

ORIGINAL ARTICLE

Public perceptions of castle doctrine and stand your ground cases

Emma Sower¹  | Apryl A. Alexander²  | Hannah Klukoff³ 

¹Clinical Psychology Department, Palo Alto University, Palo Alto, California, USA

²Department of Public Health Sciences, University of North Carolina at Charlotte, Charlotte, North Carolina, USA

³McCourt School of Public Policy, Georgetown University, Washington, District of Columbia, USA

Correspondence

Apryl A. Alexander, Department of Public Health Sciences, University of North Carolina at Charlotte, 9201 University City Blvd., Charlotte, NC 28223, USA.

Email: apryl.alexander@uncc.edu

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Abstract

Introduction: Stand your ground (SYG) and castle doctrine (CD) laws are presently growing throughout the United States. The present study aims to better understand public perceptions of SYG and CD cases and demographic factors that influence judicial decision making.

Methods: Participants were 204 adults who were randomly assigned one of four vignettes that depicted a CD or SYG scenario and varied by defendant demographics. After reading the vignette, participants completed a questionnaire assessing whether they believed the defendant was guilty of the murder and whether the homicide was justified.

Results: Results indicated participants were more likely to assign a guilty verdict to the SYG scenario, compared to the CD scenario. Additionally, participants assigned to the SYG vignette believed the male defendant was more justified in killing the victim, compared to participants assigned the female defendant.

Conclusion: Results from this study reveal how potential jurors may harbor sex/gender bias in determining justifiable homicide in stand your ground cases.

KEYWORDS

castle doctrine, gender, justifiable homicide, policy, race, self-defense, stand your ground laws

On September 6, 2018, 31-year-old police officer Amber Guyger (a White woman) stated she mistakenly entered the wrong apartment and fatally shot 26-year-old Botham Jean (a Black man), as he was sitting on his couch watching television and eating ice cream. Guyger was initially charged with manslaughter but was later indicted by a grand jury for murder. On September 30, 2019, Dallas District Court Judge Tammy Kemp instructed jurors to consider Texas' castle doctrine (CD) in deciding their verdict for Guyger. On October 3, 2019, Guyger was convicted of murder and sentenced to 10 years in prison (eligible for parole in 5 years). Former Texas State Senator Jeff Wentworth, who created the Texas bill for the CD statute in

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2007, stated, “[The castle doctrine] was designed for you in your home. It wasn’t designed for this kind of circumstance that existed in this Dallas case” (Hutchinson 2019).

The application of the CD, like in the Guyger case or stand your ground (SYG) laws, is increasing. Many CD or SYG cases involve White people causing bodily or fatal harm to racially minoritized people. The highly publicized murders of Trayvon Martin, Jordan Davis, and Renisha McBride (all Black Americans) are examples of situations when CD and SYG laws were raised to justify homicide. Past research on SYG and CD laws reveals unfair treatment of racially minoritized individuals and/or women in the criminal legal system regardless of whether they are a victim or a perpetrator (Ackermann, Goodman, Gilbert, Arroyo-Johnson, and Pagano 2015; Murphy 2018; Purdie-Vaughns and Williams 2015; Roman 2013; Wagner, Kim, and Hagler 2016). The present study aims to expand upon this existing literature on public perceptions of SYG and CD cases.

ORIGINS OF THE CD AND SYG LAWS

Modern-day CD and SYG laws originate from common law, which refers to laws brought over from England to the United States (Rutz-Burri 2018). Both CD and SYG laws are based on the appropriateness of the use of force in self-defense situations. The degree of acceptable force in these laws varies by state governance, with some states allowing the use of deadly force in situations perceived as having an imminent danger. At present, there are no federal common law crimes (Rutz-Burri 2018), which is why some states have adopted and adapted CD and SYG laws, whereas other states have no such structure. Social control theory has been applied to the examination of these laws. Citizens believe that they have the right to protect themselves through personal or informal social control (Dirlam, Steidley, and Jacobs 2021); therefore, self-defense laws are created as a form of justifiable homicide.

