Racialized Religion and Judicial Injustice: How Whiteness and Biblicist Christianity Intersect to Promote a Preference for (Unjust) Punishment

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Abstract

America’s judicial system is both exceptionally punitive and demonstrably unjust toward racial minorities. While these dual realities are structured into America’s institutions, we propose they are also partially sustained by the intersection of ideologies that are both racialized and sacralized. Using multiple waves of the General Social Surveys and a unique measure that asks Americans to choose between two forms of judicial injustice (wrongful conviction or erroneous acquittal), we examine how white racial identity intersects with biblical literalism to bolster America’s bent toward unjust punitiveness. In the main effects, Americans who affirm biblical literalism are more likely to show a preference for convicting the innocent, as are whites compared to Black Americans. Examining interaction effects, however, we find whiteness moderates the influence of biblical literalism such that only white biblical literalists (as opposed to non-white biblical literalists or white non-biblical literalists) are more likely to prefer

This is the author's manuscript of the article published in final edited form as:

wrongful conviction. Indeed, in our full model, being a white biblical literalist is the strongest predictor of preferring wrongful conviction. We theorize that preference for wrongful conviction over erroneous acquittal stems, at least in part, from the combination of sacralized authoritarianism and perceived racial threat.

**Keywords:** race, punishment, biblical literalism, white

*Acknowledgements:* The authors thank the editor and four reviewers for their helpful feedback. All data for replication are available at [www.theARDA.com](http://www.theARDA.com). Coding specifications are available from the authors upon request.

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“[B]etter that ten guilty individuals escape, than that one innocent suffer.”

“Better to arrest ten innocent people by mistake than free a single guilty party.”
~ Slogan during the Cambodian Khmer Rouge regime, from Locard (2005:209)

**INTRODUCTION**

Compared to other Western nations, America’s judicial system is both exceptionally punitive and demonstrably unjust to historically disadvantaged racial minorities (Alexander 2012; Garland 2019; Muller 2012; Wacquant 2010). Though researchers have repeatedly documented how the realities of American punitiveness and judicial injustice are durably structured into America’s institutions (Looman and Carl 2015; Ray 2019; Western 2006), they are also sustained and reproduced by ideologies within the broader population that incline Americans toward punishing violators, particularly if they are outside the existing racial hegemon (Frost 2010; Green, Staerklé, and Sears 2006; Hogan, Chiricos, and Gertz 2005; Unnever 2013).

Building on previous research connecting race and religion with American punitiveness, we propose that America’s ideological bent toward extreme (even unjust) punitiveness is sustained, at least in part, by cultural ideologies that are not only racialized and sacralized,¹ but depend on the intersection of the two. More specifically, we propose that punitiveness is bolstered by a combination of sacralized authoritarianism² and perceptions of threat to one’s

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¹ When we use the term “sacralized” in reference to various ideologies we are referring to the way people view them as containing divine significance or character in their essence. This definition draws on Pargament and Mahoney’s (2005) work on sanctification.

² The term “authoritarian(ism)” has a long history and could be criticized for being fuzzy conceptually and speaking primarily to personality types. Consequently, we debated using the
racial and cultural position. In the United States, white Americans have historically laid claim to institutional and cultural power, and thus are highly sensitive to perceived threats which encourages them to defend the status quo and justify the current system (Craig and Richeson 2014; Jost, Banaji, and Nosek 2004; King and Wheelock 2007; Stewart et al. 2018; Wets and Willer 2018, 2019). Research also shows that Christian fundamentalism (often indicated by biblical literalism or conservative Protestant affiliation) is rooted in perceptions of societal disorder and cultural victimization (Emerson and Hartman 2006; Hunter 2010: 111-131; Woodberry and Smith 1998) and reacts to these perceptions with sacralized authoritarian efforts to re-establish social control (Davis 2018). Drawing on data from multiple waves of the General Social Survey (GSS), we document how white racial identity intersects with biblical literalism alternative term “authority-mindedness” (Wald, Owen, and Hill 1989; see also Ellison and Musick 1990; Mockabee 2007), which has advantages in that it is not applied to personality types, but refers to an ideology characteristic of conservative Christians that merely values authority and obedience. Yet we feel that this term lacks much of the original ethnocentric and aggressive thrust of “authoritarianism” outlined by Adorno et al. (1950). While we are not referring to a personality type, we are referring to a thought-process and tendency characterized by “rigid adherence to conventional, middle-class ideas of right and wrong, respect for and submission to authority figures, ethnocentric attitudes, and aggressive behavior against those perceived to threaten the established order or violate the rules” (Mockabee 2007:224; see also Davis 2018; Davis and Perry 2019). Thus, despite its conceptual baggage, “authoritarian(ism)” seemed to be a sharper, more apt term for the patterns we document in this study connecting race, religion, and punitiveness.
to bolster American punitiveness. Using a GSS measure that asks Americans to express their preference for one of two forms of judicial injustice—either condemn the innocent or let the guilty go free—we demonstrate how white racial identity moderates the influence of biblical literalism such that white biblical literalists over any other group favor wrongful convictions over erroneous acquittals, even after taking into consideration a host of sociodemographic, religious, and political characteristics.

