A Social Identity Approach to Understanding the Jury Decision-Making Process: Race as a Social Indicator

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Social identity theory (SIT) suggests that the social groups to which one belongs, define one's self-concept by providing the normative beliefs, attitudes, and behaviors associated with group membership (Billig & Tajfel, 1973; Hogg, Terry, & White, 1995). Such affiliations, along with the value placed on those memberships, are termed social identities (Tajfel, 1978). These social identities are used in comparisons between groups in order to promote positive self-distinctiveness (Abrams & Hogg, 1990). As such, when a specific social identity becomes salient, its characteristics provide a model of behavior that emphasizes category-based differences (Hogg et al., 1995).

In order for such categorization to occur, stereotyping is inevitable. One essential specification of the stereotyping process within SIT is that stereotypes are considered shared beliefs (Hogg & Abrams, 1988). This shared meaning allows the representative characteristics of both ingroups and outgroups to be defined and socially understood. SIT explains the process as functioning automatically from existing internalized perceptions (inclusive of status, emotions, traits, attitudes, and behaviors) (Turner, 1982). Thus, because category memberships defined by clearly observable differences between groups are most accessible, distinctions based on race/ethnicity are highly likely (Coover & Murphy, 2000).

The implications of such intergroup distinctions become increasingly consequential when applied to the jury decision-making process. It is not known the extent to which participants in the justice system (i.e., jury members) might use race as a simple decision-making factor. This possibility is most disconcerting when considering that social judgments may be linked to racial/ethnic identities as a result of the simplicity in generating distinctions.

Ingroup/Outgroup Perceptions

SIT researchers submit that the categorization process is essential to the development and maintenance of self-concept. Individuals seek to maintain positive self-conceptualizations, and do so, through social comparisons based on membership in distinct social categories (Abrams & Hogg, 1990; Hogg & Abrams, 1999; Tajfel, 1969). Because these states of belonging supply definitions of the self based on the principal characteristics of social groups, social identity is actualized through contributions from numerous group memberships (Abrams & Hogg, 1990; Hogg & Abrams, 1988). Accordingly, as social categories (e.g., race, university affiliation, team affiliation, sex) become salient, the set of characteristics and attitudes associated with that group define one's beliefs and behaviors. The result is the accentuation of differences across categories and the abatement of differences within categories to ensure the comparative advantage for the ingroup.

This selection of comparative dimensions is not arbitrary (Jackson, Sullivan, Harnish, & Hodge, 1986). Factors which favor the ingroup are often emphasized while those characteristics associated with the outgroups' negatively distinguishing features are prioritized. This categorization process may commence simply as a result of the presence of an outgroup member (Banaji & Hardin, 1996; Brewer, 1988; Fiske & Neuberg, 1990; LePore & Brown, 1999) or merely when one is alerted to the fact that a category includes oneself (Abrams & Hogg, 1990). Moreover, group memberships such as race/ethnicity or sex appear to be so highly salient that they become activated automatically.

Research further suggests that individuals show significant ingroup favoritism when the groups are formed based on valued dimensions (Billig, 1976; Billig & Tajfel, 1973; Tajfel & Billig, 1974; Turner, 1975). This ingroup favoritism is stronger for groups for whom the social category occurs naturally (e.g., race, sex, religion) as opposed to experimentally created groups (Doise et al., 1972). Additionally, because it is common for status differentials to exist between groups, more powerful groups may attempt to maintain their favorable distinction by promoting the status quo (Abrams & Hogg, 1990; Grant, 1992; 1993; Reicher & Levine, 1994). Thus, high status groups will differentiate in order to secure position while low status groups will discriminate in attempts to enhance social identity (Spears & Manstead, 1989). Although studies on naturally occurring groups such as race or gender have met with mixed findings at the level of ingroup favoritism, Tajfel et al. (1971) note that regardless of the perceived outcome or the existence of threat, ingroup members may engage in needless discrimination against an outgroup. Billig and

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Tajfel (1973) and Tajfel (1978) report similar findings. Because group members internalize socialized norms of power, both highly valued and low-status groups will conform to group expectations, thereby reinforcing discrimination against the low-status group (Santos, Garza, & Bohon, 1994).