CD laws allow individuals to protect their land or property against intruders. Historically, CD laws allow an individual the right to protect their home (i.e., “castle”) from invaders, including the right to use deadly force, without a duty to retreat (Guetaffi and Munasib 2018). States differ in their acceptance of the use of deadly force in CD cases. For example, in Florida, there is “no duty to retreat” when there is an intruder in an individual’s home. In these instances, the occupant has the right to “stand his or her ground” by using deadly force if they believe the intruder to be an imminent threat to their life. In Colorado, if there is an intruder in an individual’s home, the individual can use the degree of force that they believe is necessary for the purpose of defense against the intruder. However, they can only do so in cases when they either (1) believe the intruder will use physical force against them or (2) the intruder has committed (or intends to commit) another crime along with the uninvited entry, or the intruder made unlawful entry into the home. There has also been discussion surrounding *where* CD laws protect an individual’s use of force. For example, does the line of protection begin at the property line, the porch, or the front door?

In comparison, SYG laws involve cases in which an individual has the right to “hold their ground” and use deadly force when there is a need for them to protect or defend against imminent threat of death (Cheng and Hoekstra 2013). SYG laws are also known as “no duty to retreat” laws or “line in the sand” laws. Typically, SYG applies to self-defense at locations outside of a person’s home or any place where a person has the legal right to be (e.g., workplace, vehicle). Butz, Fix, and Mitchell (2015) note, “Advocates of SYG laws argue that permissive SYG measures are necessary to ensure a fundamental right to self-defense and defense of one’s property irrespective of location or circumstances” (p. 348). Some jurisdictions allow for SYG laws in cases in which individuals are protecting themselves against rape, serious bodily harm, kidnapping, or robbery. Utah passed the first modern SYG law in 1994; however, the far-reaching legislative movement gained momentum in Florida over 10 years later. Signed into law by then-Governor Jeb Bush on April 26, 2005, the SYG statute in Florida broadened the right of self-defense by loosening the legal requirements for the *justifiable* (i.e., when a person feels threatened) use of deadly force. Since then, over 20 states have passed related laws (Adams 2022; Cheng and Hoekstra 2013).

Modern applications

SYG and CD laws have received increasingly intense public and media attention and debate within the last decade. The Black Lives Matter movement has brought national and international public attention to cases in which White individuals have murdered Black people and have used SYG or CD laws to justify the homicide. Scholars have questioned the application of self-defense laws, especially in the context of racially motivated homicides (Ackermann et al. 2015). In addition to social control theory, scholars examining self-defenses laws have noted it is important to examine how *minority threat theory* is related to outcomes in these cases (Butz, Fix, and Mitchell 2015; Dirlam, Steidley, and Jacobs 2021). The American Bar Association's National Task Force on Stand Your Ground Laws (2015) noted that implicit racial bias and cultural misperceptions of minoritized groups as "violent" or "aggression" related to SYG grounds laws might contribute to racial disparities in the application of justifiable homicide and bias jurors. The murders of Trayvon Martin, Tamir Rice, Jordan Davis, Renisha McBride, and Botham Jean are examples of these types of cases. We have outlined several cases below to provide context and understanding of recent applications of CD and SYG laws.

Trayvon Martin

On February 26, 2012, in Sanford, Florida, 17-year-old Trayvon Martin was walking back to his residence from a local convenience store when George Zimmerman was driving through the area. Zimmerman called the non-emergency line to report Trayvon Martin as a suspicious-looking person, and the 9-1-1 operator told Zimmerman that he did not need to follow Trayvon. Eventually, Zimmerman ended the call, approached Trayvon, and shot and killed him. Zimmerman's defense team had originally planned to use the SYG defense to grant Zimmerman immunity, but they were unable to seek a pretrial hearing. However, during the trial, the judge read the SYG statute and notified the jurors that Zimmerman had no duty to retreat and had the right to use deadly force if he felt his life was in danger. Zimmerman was ultimately acquitted of second-degree murder and manslaughter.