Our study makes important contributions to three relevant literatures: race, punishment, and religion. First, though numerous studies have examined public opinion regarding judicial errors, and specifically preferences regarding wrongful convictions versus erroneous acquittals (e.g., de Keijser et al. 2014; Flexon 2011; Givati 2011, 2014, 2019; Monte 2006; Ricciardelli et al. 2009; Scurich 2015; Sommer et al. 1991; Xiong et al. 2017; Young 2000, 2004), as we show below, such studies have largely ignored how such opinions are contingent on race and religion. Our findings demonstrate that, within the American context, racial identity, literalist ideology, and most importantly, their interaction, are in fact the strongest correlates of Americans expressing a preference for punishing the innocent over letting the guilty go free, all else being equal. This finding necessarily alters our approach to the question of how Americans evaluate—and potentially how their actions perpetuate—judicial injustices.

Second, our findings further our understanding of how “religion is raced” (Yukich and Edgell 2020; see also Ellis 2018; Emerson, Korver-Glenn, and Douds 2015). Contrary to the idea that conservative beliefs about the Bible necessarily evince a cultural bent toward authoritarian control and hyper-punitiveness (e.g., Altemeyer and Hunsberger 2005; Ellison and Sherkat 1993; Grassmick et al. 1993), we demonstrate how this does not apply to Black Americans who hold literalist views. Given their different structural position compared to
whites, Black Americans who identify with biblical literalism likely interpret their Bible quite differently from their white counterparts (McDaniel and Ellison 2008; Shelton 2010; Shelton and Emerson 2012), such that they draw different connections between religion and America’s institutions (Britt 1998; Perry and Whitehead 2019). Last, and related to our previous point, these findings extend our understanding of how “race is spiritualized” (Emerson et al. 2015) and its consequences for Americans’ views about judicial injustice. Though white racial frames incline white Americans to perceive threats to the racial status quo, and, ultimately, react to such threats with authoritarian punitiveness (King and Wheelock 2007; Stewart et al. 2018), our findings document how conservative Christianity, which also perceives the world through threats to the sacralized, traditional social order (Baker and Booth 2016; Davis 2018, 2019; Perry and Whitehead forthcoming; Hunter 2010), can be significantly associated with whites’ inclination to favor (unjust) punishment over mercy.

EMPirical Background

White Racial Identity and Punitiveness

Among the most consistent findings in studies exploring Americans’ views on the justice system, policing, and punishment, is that white Americans, on average, are more likely to justify the use of physical (even deadly) force (Cullen et al. 1996; Johnson and Kuhns 2009), ignore police misconduct (Perry, Whitehead, and Davis 2019; Weitzer and Tuch 2004, 2005), and to favor harsher sentences (Baumer, Messner, and Rosenfeld 2003; Cohn, Barkan, and Halteman 1991) than non-whites. Much of the explanation stems from a combination of white privilege and racial prejudice, such that when whites are queried about “capital punishment,” “criminals,” “trouble makers,” “immigrants,” or police encounters, they are less likely to imagine a white person, and more likely to imagine a person of color (Barkan and Cohn 1994, 1998, 2005;
Baumer et al. 2003; Cohn et al. 1991; Davis 2018, 2019; Gilliam and Iyengar 2000).