For jurors on a court case, race/ethnicity may emerge as a clear category along which group distinctions may be made in favor of the ingroup. This can manifest in several ways including: discrimination based on bias against the outgroup; homogenizing individual differences among the outgroup; and conferring favor to the ingroup over the outgroup (Abrams & Hogg, 1990). Therefore, in a situation where the criminality of an outgroup member is in question, jury members may be more inclined to accentuate differences between self and the outgroup member by presuming the guilt of the outgroup member. Such presumptions would also serve to distinguish the actions of the jurors' ingroup from those of the outgroup.

Consequently, it is hypothesized that the salience of ingroup/outgroup status and ingroup bias will be particularly apparent when the evidence presented in a case is ambiguous as opposed to clearly implicating the defendant. That is, when the evidence indicates a defendant is obviously guilty, there is no need for jurors to use alternate cues for decision-making. When the guilt or innocence of the defendant is not clear, jurors will look to cues other than evidence to guide their decision-making. Because ingroup/outgroup racial status acts as a simple heuristic cue for making judgments, when people are presented with unclear information they will result to using group status as a heuristic cue for decision-making; favoring the ingroup as opposed to the outgroup.

From this conceptual perspective, the following hypotheses were postulated:

H1: In evaluations of criminal court cases, a main effect for evidence is predicted such that defendants in the strong evidence condition will be more likely to be identified as guilty than defendants in an ambiguous evidence conditions.

H2: In evaluations of criminal court cases, defendant ingroup/outgroup racial status will interact with evidence strength (strong/ambiguous) such that outgroup race members will be more likely to be identified as guilty than ingroup race members when the evidence presented is ambiguous as opposed to strong.

H3: In evaluations of criminal court cases, a main effect for evidence is predicted such that longer sentences will be assigned to defendants in the strong evidence condition than defendants in the ambiguous evidence condition.

H4: In evaluations of criminal court cases, defendant ingroup/outgroup racial status will interact with evidence strength (strong/ambiguous) such that outgroup race members will be assigned higher prison sentences than ingroup race members when the evidence provided for conviction is ambiguous. There will be no difference in length of sentence when the evidence is strong for conviction.

In keeping with the assumptions of social identity theory, it should be expected that a message recipients' biological sex would initiate the process of intergroup comparisons when salient. Although racial ingroup is primed in the present study, because the defendant presented in the stimulus materials is male, sex of the defendant may act as an ingroup cue for males and an outgroup cue for females. Thus participant sex was factored into all analyses, as both male and female participants are included in the current experimental design. Accordingly, the following research question was explored:

RQ: To what extent are group-based distinctions founded on biological sex predictors of guilt and length of sentence?

Method Participants
Two-hundred seventy eight university students participated in this experiment for course credit. The participants were primarily female (63%) with an average age of 20.04 (SD=1.83). In order to ensure racial ingroup/outgroup status of the defendant, only those participants who self-reported their race as “White” (N = 224) were included in analyses.

Procedure
To test the hypothesized relationships a 2 (guilty/ambiguous) X 2 (racial ingroup/outgroup defendant) independent groups experiment was conducted in which participants were randomly assigned to conditions. Dependent variables included both estimates of guilt or innocence of the defendant as well as recommendations regarding length of prison sentence.

Upon entering the laboratory, participants responded to several demographic questions designed to prime race. These questions asked them to list their racial or ethnic background and identify the extent to which they identify with this background. Participant sex was measured in order to control for this variable in subsequent analyses. Participants then received a picture of either a Black (racial outgroup) or White male (racial ingroup) described as the defendant in a court case. After looking at the picture, participants read a mock court transcript in which a prosecutor questions a defendant about a campus date rape case involving the defendant and another undergraduate student. Participants next assessed the quality of the arguments provided by
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crime on college campuses (United States Department of Justice, 1999) and

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Ingroup/Outgroup Defendant Race.