Jordan Davis

On November 23, 2012, in Jacksonville, Florida, Michael Dunn pulled into a gas station next to the vehicle with 17-year-old Jordan Davis and his friends. Dunn complained about the loud music the teenagers were playing, calling it "thug music" and "rap crap." Dunn then began arguing with the teenagers and subsequently shot and killed Jordan Davis. Dunn argued that he was acting in self-defense, claiming that Jordan moved toward him and threatened him. However, according to the state's medical examiner who testified during the trial, Jordan was sitting down when he was killed. During the closing arguments of the first trial, Dunn's attorney cited language from Florida's SYG laws. Ultimately, the first trial was declared a mistrial due to the jury's indecision on the charge of first-degree murder and the case was re-tried. At the second trial, Dunn was found guilty and sentenced to life in prison without the possibility of parole plus 90 years. The murder of Jordan Davis became known as the "loud music shooting" or the "loud music murder."

Renisha McBride

In the early hours of November 2, 2013, in Detroit, Michigan, 19-year-old Renisha McBride got into a motor vehicle accident. Disoriented, she left the scene on foot. Three hours later, Renisha was shot and killed by Theodore Paul Wafer on the porch of his Dearborn Heights home. Wafer claimed that he

believed his home was being broken into, and that he accidentally fired his 12-gauge shotgun. However, others argued she was looking for help after her car accident. During the trial, there was much discussion surrounding Wafer's front porch and whether a porch constituted a part of the home. It was legally declared that Wafer's porch was part of his home, but what remained unclear was if Renisha was trying to break into Wafer's *porch* or if she was trying to break into his *home*. Though CD laws were not explicitly discussed during the trial, this case brought to light two essential questions regarding CD: (1) Where does a homeowner's right to protect their property begin and end, and (2) to what degree of physical harm does a homeowner have the right to use? At the trial, Wafer was found guilty on all charges (i.e., second-degree murder, manslaughter, and possession of a firearm during the commission of a felony) and was sentenced to 17 to 32 years in prison.

Ahmaud Arbery

On February 23, 2020, 25-year-old Ahmaud Arbery was jogging in the predominantly White neighborhood of Brunswick, Georgia shortly after 1:00 p.m. He was followed by Gregory McMichael and his son, Travis McMichael, by vehicle. The two men then attacked, shot, and killed Arbery while he was jogging. Initially, the SYG defense as well as Georgia's citizen arrest law was raised, as it was argued that since the men believed Arbery to be a burglary suspect, they acted in self-defense. However, on May 7, 2020, the two men were charged with aggravated assault and murder. Meanwhile, another man, William Bryant, who filmed the death, was charged with felony murder and criminal attempt to commit false imprisonment 2 weeks later. After investigators found that Travis McMichael was heard using racial slurs moments after firing the shotgun that killed Arbery, the men were also indicted on federal hate crime charges.

Judicial outcomes

Over the course of the past two decades, researchers have examined self-defense laws, particularly those allowing for use of deadly force. Demographic variables, particularly the race and sex of the defendant and victim, have been found to be influential in the outcomes of SYG and CD cases.

Defendant sex

Past research surrounding defendant sex in SYG cases has shown female defendants have higher conviction rates, compared to their male counterparts (Murphy 2018). In 2017, Murphy analyzed 175 SYG cases from the 2005–2013 *Tampa Bay Times* dataset. Results showed male defendants had a 40 percent chance of conviction in a "typical domestic case" with a female victim, while female defendants had an 80 percent chance of conviction in similar cases with a male victim. Murphy then conducted a study simulating Marissa Alexander's¹ case and found that if Alexander had been a male defendant, her chance of conviction would have decreased by 0.42, going from a 55 percent of conviction to a 14 percent of conviction. These results reveal bias against women defendants in the criminal legal system, particularly in SYG and CD cases. Gaining insight into the influential role of victim and defendant sex in justified homicides will allow further dissection of the intersecting identities of victims and defendants throughout self-defense statutes and other criminal justice legislation.