Other studies connect white Americans’ relative bent toward punitiveness with their perception of threat from racial economic and political competition (Blalock 1967; Baumer et al. 2003) or fear of victimization (Gilliam and Iyengar 2000; Stupi, Chiricos, and Gertz 2016). More recent studies, however, have begun to document how white Americans’ punitive attitudes may also be provoked by perceived cultural threat. For example, Newman, Hartman, and Taber (2012) report that when whites interact with immigrants who speak little to no English, this heightens their perception that immigrants are a cultural threat and leads to them favor capture and deportation. Recent work has also documented a growing perception of Muslims as an ethno-cultural “other” that poses a political and cultural threat to Americans (Dahab and Omori 2019; Edgell et al., 2016; Gerteis, Hartmann, and Edgell 2019). This othering of Muslims has led to an increasing number of poorer Muslim Americans experiencing similar profiling, harsh policing, and general punitiveness in the criminal justice system as have Black and Latino individuals and communities (Norton 2013). Taken together, these findings support Jost and colleagues’ “system justification theory” which posits those with status or in power seek to justify the status-quo and tend to be more punitive to historically disadvantaged minorities (Jost et al. 2004). Though we do not measure “racial threat” directly in our analyses, we build on these findings documenting whites’ relative bent toward assuming hypothetical perpetrators are racial others and thus exhibit greater punitive responses to perceived political and cultural threat. Below we propose this is activated and heightened by sacralized authoritarianism.

**Biblicist Christianity and Punitiveness**

Numerous studies have sought to understand the connection between religious characteristics and Americans’ attitudes toward crime, and punitiveness in particular (Applegate
et al. 2000; Bader et al. 2010; Baker and Booth 2016; Baker and Whitehead 2020; Baumer et al. 2003; Davis 2018, 2019; Frost 2010; Grasmick et al. 1993; Thomson and Froese 2016; Unnever, Cullen, and Applegate 2005). The relationship between American religion, particularly Protestantism, and punitive attitudes has a long history which has formed much of the current landscape (Erikson 1966; Graber 2011). As Graber (2011) shows, failure to convert prisoners on a mass scale forced Protestant prison reformers to abandon values like “redemption” and “grace” for prisoners and adopt a view that prison was a necessary punishment for rule breaking. Within the social science literature, studies have identified a connection between “fundamentalist Christianity” (most often measured by biblical literalism or conservative Protestant affiliation) and the degree to which Americans seek out harsher penalties (e.g., the death penalty) for perceived criminals. Most studies framed the link between fundamentalism and punitiveness in terms of doctrinal beliefs in human sinfulness, images of God, or transcendent evil (see reviews of this literature in Bader et al. 2010; Baker and Booth 2016; Unnever et al. 2005). Others in the psychology literature have drawn the connection between fundamentalism and punitiveness through Right-Wing Authoritarianism (Altemeyer and Hunsberger 2005). More recent studies, however, have sought to further complicate this relationship between fundamentalism and punitive ideology, suggesting that some aspects of fundamentalism may incline Americans to favor mercy over justice, while others still seem to incline Americans toward punishment. For example, while frequent worship attendance is increasingly correlated with biblical literalism (see Chaves 2017:109-110), Bader et al. (2010; see also Baumer et al. 2003) find that Americans who attend church more often are less inclined to think criminals should be punished more harshly, while those who affirm biblical literalism favor harsher punishments (cf. Baker and Booth 2016; Davis 2018; Thomson and Froese 2016).
While the potential moderating role of race has only rarely been considered in studies that explore “fundamentalism’s” impact on punitiveness (sometimes because of sample size, e.g., Grasmick et al. 1993), several exceptions have indeed reported that the connection may hinge on race. Using the 1988 and 1991 GSS waves, respectively, Young (1992) and Britt (1998) both reported that identifying as a Black American (versus white) and affiliating with a denomination characterized as “fundamentalist” was associated with greater disapproval toward the death penalty. Only the former tested for an interaction with being black × biblical literalism and the term was non-significant. Using data from the 2002 and 2003 Houston Area surveys, McDaniel and Ellison (2008) found that while white biblical literalists were less likely to favor decreasing mandatory sentences and choosing life sentencing over the death penalty, Black respondents who were biblical literalists were actually more likely to favor such policy changes. Using 2007 Baylor Religion Survey data, Baker and Booth (2016, supplemental analysis in endnote 7) found that among Black Americans belief in “religious evil” was not significantly correlated with support for capital punishment, but this belief was predictive of whites’ support for capital punishment. And most recently, Campbell and Vogel (2019) document that incarceration rates over time have increased in states with a growing white/Black age disparity (older whites and younger blacks), but that this effect is mediated almost entirely by conservative Protestant affiliation rates, also suggesting a strong link between white religious conservatism and increased punitiveness.

While these studies do not explore Americans’ views toward judicial errors, their findings strongly suggest that any examination of biblicist Christianity’s influence on whether Americans favor wrongful conviction over erroneous acquittal must take race into account.