As a manipulation of racial ingroup/outgroup status of the source, partici­

participants were given one of two stimulus pictures and informed that the person

in the picture was serving as the defendant in a date rape case. In both cases, the picture was labeled with the race and sex of the defendant directly below the image. To minimize any potential influence of extraneous characteristics or features, both photographs pictured only the head and shoulders of the defendant, with no visible background imagery. Each wore business-casual attire and were approximately the same age and weight. In the ingroup race condition, participants received a picture of a college-age, White male. In the outgroup race condition, participants received a picture of a college-age Black male. In order to make race salient, before receiving the picture participants were asked their racial or ethnic background and asked the extent to which they identify with their racial or ethnic background.

To ensure the quality of the experimental induction of ingroup/outgroup status of the defendant, prior to the experiment defendant pictures were pilot­
ed with a groups of participants not part of the actual experiment (N=48). The pilot was designed to assess perceptions of defendant attractiveness and age. These data indicated that the outgroup defendant (M = 5.02; SD = 1.01) was not seen as significantly more attractive than the ingroup defendant (M = 4.74; SD = .60) (t (44) = 1.14, p = .35). Similarly, ratings of defendant age did not differ significantly (t (3) = 3.80, p = .28). Nearly all of the participants indicated that the both the outgroup and ingroup defendants fell between the ages of 17-23 (outgroup defendant = 48%; ingroup defendant = 26%) or 24-30 (outgroup defendant = 52%, ingroup defendant = 65%). The pilot also indicated that participants were generally able to accurately recall the race of both the outgroup/black (92%) and ingroup/white (96%) defendant. Given the results of the pilot, these pictures were deemed appropriate stimulus materi­als for the actual experiment.

Message Design

Participants received one of two typed transcripts of a fictional date rape trial. The transcript, which was formatted like a true court transcript, recounted a prosecutor questioning a defendant regarding the night of an alleged date rape. The topic of date rape was chosen because it is a commonly occurring crime on college campuses (United States Department of Justice, 1999) and thought to be a highly involving issue for college students. The two transcripts were the same except for the guilt manipulation. Both transcripts were

approximately 4 pages in length and contained 1500 words. In both versions, the prosecutor asked the same questions and only the responses of the defendant were modified to manipulate the independent vari­able. The guilt induction was inserted in the end of the transcript. In the “guilty” condition, the transcript contained statements by the defendant that clearly implicated him such as: “She said she was too tired and wanted to crash at my place. You know what that means…” and “She said, ‘no’ but I knew she didn’t really mean it.” In the “ambiguous condition,” the transcript contained weak, equivocal statements by the defendant that suggested the sexual contact between the defendant and the victim was consensual such as: “She got into bed with me and we started kissing and that’s when it hap­pened” and “It was mutual.” The message inductions are presented in Appendix A.

Measures Dependent Variables.

Participants were given a series of items to assess the extent to which they believed the defendant in this case was guilty. First, they were asked whether they believed the defendant was guilty or not guilty. The participants were also asked whether or not the defendant in this case should go to prison and if so, the length of his sentence in years and/or months (“How long should this man spend in prison?”). If the participant indicated the defendant should not go to prison, zero was included on the scale for length of prison sentence.

Induction Checks

Induction checks for evidence strength and ingroup/outgroup status of the defendant were imbedded in the questionnaire to evaluate effectiveness of the message. Participants completed 7 Likert-type items assessing the quality of the message manipulation. The scale included items such as “The testimony presented in this cases was persuasive” and “The prosecution presented strong evidence in this case” that were measured with a 5-point response scale in which higher scores indicate greater message strength. These items exhibited a standardized item = .85. This scale is presented in Appendix B. Participants were also asked to recall the race of the defendant in the case in one open-ended item. This item was placed at the end of the instrument.

Results

Induction Checks Evidence Strength.