¹ Marissa Alexander's estranged husband, Rico Gray, had a history of domestic violence against Alexander. In 2010, Alexander was in Gray's home when he threatened to kill her. Believing her life was in danger, Alexander retrieved a gun from her car in the garage and fired a "warning shot" at Gray. As Florida's SYG law allows for the use of lethal force, but not a "warning shot," Alexander was arrested for the incident. In 2012, Alexander was prosecuted for aggravated assault with a lethal weapon and was sentenced to a minimum of 20 years in prison.

Victim and defendant race

Previous research on SYG and CD cases has found that the race of the victim is a significant predictor of the case outcome (Ackermann et al. 2015; Purdie-Vaughns and Williams 2015; Roman 2013; Wagner, Kim, and Hagler 2016). Ackermann et al. (2015) analyzed 204 cases from the same 2005–2013 *Tampa Bay Times* SYG case database as Murphy (2018). Their results revealed that defendants were twice as likely to be convicted if the victim was White than if the victim was racially minoritized person. Similarly, Roman (2013) found that SYG cases with Black victims and White perpetrators were more likely to be ruled as justified homicides, with 281 percent greater odds than homicides with White victim(s) and White perpetrators. Finally, in Yakubovich et al.'s (2021) systematic review of SYG and CD research, they found that SYG cases that involved racially minoritized victims were less likely to end in convictions than cases with White victims. SYG cases resulting in homicides with White victim(s) and Black perpetrators were less likely to be ruled as justified.

Additionally, Wagner, Kim, and Hagler (2016) analyzed the *Tampa Bay Times* SYG database and found that the racial identity of the victims matters in determining the probability of a guilty verdict or conviction. When compared to cases involving racially minoritized victims and White perpetrators, the data set revealed there was more than a 50 percent increase in the chance of finding the perpetrator guilty. In cases where the racial identity of the victim was White, the conviction rate was almost 37 percent versus the rate of 24 percent in cases where the racial identity of the victim was Black. Similarly, Murphy (2018) found that there was a 90 percent chance of conviction in SYG cases with White victims and White defendants, but the rate increased to 100 percent in cases with White victims and Black defendants. Murphy (2018) also simulated the murder of Trayvon Martin and discovered that if Martin was a White male, the conviction rate of George Zimmerman would have increased from 69 percent to 98 percent. Past research on SYG and CD cases clearly reveal the marked influence of the victim's race on the outcome of the case. In fact, in Dirlam, Steidley, and Jacobs's (2021) analysis of states that adopted SYG laws from 2005 to 2011, results indicated historical lynching rates had a positive association with the adoption of SYG laws. These outcomes appear to show potential bias toward racially minoritized individuals rather than legitimate legal issues, highlighting unfair treatment within the criminal justice system in SYG and CD cases.

CURRENT STUDY

To date, there is little research surrounding the influence of defendant gender in public perceptions of SYG or CD cases. The present study examines how the sex of the defendant may influence the participants' determination of sentencing outcomes in vignette SYG or CD cases with an African American victim. Findings from this type of study can increase our understanding of the impact the defendant's sex may have on jury members in CD and SYG cases. The hypotheses for the present study were:

- H1:** Participants are more likely to find the SYG defendant guilty, compared to the CD defendant.
- H2:** Participants with the CD vignette are more likely to find the male defendant guilty, compared to the female defendant.
- H3:** Participants with the SYG vignette are more likely to find the male defendant guilty, compared to the female defendant.
- H4:** Participants with female defendant vignettes are more likely to consider the murder justified than participants with male defendant vignettes.
- H5:** Participants who identify as female will be more likely to find any of the defendants guilty than participants who identify as male.