Public Preferences Regarding Wrongful Conviction Versus Erroneous Acquittals
The question of whether societies—if they are to err in administering justice—ought to err on the side of protecting the innocent rather than punishing the guilty has a history that dates back centuries (see quotes dating back to the mid-1700s in Xiong et al., 2017). With few exceptions (e.g., von Bismark, Pol Pot, the Khmer Rouge regime, see Locard 2005; Sorochan 2008), the vast majority of commentators and political leaders have historically argued that a just society must err on the side of protecting the innocent (Allhoff 2018).³ Research on public opinion regarding judicial injustice have found that the majority of adults in Canada, the United States, Europe, and Asia also tend to believe societies should prioritize protecting the innocent from wrongful conviction (de Keijser et al. 2014; Flexon 2011; Givati 2011; Ricciardelli et al. 2009; Scurich 2015; Xiong et al. 2017), though that priority tends to vary by the severity of the hypothetical crime (e.g., de Keijser et al. 2014; Sommer et al. 1991). Several limitations of these data sets include most of the samples being drawn from non-random convenience samples and smaller sample sizes. Even among those studies that included national probability samples like in the GSS or its international analogs, little attention has been paid to religious factors or racial identity, and never the interaction between the two.

Among the few exceptions that take race and/or religion into consideration, Young (2000; see also Young 2004) focused on a sample of white Americans from the 1985, 1990, and

³ Perhaps the most famous statement made on the issue is that of British jurist William Blackstone (1765) whose legal commentary stated, “The law holds that it is better that ten guilty persons escape, than that one innocent suffer.” This has come to be known as “Blackstone’s ratio,” asserting that protecting one innocent person from wrongful conviction is worth 10 erroneous acquittals (see de Keijser et al. 2014; Scurich 2015; Xiong et al., 2017).
1996 GSS and found that affiliating with a fundamentalist denominations was positively associated with a preference for wrongful convictions over erroneous acquittals. Flexon (2011) restricted his sample even further to whites who supported the death penalty and found that fundamentalist affiliation was no longer predicted a preference for wrongful conviction. Young’s (2000) analysis, however, controlled for no other political characteristics, and neither study controlled for any other religious characteristics. Moreover, because their analyses were limited to white Americans, there was no way to account for the influence of racial identity.

Also focusing on the same outcome in the GSS, Monte (2006) found at the bivariate level Americans who affirmed biblical literalism were more likely to say erroneous acquittals were the worse judicial error than wrongful convictions. Again, however, race was not taken into account; nor were any other potential confounds. Givati (2014) used the 2006 GSS to predict Americans’ preference for judicial error and found that neither religious service attendance nor strength of Republican affiliation predicted a preference for wrongful conviction. His analysis, however, did not control for race or conservative Bible belief or affiliation. And most recently, using 5 GSS waves, Givati (2019) controlled for identifying as Black (versus any other race) and found Black Americans were less likely to prefer wrongful convictions over erroneous acquittals, though in this case, without taking any religious factors into account.

**THEORIZING THE INTERSECTION OF WHITENESS, BIBLICIST CHRISTIANITY, AND A PREFERENCE FOR UNJUST PUNISHMENT**

Building on previous findings underscoring the importance of both race and religion to understanding Americans’ punitive attitudes, and specifically, how they evaluate hypothetical instances of judicial injustice, we theorize that white racial identity and biblical literalism are likely associated with Americans’ preference for wrongful conviction *in their combination*
rather than either in isolation. On the one hand, white racial identity inclines Americans to perceive threats to the racial status quo and associate criminality with racial minorities more so than minorities do themselves (King and Wheelock 2007). Yet these perceptions may not be activated to affect white Americans’ bent toward punitiveness unless combined with an authoritarian tendency to control deviance. Biblical literalism, on the other hand, as an indicator of conservative theological belief and identity (Perry and Grubbs 2020; Perry and McElroy 2020), also perceives threats to a sacralized, traditional social order and can justify authoritarian practices of control and coercion to defend that order. Yet, several studies that examine the interaction between race and biblical literalism suggest that the authoritarian tendencies within biblicist Christianity are not as salient among people of color and specifically Black Americans, who interpret their faith and authoritative Scriptures differently from whites due to their collective experiences and structural location (McDaniel and Ellison 2008; Shelton and Emerson 2012).

Thus we propose that white racial identity and the sacralized authoritarianism latent within biblical literalist views are intimately intertwined such that white Americans will prefer unjust punishment of the innocent rather than let the guilty go free. Based on these ideas, we expect that both white racial identity and identification with biblical literalism will each be significantly associated with preference for wrongful conviction to erroneous acquittal (as in previous research, see Flexon 2011; Givati 2011, 2014, 2019; Monte 2006; Young 2000, 2004), but when the two are interacted, the interaction term will be the central factor correlated with Americans’ preference for wrongful conviction, rendering the lower-order terms for either whiteness or biblical literalism non-significant.

