

THE EFFECTS OF DEFENDANT AND JUROR ATTRACTIVENESS ON SIMULATED COURTROOM TRIAL DECISIONS

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We investigated the interactive effects of the physical attractiveness of hypothetical defendants and mock jurors on judicial decisions. Seventy-eight college students rated their own physical attractiveness and then evaluated attractive, moderately attractive, and unattractive defendants as to the defendants' guilt or innocence, responsibility for the charges being brought, trustworthiness, happiness, honesty, intelligence, and likeability as well as recommended punishment for those convicted. As expected, more as opposed to less attractive defendants were convicted less, punished less severely, rated as less responsible for the charges being brought, and considered more happy, likeable, and trustworthy. Attractive participants were more likely to convict than acquit unattractive defendants, while less attractive participants did not differentially convict or acquit defendants across all levels of defendant physical attractiveness. Both attractive and less attractive participants recommended the least severe punishment for attractive defendants; however, attractive participants were harshest on unattractive defendants, while unattractive participants were harshest on moderately attractive defendants. The results are discussed in terms of leniency effects when judging others with similar attributes.

Keywords: attractiveness, defendant, juror, simulated courtroom trial decisions.

The literature on the benefits associated with physical attractiveness is fairly unified in the conclusion that "what is beautiful is good" (see e.g., Berscheid, 1985; Dion, 1972; Dion, Berscheid, & Walster, 1972; Efran, 1974; McFatter, 1978). It is a stereotype that seems pervasive in our society (Byrne, London, & Reeves, 1968), extending across ages and situations. For instance, in judging children accused of transgressions, attractive as opposed to unattractive children are judged less harshly by adults (Dion, 1972). In the courtroom, physically attractive defendants are considered less responsible for crimes, less likely to be convicted, and less likely to be punished severely (Efran, 1974; Hoffman, 1981; Landy & Aronson, 1969; Stewart, 1980). Generally, physical attractiveness has a tremendous impact on our reactions to others and is a major determinant of interpersonal attraction, especially during initial encounters (Adams & Read, 1983; Berscheid & Walster, 1974).

In courtroom simulation research, the significant influence of physical attractiveness on trial outcomes appears venerable, yet most studies involved decisions made by mock jurors without consideration of the possible role played by jurors' self-perceptions, and no research exists on the influence of juror's self-perceptions of

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attractiveness on their judicial decisions. The present study is designed to focus on the interaction between self-perceptions of physical attractiveness and the physical attractiveness of defendants in influencing jurors' judgments.

PHYSICAL ATTRACTIVENESS AND JURY DECISIONS

In a typical study of the relationship between defendants' physical attractiveness and juror decisions, Efran (1974) presented mock jurors with hypothetical judicial cases each coupled with a photograph of either an attractive or unattractive defendant. The participants were asked to decide whether or not the defendant was guilty and what punishment should be given. The results showed that physically attractive defendants were found guilty less often than their unattractive counterparts. In addition, when attractive defendants were found guilty, the participants were less certain of their decisions and recommended less severe punishment. In a similar study, McFatter (1978) discovered that participants were more willing to invoke accidental circumstances in explanations of crimes said to be committed by attractive persons rather than unattractive persons.

Field studies have corroborated the effects of physical attractiveness on judicial decisions. For example, Stewart (1980) conducted a field study involving direct observations of actual judicial cases. Judges rated defendants' physical attractiveness and these ratings were correlated with conviction and acquittal rates, showing a strong positive relationship between physical attractiveness and sentencing, where the most attractive defendants were given the most lenient sentences. In another field study, Hoffman (1981) found that not only were the unattractive defendants found guilty more often than attractive defendants, but that the jury members reported the unattractive defendants as more typical criminals and as more likely to be recidivists. The present study is in part designed to corroborate the effects of physical attractiveness on trial outcomes.