The present study also examined participants' knowledge and familiarity with CD and SYG laws, as well as participants' present beliefs surrounding those laws.

METHOD

Procedure

Participants were recruited through Qualtrics Panels as a part of a study on public perceptions of deadly shooting cases. Qualtrics Panels is an online survey delivery service that researchers can use to recruit study participants, particularly from hard-to-reach demographics (Brandon et al. 2014). Adult participants (aged 18 years and older) who resided in the United States were recruited through an e-mail invitation that included the expected duration of the study and the type of incentive available for participation. Each participant was presented with a consent form explaining the procedure for the study and participation requirements, which included being a current resident of the United States, at least 18 years old, and a fluent speaker of the English language. The study took approximately 5 to 10 min to complete. Participants received an incentive directly from Qualtrics Panels, including cash, airline miles, gift cards, redeemable points, sweepstakes entrance, or vouchers. The university institutional review board approved the study procedures.

Manipulation check

The vignettes did not intentionally mention the race/ethnicity of the victim, as this has been an effective technique for obtaining implicit race/ethnicity bias effects in previous studies (Bertrand and Mullainathan 2004; Schram et al. 2009).

Two questions were built into the survey to gauge whether participants had attended to the case vignette. The first was, “What was the race/ethnicity of the victim?,” which assessed whether the participant either correctly recalled or correctly identified the race/ethnicity of the victim. The second was, “What gender was the defendant (Smith)?,” which assessed whether the participant could correctly recall the gender of the defendant. Results from the manipulation checks suggested that most participants were tracking the changes in our independent variable, as few people provided incorrect responses. More specifically, 34.4 percent of participants incorrectly identified the race of the victim White or Latine.

Most participants were able to identify the correct gender of the defendant in each vignette. In the SYG vignette, most participants accurately described the defendant's gender in both the male defendant condition (84.7 percent) and the female defendant condition (69.5 percent). For the CD vignette, most participants accurately described the defendant's gender in the male defendant condition (79.6 percent) and the female defendant condition (57 percent). Few participants (3.1 percent) stated that the vignette did not describe the defendant's gender. Therefore, 180 of the original 384 participants were removed from the analyses due to failing the manipulation checks, which left 204 participants in the final sample in the study.

Participants

Of the 204 included participants, 57 percent self-identified as female and 43 percent self-identified as male. The participants' average age was 36.5 years ($SD = 14.14$ years; range 18–78 years). Approximately 60 percent of participants identified as White, 17 percent Black, 9 percent Latine, 7 percent Asian, and 7 percent biracial/multiracial. Approximately 42 percent of participants are married or in a committed relationship, followed by 43.6 percent never married, 9.8 percent divorced, 2.9 percent separated, and 1.5 percent widowed. Over half of the participants (52.9 percent) are working full-time, and 62.8 percent of participants reported annual incomes below \$70,000. For educational attainment, 24.5 percent of participants reported having a high school degree or General Education Development (GED), followed by 27.9 percent some college, 30.9 percent with a bachelor's degree or higher, and 1.5 percent less than a high school diploma.

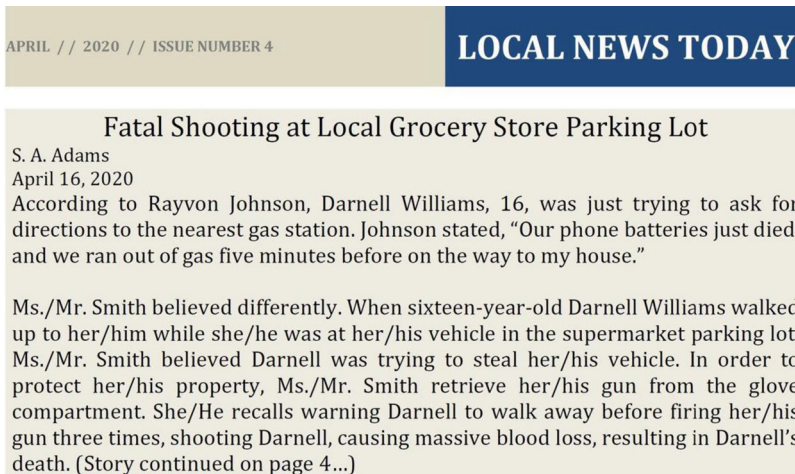


FIGURE 1 Stand your ground news story vignette.