**Method**
Data

In order to test these hypotheses we aggregate four waves of the General Social Survey (GSS), 1985, 1990, 1996, and 2016. These are the only waves of the GSS that contain the two main measures of interest described below. (The judicial injustice and biblical literalism measures both appear on the 2006 GSS, but were asked on different ballots.) The GSS has been fielded by the National Opinion Research Center (NORC) since 1972 and biennially since 1994. Using in-person interviewing and advanced sampling techniques the GSS continues to set the standard for data sources investigating Americans’ behaviors, beliefs, and attitudes on pertinent social issues and is representative of all non-institutionalized adults living in the United States. The total analytic sample is 3,785 respondents. See Table 1 for demographic information.

Measures

**Dependent Variable**

Our dependent variable is a measure that asks respondents, “All systems of justice make mistakes, but which do you think is worse? To convict an innocent person or to let a guilty person go free?” Possible response options include, “Convict innocent,” “Free the guilty,” “Can’t choose,” and “No answer.” In order to test punitive attitudes, we dichotomized the measure such that respondents who believed that to “Free the guilty” is the worst judicial mistake—over and above convicting the innocent—as 1. Therefore, we are predicting which Americans prefer wrongful conviction over erroneous acquittal. All other response options were recoded as 0. We chose this coding strategy for three reasons. First, it is a more conservative test of our hypothesis. The relationship we highlight in the results section is slightly *stronger* when comparing “Free the guilty” to “Convict innocent” directly with “Can’t choose” and “No answer” responses coded as missing (see Appendix Table A1). Second, it allows us to retain a
significant amount of data. Over the four waves of the GSS, 12.86 percent of respondents chose “Can’t choose” as their response. Finally, we compared this coding strategy to alternate strategies and the substantive results described below are unchanged.

Just over one-fifth of the sample, 21.32 percent, believe freeing the guilty is the worst judicial injustice and prefer wrongful conviction (see Table 1). Making up the contrast category are the 63.85 percent of Americans who believe condemning the innocent is the greater judicial injustice alongside the 12.86 percent who “Can’t choose” and the almost two percent who did not answer.

**Key Independent Variables**

The two independent variables of interest are racial identity and identification with biblical literalism. From 1972 until 2002 the GSS mostly relied on interviewer observation to code respondents into three broad racial categories: “White,” “Black,” or “Other.” Identifying respondents’ race using older waves of the GSS that use this method presents clear limitations. However, three of the four waves with our dependent variable of interest account for race using these three categories, so we follow suit. Respondents were coded as either white, Black, or other. Because our hypotheses focus on white Americans’ punitiveness and literalist views specifically, Black Americans serve as the contrast category.

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4 Harnois (2017:66) points out a number of these including the fact that “racial and ethnic identities are too complex to be assessed with a single survey question,” interviewers may mistakenly categorize respondents, it assumes race is a stable and obvious characteristic, and most importantly the “Other” category contains a wide variety of people essentially marginalizing non-white and non-Black minorities.
Our second independent variable of interest is Americans’ views about the Bible. The GSS asks, “Which of these statements comes closest to describing your feelings about the Bible? The Bible is actual word of God and is to be taken literally, the Bible is the inspired word of God but not everything in it should be taken literally, the Bible is an ancient book of fables recorded by men.” Respondents could also choose “Other,” “Don’t know,” or “No answer.” Respondents who believe the Bible is the actual word of God and should be taken literally, who we call “biblical literalists” following a long tradition of previous research in this area (e.g., Baker and Booth 2016; Ellison and Sherkat 1993; McDaniel and Ellison 2008; Monte 2006; Perry and Grubbs 2020), were recoded as 1 with all other responses recoded as 0.\(^5\)

**Control Variables**

In order to ensure our findings are robust we include a number of control variables following previous research (Baker and Booth 2016; Davis 2018, 2019; Ellison and Sherkat 1993; Givati 2014, 2019). First, we include additional religion measures. Religious service attendance ranges from Never = 0 to Several times a week = 8. We also sort respondents into seven religious traditions using the RELTRAD typology (Steensland et al. 2000): Evangelical Protestant, Mainline Protestant, Black Protestant, Catholic, Jewish, Other, and No affiliation. Black Protestants serve as the contrast category.