SELF-PERCEIVED ATTRACTIVENESS AND JUDGMENTS OF OTHERS

While the relationship between observers' judgments of greater physical attractiveness and positive outcomes for defendants is widely supported, the relationship between one's own self-perceived level of physical attractiveness and one's judgments of another of similar or dissimilar physical attractiveness remains untested. In jury simulation research where jurors' self-perceptions have been included in research involving judgments of transgressors, they have been included as tests of the increased affinity for another with similar attributes. For example, Shaver (1970) showed that persons accused of causing an accident were judged less blameworthy when assumed to be very similar to the observers in attitudes, values, and feelings, providing evidence that attributions may be made defensively to protect the individual from the possibility that one day he or she may be in a similar circumstance and held in judgment by others. Further researchers on defensive attribution has found similarity between juror and defendant on personality trait dimensions to have only scattered and inconsistent effects (Phillips, 1985). Comparisons between jurors and accused along such inferred dimensions may not be salient enough to produce the similarity effect. These dimensions (e.g., aggressive, independent, yielding) are prob-

ably not as salient as the dimension of physical attractiveness, at once so obvious and external a characteristic. Extending the defensive attribution research to include the physical attractiveness dimension may produce the similarity effect, i.e., observers may be more likely to show leniency when judging another of similar attractiveness level.

It is hypothesized that attractive as opposed to unattractive defendants will be less frequently convicted, less severely punished if convicted, and evaluated more favorably across a variety of dimensions (e.g., less responsible for the charge being brought against them, more likeable, trustworthy, happy, and honest). The relationship between the expected effects of defendant attractiveness on jurors' judgments and the possible similarity effects produced by jurors judging similarly attractive defendants more favorably is not clear. However, it is possible that, while more attractive defendants will receive more positive judgments from all participants, these effects may be attenuated for jurors who are self-rated as unattractive. That is, unattractive jurors in an effort to show some leniency for similar others may be less likely than attractive jurors to differentially convict, punish, and evaluate defendants according to how attractive they are.

METHOD

PARTICIPANTS

Twenty-five Denison University students (14 females, 9 males) participated in the pilot phase of the study, judging the ambiguity of the cases to be used and the attractiveness level of a number of photographs to generate agreed-upon photographs of females who were of high, medium, and low attractiveness. Seventy-eight additional students (33 males, 45 females) participated in the main experiment as part of a psychology course requirement.

MATERIALS

Based on Efran's case model (1974) and Denison University Judicial Board files, a number of hypothetical cases were written. Pilot participants were asked whether the defendant was guilty or innocent, to rate how ambiguous each case was and how easily they reached the verdict (the last two on scales from -3 to +3). Six cases were selected: those that produced roughly equivalent guilty/not guilty verdicts, those of medium ambiguity, and those that were arrived at with only moderate difficulty. These criteria were used in partial response to the criticisms of mock court studies that suggest cases are written to maximize ambiguity and therefore make significant effects of other variables more likely (see e.g., Baumeister & barley, 1982). The cases themselves dealt with charges of cheating, malicious release of a dormitory fire alarm, shoplifting at the campus bookstore, misuse of meal tickets, plagiarism, and computer misuse.

Pilot participants rated slides of 30 female students from a 1981 Benison University yearbook as to how attractive-to-unattractive each student was (7-point scale with 7 = *most attractive*). Ultimately six slides were chosen for the experiment: 2 of physical-ly attractive females ($M > 5.9$, $SD < .8$), 2 of moderately attractive females ($4.25 < M >$

3.71, $SD < .9$) and 2 of unattractive females ($M < 1.7$, $SD < .8$). All female defendants were used because there appears to be more agreement upon what is considered physically attractive in females than in males (Sigal & Ostrave, 1975) and the sex of the defendant has not been found to influence mock jurors' decisions (Bartol, 1983). Comparing responses to each of the females within each attractiveness level revealed no differential responses within each level.

Additional materials included a Decision Making Questionnaire, which asked participants for judgments of guilt or innocence, confidence in decisions, responsibility of the defendant for the offense, justifiability of the defendant's behavior, likelihood of the defendant committing a past or future offense, and the recommended sanction severity for those defendants judged as guilty. Also, a Defendant Evaluation Inventory was included which asked participants to evaluate the defendants' likeability, physical attractiveness, trustworthiness, honesty, intelligence, and happiness. Finally, based on a questionnaire developed by Rand and Hall (1983) to assess sex differences in self-perceived attractiveness, a 20-item Self-assessment Questionnaire was included, containing the five measures of self-perceived attractiveness from the Rand and Hall measure, asking participants how attractive they felt their faces, physiques, and voice were and how physically attractive they thought themselves to be as well as how attractive they thought others believed them to be. The remaining 15 items asked for self-evaluations of various personality traits and were designed by the experimenters to disguise the purpose of the questionnaire.