The current study also asked participants about their proximity to the criminal justice system. Participants reported if they themselves, a significant other, or a family member had a law degree (13 percent), employment experience in a legal or correctional environment (11 percent), and/or military or law enforcement experience (27 percent). Approximately 60 percent of participants reported watching law-related programs (e.g., crime/news shows, forensic dramas, crime documentaries) 4 days a week or more.

Measures

Demographic questionnaire

General demographic data were obtained from the sample. Questions were asked about participants' age, racial/ethnic background, sex/gender, sexual orientation, relationship status, grade level, family income level, and political affiliation. Additionally, unique items were added to measure a potential Crime Scene Investigation (CSI) effect (i.e., how often participants watch law-related television programs) and to assess proximity to law enforcement or legal careers.

Case vignette

The vignette design offers respondents brief scenarios describing an event or incident (Rossi and Anderson 1982). Vignettes varied on the following factors: defendant gender (male vs. female) and incident type (CD vs. SYG). Each participant received one of four vignettes (Figures 1 and 2). To create more realistic, or "true-to-life," CD and SYG vignettes, we drew inspiration from the previously noted real-world cases to create an amalgam of both CD and SYG scenarios. We did not intentionally mention the race/ethnicity of the defendant or the victim in each of the vignettes. This approach has been an effective technique for obtaining implicit race/ethnicity bias in previous studies (Bertrand and Mullainathan 2004; Schram et al. 2009).



FIGURE 2 Castle doctrine news story vignette.

Outcome questionnaire

After reading the vignette, participants completed a questionnaire pertaining to the recommended outcome of the defendant. Participants were asked whether the defendant was guilty of homicide and whether the defendant was justified in shooting the victim. Each judicial outcome variable was measured dichotomously.

RESULTS

Defendant guilt

A chi-square test of independence was performed to examine the relation between vignette type (SYG or CD) and participant assignment of guilt. The relation between these variables was significant, $\chi^2(1, N = 204) = 4.13, p < 0.05$. Participants were more likely to assign guilty verdict to the SYG scenario, compared to the CD scenario. A chi-square test of independence was performed to examine the relation between defendant gender and participant assignment of guilt. The relationship between these variables was not significant, $\chi^2(1, N = 204) = 0.79, p = 0.37$. Finally, a chi-square test of independence was performed to examine the relation between participant gender and participant assignment of guilt. The relationship between these variables was not significant, $\chi^2(1, N = 204) = 0.02, p = 0.90$.

Justified homicide

A chi-square test of independence was performed to examine the relation between vignette type (SYG or CD) and whether the defendant was justified in shooting Darnell. The relation between these variables was not significant, $\chi^2(1, N = 204) = 0.31, p = 0.575$. Participants were not more likely to believe the defendant was justified in the SYG scenario, compared to the CD scenario. Another chi-square test of independence was performed to examine the relation between the defendant gender and whether the defendant was justified in shooting Darnell. Again, the relationship between these variables was not significant, $\chi^2(1, N = 204) = 1.924, p = 0.165$. Participants were not more likely to believe the defendant was justified in the SYG scenario, compared to the CD scenario. However, participants assigned to the SYG vignette believed

the male defendant was more justified in killing Darnell, compared to participants assigned the female defendant, $\chi^2(1, N = 105) = 3.82, p = 0.05$. For the CD vignette, there were no significant differences in participants' beliefs that the murder was justified based on the defendant gender, $\chi^2(1, N = 99) = 0.007, p = 0.93$.