Our socio-demographic controls include age (in years), gender (female = 1), region of the country (South = 1), marital status (married = 1), whether there are children in the home (child(ren) = 1), political party with Democrats serving as the contrast category compared to

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\(^5\) We also ran all models and race interactions using a series of dichotomous variables for the Bible views question. These findings are presented in Appendix Table A.2 for those interested.
Independents and Republicans, and political conservatism ranging from Extremely liberal = 1 to Extremely conservative = 7. We also include a series of dichotomous variables for survey year with 2016 serving as the contrast category.

**Analysis**

Due to the dichotomous coding of the dependent variable we employ binary logistic regression in our multivariate models.\(^6\) In order to account for missing data over the four waves of the GSS we used multiple imputation (MI) techniques.\(^7\) In our multivariate results we provide

\[^6\] As a robustness check, we maintained the original ordinal coding of the dependent variable and tested whether the Proportional Odds Assumption was violated in a cumulative logistic regression model. While the results were substantively the same, the Proportional Odds Assumption was violated and thus ordinal regression was deemed less appropriate than binary logistic regression. As a further robustness check we ran multinomial logit models. We found that the interaction between race and biblical literalism was significant but only when comparing the wrongful conviction and erroneous acquittal response categories. This suggests there are no significant or substantive differences between these different modeling strategies and so we choose to present binary logistic regression findings because they are much more straightforward than multinomial regression tables.

\[^7\] In SAS 9.3 the PROC MI procedure generates five data sets with imputed values using multiple Markov Chains based on all of the variables included in the models. This results in an overall N of 23,080 (4,616 x 5). All multivariate analyses use the MI data sets. The results in Table 2 and those used to estimate the predicted probabilities graphed in Figure 1 use the MI ANALYZE
standardized coefficients alongside odds ratios. The standardized coefficients are estimated as $B_{yx}^* = b_{yx}(s_x/s_y)$ and use Pampel’s (2000) simplification assuming the standard deviation of \( \logit(y) = 1.8138 \). The standardized coefficients allow us to examine substantive significance alongside statistical significance. We use the proportional reduction in error (PRE) statistic to estimate model fit. We calculate PRE as the likelihood ratio chi-square divided by the -2 log likelihood intercept model only. The PRE score for each model is the average of all the PRE scores across the five imputation models. We then estimate and graphically display in Figure 1 the predicted probability of Americans’ preferring wrongful conviction to erroneous acquittal.

TABLE 1 ABOUT HERE

RESULTS

In Table 1 we report that just over one-fifth of Americans (21.32 percent) prefer wrongful conviction and believe that freeing the guilty is a greater judicial injustice than condemning the innocent. We also find that preferring wrongful conviction is weakly and negatively correlated with being Black, not significantly correlated with being white, and weakly and positively correlated with being identifying as “Other” race. Finally, being a biblical literalist is positively and significantly correlated with preferring wrongful conviction over freeing the guilty.\(^8\)

Turning to the logistic regression analyses in Table 2 we see in Model 1 that there are

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\(^8\) See Appendix Figure A1 for how biblical literalism is related to the dependent variable for white and black Americans.
significant differences in preferring wrongful conviction over erroneous acquittal. In fact, the odds of whites believing that erroneous acquittal is the greater injustice are almost two times higher than the odds for Black Americans. The standardized coefficient for the difference between white and Black Americans is the strongest in the model ($\beta = .12; p < .01$). Similarly, biblical literalists are much more likely to prefer the wrongful conviction of innocent people rather than erroneous acquittals of guilty people ($\beta = .12; p < .001$). Jewish Americans are significantly less likely to prefer wrongful conviction compared to Black Protestants, while mainline Protestants are also less likely, but the difference is only marginally significant. Political conservatives and those who self-identify as Independents (compared to Democrats) are all more likely to prefer wrongful conviction. Younger adults, women, and married folks are more likely to prefer wrongful conviction but the associations are only marginally significant.

Once we include our interaction terms for race $\times$ biblical literalism in Model 2, the lower-order effects for both race and biblical literalism are no longer statistically significant. In contrast, the white $\times$ biblical literalism interaction is both positively and significantly correlated with preferring wrongful conviction over erroneous acquittal. Standardized coefficients, in fact, indicate that the interaction term is the strongest predictor in the model. Similar to Model 1, Mainline Protestants and Jewish Americans are less likely to prefer wrongful conviction compared to Black Protestants, with the difference for Mainline Protestants only reaching marginal significance. Finally, the same socio-demographic controls in Model 2 are significantly associated with preferring wrongful conviction as in Model 1.\(^9\)

\[^9\] We also tested an interaction term for political conservatism and race, which was non-significant.
It is important to note that there were no significant differences between the 2016 wave and the 1985, 1990, and 1996 survey waves when compared to each across both models. In addition to controlling for survey year in our multivariate analyses, we also examined triple interactions between race, biblical literalism, and survey year in ancillary models. These allow us to test if the moderating relationship of race on biblical literalism’s association with preferring wrongful conviction changes depending on survey year. Like the main effects of survey year in the full model in Table 2, these triple interactions were non-significant.