DESIGN¹

In the study a 2 (high/low self-perceived attractiveness) x 2 (sex of participant) x 3 (high/medium/low defendant attractiveness) x 6 (judicial cases) design was employed with 2 between-subjects factors (sex of participant and self-perceived attractiveness) and 2 within-subjects factors (defendant attractiveness and judicial cases).

PROCEDURES²

Participant were run in 6 groups sized between 9 and 12. Upon entering the experimental room they were told they were participating in a study investigating the university judicial decision-making process. Each subject was given the Self-assessment Questionnaire and three case booklets, each containing instructions and one of the

¹ Initial analyses revealed no consistent effects of judicial case or sex of participant. Also, given unequal cell sizes, an unweighted-means analysis of variance was employed unless otherwise specified.

² Twelve participants (6 males, 6 females) took part as controls and were run through identical procedures except they were not shown any slides of hypothetical defendants. This was done in order to assess the possible role of associating a case with a face on participants' judgments as opposed to participants being exposed simply to written descriptions. Results showed that participants who read the cases and saw a slide recommended less severe punishment for convicted defendants, were less confident in their decisions of guilt/innocence, and perceived defendants to be more likeable, trustworthy, honest, intelligent, and happier, than did participants who only had written descriptions ($ps < .04$). It is possible that facing the accused may produce more positive outcomes for defendants and may suggest why many trial lawyers seek jury trials.

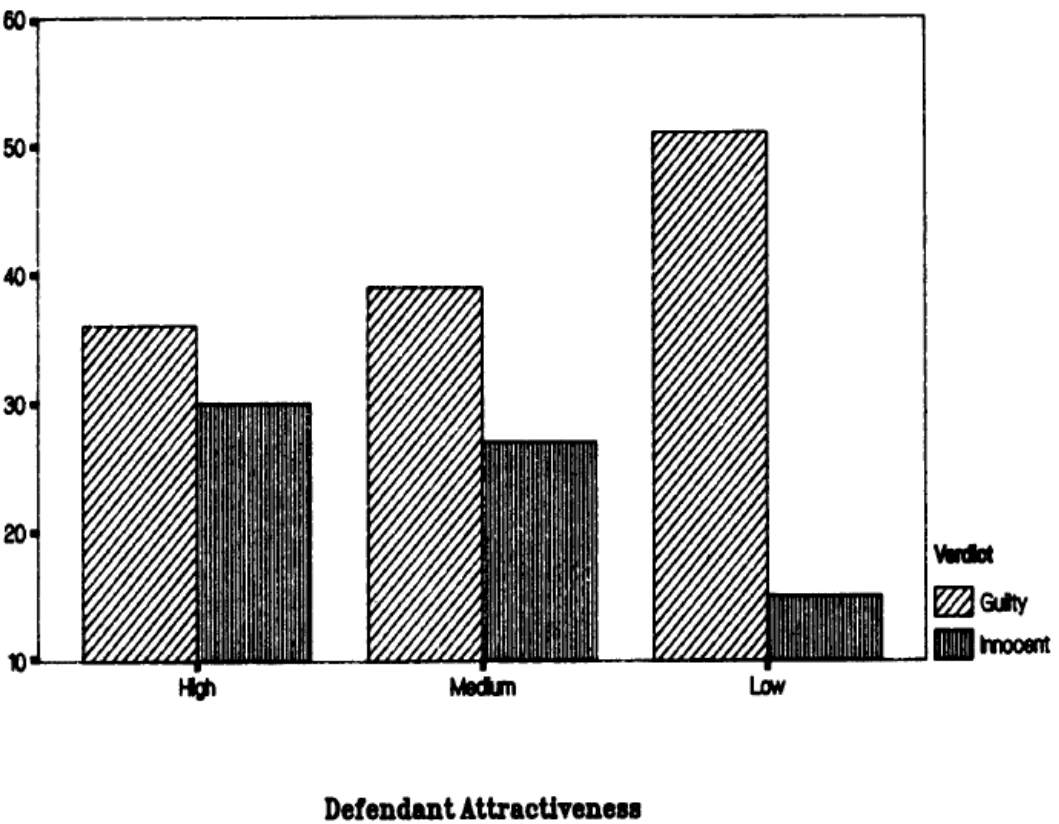
judicial cases. Each judicial case was followed by the Decision-making Questionnaire and the Defendant Evaluation Inventory. One-half the participants were given the Self-assessment Questionnaire first followed by the three case booklets and the other half were given the three case booklets first. Either an attractive, moderately attractive, or unattractive slide was randomly assigned to accompany each judicial case for each session, and the order of presentation of the three slides was counterbalanced. Each participant saw slides of defendants of all three attractiveness levels.