Beliefs and knowledge of laws

Participants were asked about their familiarity with SYG and CD cases prior to participating in the current study. Approximately 45 percent of participants who received the SYG condition knew about SYG laws prior to the study. Only 29 percent of participants in the CD condition had heard about CD laws prior to the current study.

Participants were provided brief psychoeducation on SYG and CD laws. For the participants who received the SYG vignette, only 30 percent stated the SYG law should be used to protect the defendant in the vignette. However, 88 percent of the participants originally found the defendant guilty. For the participants who received the CD vignette, again, only 28 percent of participant stated the CD law should be used to protect the defendant; however, 77 percent originally found the defendant to be guilty.

Finally, participants were also asked whether or not they believe SYG and CD laws should exist. For participants with the SYG vignette, 61 percent believe that SYG law should exist. For participants with the CD vignette, 67 percent stated CD laws should exist.

DISCUSSION

SYG and CD laws are presently growing throughout the United States, with over 20 states invoking such self-defense laws (Cheng and Hoekstra 2013; McClellan and Tekin 2017) and justified homicide rates have increased in several states since these laws have been initiated (Mack and Roberts-Lewis 2016). According to Esposti et al. (2022), in early 2021, two states passed SYG bills, and another 14 states have SYG bills under active consideration. Given the increase in such laws, there has been concern about the rise in "legalized, weaponized vigilante actors" who use self-defense laws as justification to injure or murder Black Americans (Lewis 2021, p. 491). Given that self-defense laws have the potential to impact public health by exacerbating racial disparities and higher gun violence mortality (Ackermann et al. 2015), it is important to examine factors impacting decision making by potential jurors. Prior research has found that sociodemographic variables of the victim and defendant, such as race and gender, may influence judicial outcomes. The aim of the present study was to better understand the influence of defendant gender in both CD and SYG cases in which the victim is Black.

The main hypothesis was supported, as results indicated that participants were more likely to assign guilty verdict to the SYG scenario, compared to the CD scenario. As previously noted, SYG laws allow for the use of deadly force when there is a need for them to protect or defend against *imminent* threat of death (Cheng and Hoekstra 2013). Imminence may be an underlying factor with SYG cases, as SYG laws were created to differentiate from CD cases by having a "no duty to retreat" clause (Butz, Fix, and Mitchell 2015; Dirlam, Steidley, and Jacobs 2021; Levy, Alvarez, Vagelakos, Yore, and Khallouq 2020). Mack and Roberts-Lewis (2016) note, "From a victim's perspective, the laws preserve the dignity of those whose first instinct is to defend themselves instead of to flee by abolishing the flight before fight requirement" (p. 53).

Results indicated that participants who received the male SYG vignette found the male defendant to be more justified in the shooting than the female defendant. However, results also revealed no significant difference in the assignment of justification between male or female defendants in the CD vignettes. The present study also hypothesized that participants who had male defendants in both the CD and SYG vignettes would be rated as more guilty than female defendants by the participants. We also predicted that participant gender would influence their assignment of guilt of the defendant. However, our results indicated that both defendant gender and participant gender had no significance in the determination

of defendant guilt in either CD or SYG vignettes. Past research has shown that in real-life cases, female defendants have double the odds of getting convicted in SYG cases than male defendants (Murphy 2018). Differences in results could be explained by the typical sample used by previous studies being from one geographic region. Additionally, prior studies examined perceptions of actual real-life cases, while the present study used vignettes.

Finally, results revealed that 61 percent of participants assigned to the SYG vignettes believed SYG laws should exist, and 67 percent of participants with the CD vignettes believed CD laws should exist. These results are slightly higher than the prior opinion polls indicating that 53 percent of American voters supported SYG laws (DeLuca 2013). These results are concerning, as most participants believed that CD or SYG laws should be permitted, but only a minority of them believed that defendants in the vignette cases would be protected by these laws. The apparent confusion surrounding the applicability of CD and SYG laws highlights the need for improved psychoeducation on these topics, particularly for juror instructions.