Figure 1 graphically depicts the significant interaction between whiteness and biblical literalism on preferring a wrongful conviction over an erroneous acquittal. Among non-biblical literalists, the difference in the probability between white and Black Americans preferring wrongful conviction is non-significant. When we turn to biblical literalists, however, whiteness plays a significant moderating role. While there is virtually no difference among Black Americans in their preference for wrongful conviction regardless of their views about the Bible, biblical literalism clearly differentiates white Americans from one another on this issue. Moreover, there are tremendous differences across race. The predicted probabilities indicate that white Americans who are biblical literalists are two times more likely to prefer wrongful conviction to erroneous acquittal than are Black biblical literalists.

(DISCUSSION)

Our study aimed to extend our understanding of the ideological foundations undergirding America’s bent toward unjust punishment. While previous research has implicated whites’ perceptions of racial threat as well as authoritarian punitiveness associated with biblicist Christianity, we built on this literature to theorize that it was likely the two factors in
combination that would promote a preference for unjust punishment. Using GSS data and a question asking Americans to choose between wrongful conviction or erroneous acquittal, we found that while whiteness and biblical literalism are both independently associated with a preference for wrongful conviction, when they were combined into an interaction term, being a white biblical literalist (as opposed to a non-white biblical literalist or a white non-biblical literalist) was most strongly linked to preferring wrongful conviction. The two lower-order terms also became statistically non-significant, indicating that whiteness and identification with biblical literalism work in combination on this issue.

Our study extends our understanding of race, punishment, and religion and their intersection in several important ways. Though numerous studies have examined public opinion regarding judicial errors in the United States and elsewhere (e.g., de Keijser et al. 2014; Flexon 2011; Givati 2011, 2014, 2019; Monte 2006; Ricciardelli et al. 2009; Scurich 2015; Sommer et al. 1991; Xiong et al. 2017; Young 2000, 2004), our study demonstrates how, in the American context at least, such issues are “racially-coded” (Davis 2019). There is a clear division between Black Americans and non-Black Americans in the way they weigh wrongful convictions versus erroneous acquittals. White Americans who have enjoyed greater access to power seek to justify the status quo and police historically disadvantaged populations with more punitive measures (Jost et al. 2004). Given this reality in combination with previous work documenting whites’ tendency to view hypothetical perpetrators as racial minorities, we argue that our guilty/innocent hypothetical likely primes whites’ racial threat and status quo response. Yet, while some research suggested this was likely the case (e.g., Givati 2019), our study shows this racial story must necessarily take biblicist theological views into account. Indeed, once the interaction between whiteness and adherence to biblical literalism is accounted for, being white
rather than Black was no longer associated with a differential preference for wrongful conviction over erroneous acquittal. This finding requires that researchers of public opinion regarding judicial injustice consider not only its fundamentally racial implications, but also those related to cultural conservatism generally and (sacralized) authoritarian social control specifically, which seem to activate the racial difference (see also Cohen et al. 2009).

Extending the implications of our central finding beyond American punitiveness specifically, our study broadens our understanding of how “race is spiritualized” (Emerson et al. 2015) and its consequences for how Americans evaluate institutional inequality. A large literature has elaborated how both covert and overt ideologies reinforcing white supremacy tend to heighten white Americans’ sensitivity to potential threats, and how these “threats” from real or imagined racial minorities can trigger an increased preference among whites for greater institutional control and harsh treatment (Jost et al. 2004; Newman et al. 2012; Stupi et al. 2016). However, our findings document how conservative Christianity, which also perceives the world through threats to a sacralized, traditional social order (Baker and Booth 2016; Davis 2018; Hunter 2010; Perry and Whitehead forthcoming), may play a powerful—but rarely acknowledged—role in activating and intensifying whites’ inclination to react against such perceived threats, causing them to suspend a general preference for protecting the innocent, so long as problem (implied minority) populations are controlled. As various experimental studies show, religious concepts consistently prime anti-black prejudice and may also activate related constructs that lead to anti-black prejudice and desire for punitive control (Howard and Sommers 2015; Johnson, Rowatt, LaBouff 2010).