To assess the effectiveness of the evidence strength induction, a 2 (strong/ambiguous evidence) x 2 (ingroup/outgroup defendant) analysis of variance (ANOVA) was performed with perceived evidence strength as the dependent variable. Analysis indicated a substantial main effect for evidence
on perceptions of strength such that the message containing strong evidence (M = 3.49, SD = .70) was seen as significantly stronger than the ambiguous message (M = 2.64, SD = .62) [F (1,208) = 84.60, p < .001, \( \chi^2 = .29, r = .54 \)]. There was not a significant main effect for ingroup/outgroup defendant on perceived evidence strength [F(1,208) = .16, p = .69] nor an evidence by group status interaction [F(1, 208) = .92, p = .90].

### Racial In/Outgroup Status of Defendant

In order to assess the effectiveness of the induction of ingroup/outgroup status of the defendant, participants were asked to recall the race of the defendant. In the ingroup condition (White defendant N = 92) 93% of participants were able to correctly identify the race of the defendant. Among the 6 participants who were unable to accurately recall the race of the defendant, 5 failed to respond to the question altogether while the remaining one responded inaccurately. In the outgroup condition (Black defendant N = 132) 99% of the participants correctly recalled the defendants race and one participant did not respond to this question.

### Tests of Hypotheses

In order to test for the main effect of evidence strength on judgments of guilt of the defendant as well as provide evidence regarding the research question, chi square analyses were performed separately for male and female participants. For females, the analyses indicated that participants in the strong evidence condition were significantly more likely to indicate that the defendant was guilty (95%) than those in the ambiguous condition (19%). Conversely, those in the ambiguous evidence condition were more likely to indicate that the defendant was not guilty (81%) than those in the strong evidence condition (7%).

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A significant interaction between ingroup/outgroup defendant and evidence strength [\( \chi^2 (1) = 35.00, p = .001 \); Wald (1) = 22.66, p = .001, \( \chi^2 = 7.43, p = .001 \)] than the outgroup defendant (8%). In the strong evidence condition, the differences for outgroup and ingroup defendant were not significant [\( \chi^2 (1) = .61, p = .47 \)]. Thus, for females, the data were partially consistent with the second hypothesis. That is, these variables interact, but the character of the interaction deviates from the expected direction.

For male participants, logistic regression indicated a significant interaction between ingroup/outgroup defendant and evidence strength [\( \chi^2 (1) = 4.70, p = .001 \); Wald (1) = 4.60, p = .001]. Additional analyses for the male participants indicated that although both the outgroup and ingroup defendants were more frequently rated as not guilty as opposed to guilty in the ambiguous condition, the ingroup defendant (19%) was rated as guilty more frequently than the outgroup defendant (4%). However this difference was not significant [\( \chi^2 (1) = 2.26, p = .13 \)]. In the strong evidence condition, the differences for the outgroup and ingroup defendant were not significant [\( \chi^2 (1) = .62, p = .51 \)]. A 2 (strong/ambiguous evidence) x 2 (ingroup/outgroup defendant) ANOVA was performed to test for the predicted main effect and interaction effects on length of prison sentence. Participant sex was treated as a covariate. As predicted in Hypothesis 3, analysis revealed a significant main effect for evidence on length of prison sentence such that people in the strong evidence condition (M = 3.29, SD = 4.01) assigned significantly longer prison sentences to the defendant than those in the ambiguous evidence condition (M = 7.6, SD = 2.89) [F (1,174) = 21.42, p = .001, \( \chi^2 = 11.32 \)]. The final hypothesis predicted an interaction between ingroup/outgroup status of the defendant and evidence strength. Analysis indicated that this relationship was not significant [F (1,174) = 1.86, p = .17] nor was there a significant main effect for ingroup/outgroup status of the defendant [F (1, 174) = .28, p = .61].

### Table 1. Means (Contrast Coefficients), Standard Deviations, and Number of Participants per Cell for Length of Prison Sentence by Evidence Strength and Group Status.