RESULTS

The manipulation of defendant attractiveness was effective, MANOVA $F(2, 128) = 227.10$, $p < .0001$, with subsequent univariate F tests revealing significant differences in ratings among all three levels ($ps < .04$, $Ms = 5.6, 4.2$, and 1.2 , for attractive, moderately attractive, and unattractive defendants, respectively).

THE VERDICTS

Using a nonparametric test for changes in dichotomous data across levels of an ordinal variable (Cochran, 1950), the frequency of guilty and innocent decisions were analyzed across three defendant attractiveness levels (from attractive to unattractive) and a significant increase in the frequency of guilty decisions was found, Cochran $Q(2) = 7.85$, $p < .02$ (see Figure 1). For each level of defendant attractiveness, Chi-square analyses showed no differences between the number of guilty and innocent decisions for either the attractive or moderately attractive defendants, $\chi^2(1, N = 66) = .242$ and 2.18 , respectively, $ps > .05$. As expected, analysis did reveal more guilty than innocent decisions for the unattractive defendants, $\chi^2(1, N = 66) = 19.64$, $p < .0001$. The test for changes in frequencies across levels (see Figure 1) and the subsequent analyses within levels strongly suggest that less attractive defendants were more frequently found guilty. The five Self-assessment Questionnaire items which served as a measure of the participants' self-perceived attractiveness levels (Rand & Hall, 1983) were significantly intercorrelated ($ps < .05$) and were, therefore, collapsed into one measure of self-perceived level of attractiveness. The range was therefore 7 (unattractive) to 35 (attractive). Using a median split, participants were grouped into unattractive ($n = 33$) and attractive ($n = 33$). As expected, for participants who rated themselves as attractive, there was a significant increase in guilty verdicts (and a decrease in innocent verdicts) as defendant attractiveness decreased, Cochran's $Q(2) = 6.14$, $p < .05$ (see Figure 2). Subsequent analyses for each level of defendant attractiveness revealed that attractive participants were no more likely to convict than acquit either highly or moderately attractive defendants ($\chi^2(1, n = 33) = .610$ and 1.20 , $ps > .05$).



Number of Decisions Made by All Jurors
FIG. 1: Number of guilty and innocent decisions for entire sample as a function of defendant attractiveness.

