avenue and Dixon Road area, on his way to visit some friends for lunch at a local restaurant. He states that his passage through the park was blocked by Kyle Hamilton's demonstration, as he had set up a table blocking the foot path, forcing pedestrians to walk in the muddy grass and to bump into each other to continue on their way. Andrew Clarke was annoyed at having to jostle around other people to get on his way, and was offended by the extremely loud music being played from their portable speakers. He felt that the volume was excessive and interfered with the ability of others in the park to enjoy themselves. As he approached the table, he says that three young White men were shouting out aggressively at pedestrians and complaining about the community.

Andrew Clarke felt irritated by the criticisms of his neighbourhood. He admits that he said something to the effect that, "if you don't like this neighbourhood the way it is, why don't you just leave! Toronto would be better off without you!"

According to Andrew Clarke, Kyle Hamilton then shouted angrily, "What did you just say to me? What did you just say to me?" He then began shouting and using a tone of voice that led Andrew Clarke to fear for his safety. Fearing imminent violence and feeling threatened and outnumbered, Andrew Clarke felt that he had to protect himself. He thus struck Kyle Hamilton, but did not use any more force than he felt was reasonably necessary in the circumstances.

[White victim, Physically Aggressive Reaction]

You have been asked to serve as a juror for the trial of Andrew Clarke, who has been charged with assaulting Kyle Hamilton. Please carefully read the following description of the events surrounding the alleged assault, and complete the questions that follow.

The Case for the Crown

At approximately noon on Tuesday, September 30, 2014, the defendant Andrew Clarke, a 28 year old White male, was walking in an area of northwest Toronto near his own neighbourhood at Kipling Avenue and Dixon Road. He passed by a local community park, where Kyle Hamilton, a 26 year old White male, was part of a public demonstration to raise awareness for issues facing youth in the area. Kyle Hamilton was standing near a fundraising table with three of his male friends. They were partially blocking the sidewalk, calling out to passersby and playing loud music on a portable sound system to get people's attention. According to Kyle Hamilton, Andrew Clarke appeared annoyed at this display and shouted at him, saying that he should leave the neighbourhood and that Toronto would be better without people like him in it.

According to Kyle Hamilton, at this point he was offended by Andrew Clarke's comment and said, "What did you say to me?" When Mr. Clarke did not respond, Kyle Hamilton then walked over to Andrew Clarke to confront him. He admits that he may have raised his voice, and that he lightly pushed Andrew Clarke during the exchange, but denies that he was being threatening. Andrew Clarke then struck him several times, knocking him on the ground and causing some mild bruising and facial lacerations. A police officer who happened to be nearby was called over, and after discussions with Kyle Hamilton and his friends, Andrew Clarke was arrested and charged with assault.

The Case for the Defence

Andrew Clarke alleges that on Tuesday, September 30, 2014, he was walking through a local community park near his home in the Kipling Avenue and Dixon Road area, on his way to visit some friends for lunch at a local restaurant. He states that his passage through the park was blocked by Kyle Hamilton's demonstration, as he had set up a table blocking the foot path, forcing pedestrians to walk in the muddy grass and to bump into each other to continue on their way. Andrew Clarke was annoyed at having to jostle around other people to get on his way, and was offended by the extremely loud music being played from their portable speakers. He felt that the volume was excessive and interfered with the ability of others in the park to enjoy themselves. As he approached the table, he says that three young White men were shouting out aggressively at pedestrians and complaining about the community.

Andrew Clarke felt irritated by the criticisms of his neighbourhood. He admits that he said something to the effect that, "if you don't like this neighbourhood the way it is, why don't you just leave! Toronto would be better off without you!"

According to Andrew Clarke, Kyle Hamilton then shouted angrily, "What did you just say to me? What did you just say to me?" He then began shouting, made aggressive gestures and walked toward Andrew Clarke in a physically intimidating manner. According to Andrew Clarke, Kyle Hamilton entered his personal space and aggressively shoved him backwards while shouting at him. His tone of voice and posturing led Andrew Clarke to fear for his safety. Fearing imminent violence and feeling threatened and outnumbered, Andrew Clarke felt that he had to protect himself. He thus struck Kyle Hamilton, but did not use any more force than he felt was reasonably necessary in the circumstances.