Finally, our findings further elaborate how “religion is raced” (Yukich and Edgell 2020; see also Ellis 2018; Emerson et al. 2015) in the American context. In the literature on American
religiosity and its connection to generalized prejudice and social boundaries, biblicist Christianity has been connected to both authoritarian control and hyper-punitiveness, often through the mechanism of either authoritarian personality (e.g., Altemeyer and Hunsberger 2005) or theological beliefs regarding sinfulness and judgment (e.g., Baker and Booth 2016; Ellison and Sherkat 1993; Grassmick et al. 1993). However, our finding that adherence to biblical literalism does not incline Black Americans toward unjust punitiveness provides necessary qualification for such theories. Literalist beliefs about the Bible must be considered within their racial context. As McDaniel and Ellison (2008:183) have argued, Black and white Americans have long occupied different structural locations in American society and thus have approached the contents of the Bible in markedly different ways (see also Shelton 2010; Shelton and Emerson 2012; Perry and Whitehead 2019; Whitehead and Perry 2020). Consequently, when black Americans take the Bible “literally” they are likely drawing on different stories, narratives, and principles than their white counterparts, which intuitively would incline them to draw different connections between their religious culture and America’s justice system (Britt 1998). At the very least, our findings strongly suggest that theorizing about biblicist Christianity and its connections with authoritarian inclinations must be examined across racial groups.

The data for our study have several limitations that we wish to acknowledge in order to chart a path for future research. First, our data are cross-sectional and as such we cannot definitively determine causal relationships. Using research designs that allow for testing causal relationships at the intersection of religion, race, and punitive attitudes continues to be of importance (see Howard and Sommers 2015). Second, the most significant limitation we faced was how prior waves of the GSS measured race and ethnicity. As we explain in the Data section and in footnote 6, relying on interviewer observation opens the door for mistaken
categorizations and using only three broad racial categories dramatically overlooks the complexity of racial and ethnic identities. It also rests on the assumption that race is stable and obvious to outside observers (Harnois 2017: 66). Thankfully, since 2002 the GSS has improved its strategy for measuring race and ethnicity. As future survey waves include measures of public opinion regarding judicial errors in the United States alongside better measurement of race and ethnicity, researchers will be able to further examine the connections between authoritarian religion, race, and punitive attitudes.

A third limitation of this finding is our inability to determine the types of crimes respondents imagine when they are asked if wrongful conviction or erroneous acquittal are the greater judicial injustice. Previous research suggests that respondents’ opinions on judicial injustice could vary somewhat by the type of crime committed (de Keijser et al. 2014; Sommer et al. 1991). Moreover, it could be that different races and ethnicities not only imagine the “perpetrator” differently, but the proposed crime, as well. This would certainly influence their responses. Building on our finding that punitive attitudes may very well be structured by the intersection of authoritarian religion and race, more fine-grained quantitative measurements using vignettes or follow-up questions, paired with open-ended or interview data, would allow researchers to better understand the social processes and mechanisms underlying this finding.

Another possibility for future research is exploring how judicial (in)justice attitudes are related to views of policing or other aspects of the criminal justice system. Finally, it will be important for future research to construct experimental designs to test this finding, especially among smaller sample sizes, in order to further determine the practical significance of these findings.

**CONCLUSION**

Though we find the majority of Americans do indeed seem to follow traditional
evaluations of hypothetical judicial injustice, showing preference for protecting the innocent over condemning the guilty, we nevertheless show that a substantial minority of Americans—white biblical literalists in particular—favors unjust punishment to erroneously acquitting the guilty. Given that white Americans often have racial minorities in mind when queried about the criminal justice system, this finding furthers our understanding of white Americans’ bent toward unjust punitiveness toward minorities. While prior work has explored the issue of judicial errors in the US and elsewhere, much of it has largely ignored race and religion, and to our knowledge, all have neglected the vital intersection of the two. Our findings stress that future work examining public opinion on issues of injustice in policing and the courts must not ignore the crucial intersection between race and religion. Americans’ socially constructed definitions of justice not only depend on each, but it is their intersection that dramatically modifies Americans’ punitive attitudes. Such a finding is important beyond the scientific community. Community leaders, clergy, journalists, and policy makers’ work toward creating a more just society via direct action or through understanding recent shifts in Americans’ attitudes toward the Black Lives Matter movement and reforming the justice system necessarily depend on understanding the significant intersection of religion and race.
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