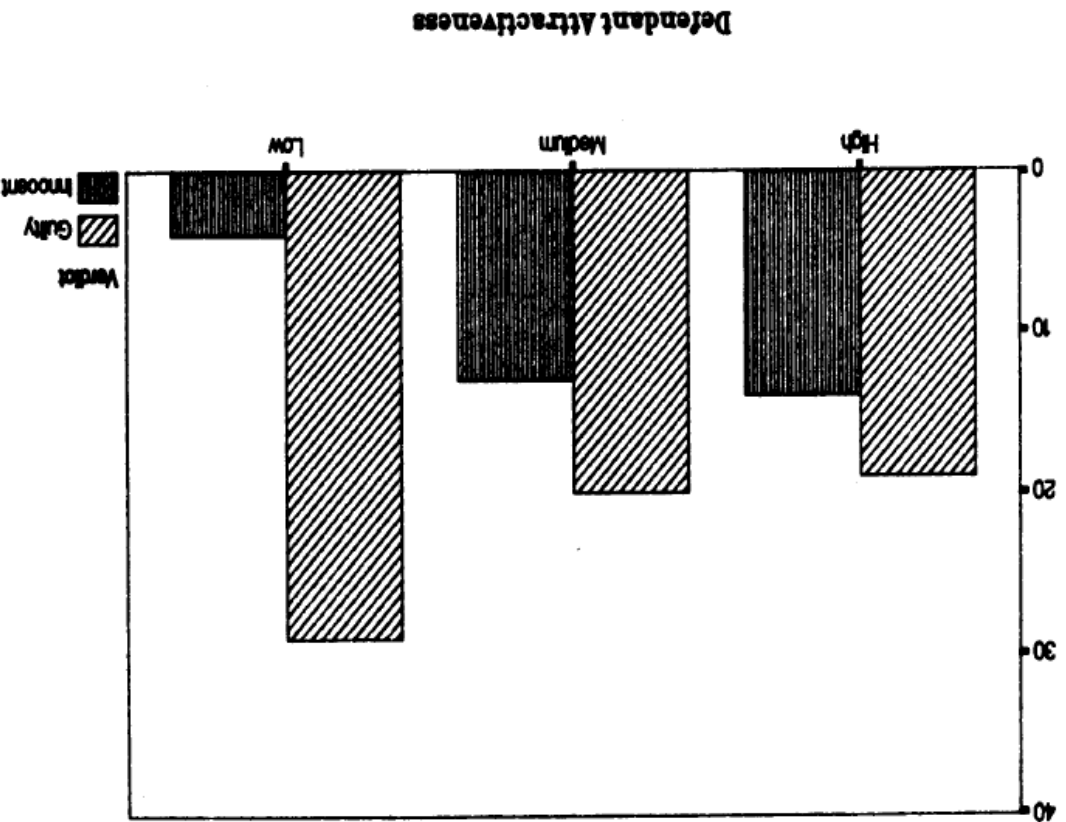
Number of Decisions Made by Attractive Jurors

FIG. 2: *Number of guilty and innocent decisions made by self-rated attractive subjects as a function of defendant attractiveness.*