<table>
<thead>
<tr>
<th>Evidence</th>
<th>Group Status Mean (contrast)</th>
<th>Std. Deviation</th>
<th>N Ambiguous</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ingroup</td>
<td>1.03 (-1)</td>
<td>2.27</td>
<td>38</td>
</tr>
<tr>
<td>Outgroup</td>
<td>-39 (-2)</td>
<td>3.25</td>
<td>62</td>
</tr>
<tr>
<td>Strong Ingroup</td>
<td>2.63 (+1)</td>
<td>3.65</td>
<td>34</td>
</tr>
<tr>
<td>Outgroup</td>
<td>3.80 (+2)</td>
<td>4.34</td>
<td>45</td>
</tr>
</tbody>
</table>
Upon review of the pattern of the means, however, additional post-hoc analyses of the data were deemed necessary. Specifically, regression analyses were performed by creation of a dummy variable using the contrast model specified in Table 1. Both the contrast model and participant sex were entered in the regression equation with length of sentence as the dependent variable. This more sensitive examination revealed that these data were consistent with the interaction model \( t = -3.6, t = 0.18, p = .001 \) and that participant sex also impacted judgments of length of sentence \( t = 1.16, t = 2.32, p = .02 \).

Discussion

The results of this study provide initial support for the hypothesized association between race and judgment formation as well as for the importance of clear evidence in juror decision-making. The findings indicate that both men and women are more likely to attribute guilt to a defendant when presented clear as opposed to ambiguous evidence. A similar pattern was found for length of sentence. That is, when provided with strong evidence all participants tend to give longer jail sentences than when provided with weak evidence. Thus, these data are consistent with the predictions of the first two hypotheses. While these findings are somewhat intuitive, the effects for length of sentence are subsumed by an interaction effect different in nature from that which was predicted by the hypotheses.

The pattern of the interaction indicates that when ambiguous evidence is provided, participants actually assigned a shorter sentence to an outgroup defendant as opposed to an ingroup defendant. However, when the evidence was strong, participants assigned longer sentences to racial outgroup members as opposed to racial ingroup members. Importantly, across conditions women actually recommended longer sentences than men. It is necessary to reiterate that the only factor that varied in the strong evidence condition was the racial outgroup status of the defendant. That is, people assigned longer prison sentences to a defendant based on only one additional piece of information about that defendant: the fact that he was not a member of the participant’s racial group.

Research on SIT has suggested that race may be less prominent for dominant group members (in this case, the dominant racial group) than co-culture members in forming comparison categories (Brewer & Harasty, 1996; Santos et al., 1994). These data suggest otherwise. When given minimal information about an outgroup member, judgments were made on the basis of racial information alone. That is, this study points to the importance of race as a social indicator for members of a dominant racial group. This study further extends the predictions of SIT by delimiting one possible condition under which ingroup biases do not occur. When a message does not contain enough information to allow for simple decision-making people tend toward an outgroup as opposed to ingroup bias. This finding is inconsistent with much of the exist-
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Conclusion
This study provides an initial step toward understanding the influence of social identity on the decision-making processes. In addition, several practical implications emerge from these results. First, those working with human rights issues in the context of the legal system should be aware that simple group identity cues can significantly impact decision-making. This adds credence to the belief that the selection of jurors in court cases and personnel for review boards is particularly consequential. Across conditions, ingroup/outgroup status matters. This indicates the necessity for multi-racial and multi-gender representation on juries, sentencing boards, and the like.

Moreover, this article highlights the practical necessity for further educating people regarding the seriousness of date rape in our society. The results reveal that men were more likely than women to believe the defendant was “not guilty” even in the strong evidence condition. Men also were more likely to assign shorter sentences to the defendant than were women. Notably, the length of prison sentence assigned to the defendant by both male and female participants was well below the national median for sexual assault and rape cases. As date rape is a prevalent crime in universities across the country, it is clear that efforts to increase education and prevention programs regarding rape and sexuality must be bolstered.

Ultimately, continued research in this area is necessary to better understand the role of multiple social identities in decision-making. Research should examine the extent to which it is possible to prime social identities and the conditions under which certain identities are salient. Additionally, researchers should examine the outcome of the differentiation process for members of co-cultural groups within the United States. Limited research suggests, for example, that people who are part of more collective cultures enact their identities in ways that are different from those that favor individualism. Uncovering these issues will be essential to elucidating the implications of group memberships for social interactions.