Limitations

The present study had a few limitations. Vignette design studies as a research tool are unable to fully realize the complex pieces of real-life cases. Participants may have experienced a higher level of detachment from the characters in the vignettes because it was not a real-life case with actual consequences (Erfanian et al. 2020). Although removed from the final sample, only 57 percent of participants correctly identified the defendant as a female in the female CD condition in the original sample. Previous research has shown that almost 91 percent of perpetrators in SYG cases are male (Roman 2013). Perhaps participants were biased to believe only men commit SYG or CD offenses. Nevertheless, future studies should make manipulation variables more explicit by clearly identifying the variable of interest (i.e., gender or race of the defendant/hooter).

Last, the present study did not include data from individuals who do not self-identify as female or male. In our demographic questionnaire, we did provide “gender variant/non-conforming/non-binary” and “not listed” when asking participants to identify their gender. In our sample, less than 5 percent of individuals self-identified as non-binary, and as such, we did not include these data in our analysis or results. Future studies should aim to increase the sample size to make the results more generalizable.

Practice and policy implications

Given the prevalence of CD and SYG cases in the United States and the increase in public outcry surrounding the murders that occur in these cases, there is a need to continue to better understand public perceptions of these cases. Future research should evaluate the disproportionate implications of self-defense laws for minoritized or historically excluded groups (Esposti et al. 2022). Future studies examining the effects of victim sex/gender differences in CD and SYG cases can provide more insight into how these demographic variables affect jurors. Studying the term “justifiable homicide” and how it relates to CD and SYG cases can be another avenue for future research. In replication studies, it would be beneficial to add questions to the judicial outcome questionnaire, such as whether participants believed the incident was a hate crime or victim-blaming attitudes. For instance, SYG and CD cases involving intimate partner violence also warrant examination. Prior research has explored the notion of “Battered Woman’s Castle” in the applicability of self-defense laws (Messerschmidt 2016). As seen in the Marissa Alexander case, self-defense laws can fail victims of abuse, as they are viewed as perpetrators in the eyes of the law. Yakubovich et al. (2021) note that it is important to examine the outcomes of these cases by gender and race. Therefore, it is important for future research to investigate public perceptions of domestic violence cases in which self-defense laws are raised.

Many CD statutes give individuals the right to protect their homes with the use of deadly force, but *only* if they believe the intruder will use physical force against them or if someone else is in the home. It is a common argument that CD and SYG laws deter crime. Regarding the effectiveness of CD laws, research has revealed CD laws do not deter burglary (Ren, Zhang, and Zhao 2015). Moreover, states with SYG laws have higher rates of homicides (Cheng and Hoekstra 2013), and homicide cases in SYG states have a 65 percent higher chance of being found justified than in non-SYG states (Roman 2013). This information should be considered when considering revisions of these CD or SYG laws.

Research on SYG and CD laws can also aid courts in developing juror instructions for these cases. In this study, only 29 percent of the CD participants and 45 percent of SYG participants were familiar with these laws prior to the study. Past research has clearly demonstrated the unfair and disproportionate treatment in CD and SYG cases (Murphy 2018; Roman 2013; Wagner, Kim, and Hagler 2016). There is an urgent need for court personnel to provide accurate education to jurors about how these laws are applied. Future research can bring awareness to how the public understands and views SYG and CD statutes and can bring about necessary policy changes to the statutes.

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ORCID

Emma Sower  <https://orcid.org/0000-0001-5522-7921>

Apryl A. Alexander  <https://orcid.org/0000-0002-9666-9598>

Hannah Klukoff  <https://orcid.org/0000-0002-5364-9597>

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