References


Appendix A
Transcription of the Prosecutor (P) Questioning Defendant (D) in the Strong and Ambiguous Evidence Conditions

Strong Evidence Condition

P. What did you do during that time?

D. We just talked about the materials, she got tired, started to fall asleep on the couch so I covered her with a blanket and when she woke up I told her she could stay over if she wanted and I would sleep on the couch . . .

P. And what happened after that?

D. She said she was too tired and wanted to crash at my place. You know what that means.

P. No, explain it to us.

D. She could have walked home if she wanted, so I knew she wanted to hook-up with me. I told her she could stay for if she wanted and I would sleep on the couch . . .

P. And what happened after that?

D. She said she was too tired and wanted to crash at my place. You know what that means.

P. No, explain it to us.

D. She could have walked home if she wanted, so I knew she wanted to hook-up with me. I told her we could share the bed and I started kissing her and we kind of fell into the bed.

P. What happened then?
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D. I was kissing her and she made it seemed like she wanted to be more than just friends and so I let her know that I felt the same way.
P. What do you mean "you let her know"?
D. I just mean, that's when we had sex. I wanted to let her know how I felt about her by showing her. She said, 'no' but I knew she didn't really mean it.
P. Why do you think she didn't mean it?
D. Girls always act like they don't want it, but I could tell she did.
P. I have no further questions for the defendant.

Ambiguous Evidence Condition
P. What did you do during that time?
D. We just talked about the materials, she got tired, started to fall asleep on the couch so I covered her with a blanket and when she woke up I told her she could stay over if she wanted and I would sleep on the couch ...
P. And what happened after that?
D. She said she was too tired and wanted to just crash at my place.
P. So, where did each of you sleep?
D. She said I shouldn't have to sleep on the couch, that we could both sleep on the bed.
P. What happened after that?
D. We got into bed and kissed goodnight, and one thing led to another and then we had sex.
P. Who initiated it?
D. It was mutual. She got into bed with me and we started kissing and that's when it happened.
P. Why did she leave and not stay the night?
D. Well, she had to get up early to study so she just decided to leave ... I guess she wasn't tired anymore.
P. I have no further questions for the defendant.

Appendix B
Message Strength manipulation check items
1. The testimony presented in this case was persuasive.
2. The transcript contained strong arguments for convicting this person.
3. The testimony presented in this case was convincing.
4. The transcript contained clear evidence for making a decision about this case.
5. The prosecution presented strong evidence in this case.
6. After reading the transcript, I feel I have a clear picture of the facts in this case.
7. This transcript presented clear information about what happened between the defendant and the victim.

Promoting Human Rights in the Conservative Heartland of Canada: A Practical/Theoretical Approach to School-Based Activism

DARREN E. LUND

Sometimes life's pivotal educational moments reveal themselves in unexpected situations. Like many other mainstream Canadians, I have grown up oblivious to my invisible bubble of white privilege, attending to instances of inequity and racialized identities mainly for the purposes of telling inappropriate racist jokes. In 1987, however, during my first year of teaching high school in Red Deer, Alberta, a group of students in one of my non-academic English classes at Lindsay Thurber Comprehensive High School opened my eyes to the potential for any educators to work with students toward challenging racism.

These unlikely student leaders initiated the formation of Students and Teachers Opposing Prejudice (STOP). It remains a popular and viable school program, and has been widely recognized for leadership in innovative approaches to challenging racism and other forms of discrimination (Alberta Human Rights and Citizenship Commission, 2000; Canadian Race Relations Foundation, 2001; Zachariah, 1999). My own experience as the group's advisor for the past several years has led me to seek to better understand our success, and to engage in further research to guide other teacher and student activists who wish to form similar coalitions.

Countering a Lack of Attention to Student Activism
A review of current educational research literature in Canada reveals a number of problematic features on the broad topic of education for diversity, equity, and social justice. Firstly there are relatively few detailed analyses of student social action projects in Canadian schools aside from anecdotal summaries of a few particular programs or activities (e.g., Berlin & Alladin, 1996; Cogan & Ramaanuk, 1994; Smith & Young, 1996). This dearth of academic
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