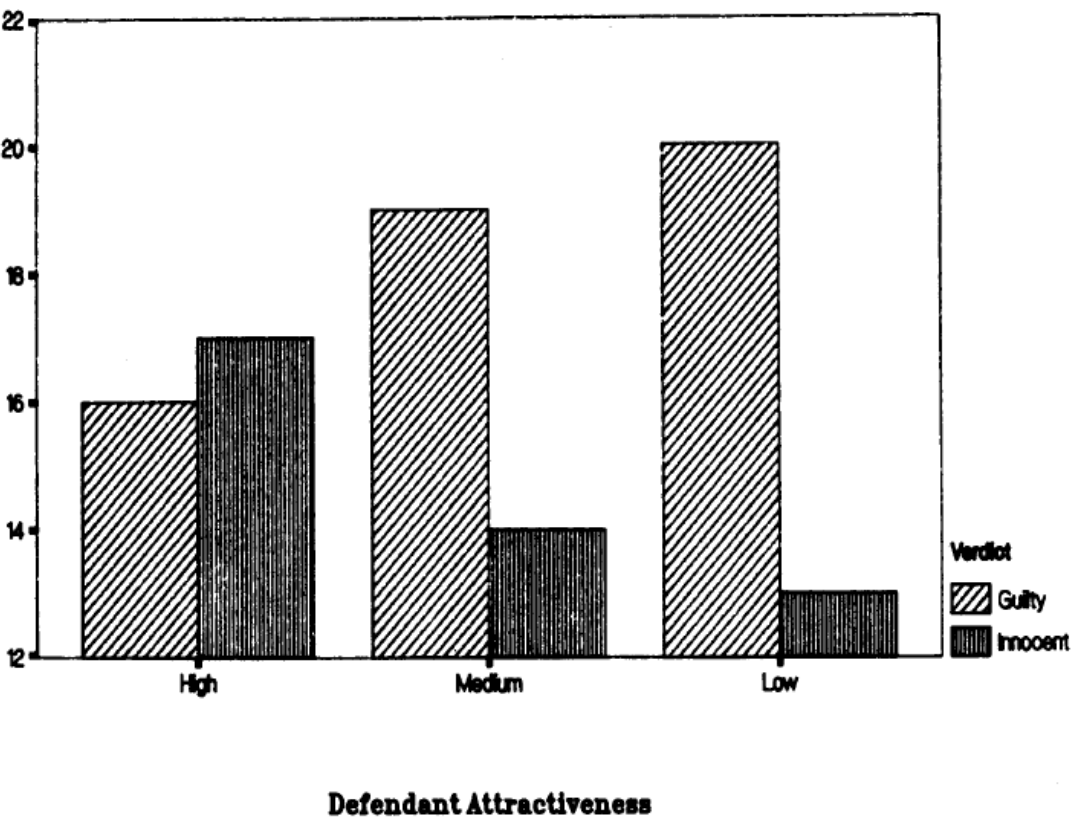


FIG. 3: Number of guilty and innocent decisions made by self-rated unattractive subjects as a function of defendant attractiveness.

for guilty/innocent decisions for highly and moderately attractive defendants, respectively), but were significantly more likely to convict than acquit unattractive defendants, $\chi^2(1, n = 33) = 15.24, p < .0001$ (see Figure 2).

As expected, participants who rated themselves as less attractive were no more likely to convict than acquit defendants across all defendant attractiveness levels (Cochran’s Q (2) = 2.57, $p > .05$; see Figure 3). While the pattern of guilty/innocent decisions resembles that of attractive participants, Chi-square analyses revealed no significant differences between guilty/innocent decisions within any of the defendant attractiveness levels, therefore suggesting that they were less likely than attractive participants to differentially convict based on defendant attractiveness.

THE SENTENCES

While support was found for the ideas that the most attractive defendants would receive the least recommended punishment ($F(2, 128) = 8.67, p < .05$) and that participants high versus low in self-rated attractiveness would recommend more severe sanctions ($F(1, 66) = 29.29, p < .04$), these effects were qualified by an interaction between self-rated attractiveness and defendant attractiveness, $F(2, 128) = 7.88, p < .04$ (Table 1). An inspection of the means reveals that attractive participants were most severe on unattractive defendants, less on moderately, and least on very attractive defendants, while unattractive participants were most, severe on moderately attractive defendants, less on unattractive and least on very attractive defendants (see Table 1).

TABLE 1: RECOMMENDED PUNISHMENT FOR GUILTY DEFENDANTS AS A FUNCTION OF JUROR AND DEFENDANT ATTRACTIVENESS

<i>Juror Attractiveness</i>	<i>Defendant Attractiveness</i>			<i>Overall</i>
	<i>Low</i>	<i>Medium</i>	<i>High</i>	
<i>Low</i>	2.64ad	3.64bcf	2.09c	2.91i
<i>High</i>	3.96deg	3.13efh	2.55gh	3.21i
<i>Overall</i>	3.30j	3.39k	2.32jk	

Note: Means sharing a common subscript differ by at least $p < .05$.

EVALUATIONS OF DEFENDANTS

A significant relationship was found between the defendants’ attractiveness and the participants’ evaluations of them (see Table 1). Repeated measures analyses of variance showed participants rated more attractive defendants as more likeable $F(2, 128) = 23.44, p < .001$, more trustworthy, $F(2, 128) = 3.96, p < .02$, and happier, $F(2, 128) = 23.88, p < .001$, and less responsible for the offense, $F(3, 128) = 5.76, p < .04$ (see Table 2).

TABLE 2: MEAN EVALUATIONS OF DEFENDANT ATTRIBUTES AS A FUNCTION OF DEFENDANT ATTRACTIVENESS

<i>Defendant Attributes</i>	<i>Defendant Attractiveness</i>		
	<i>Low</i>	<i>Medium</i>	<i>High</i>
<i>Likeable</i>	4.21a	4.80	5.49a
<i>Trustworthy</i>	4.24	4.65	4.78
<i>Happy</i>	4.46a	4.74	5.80a
<i>Responsibility for Charges</i>	5.62ab	4.41ac	3.22bc

Note: Within each defendant attributions, means sharing a common subject differ by at least $p < .05$.

Although the positive benefits for attractive defendants seem evident, they were not as pervasive as expected. For example, no effects of defendant attractiveness emerged on ratings of defendant intelligence and honesty and how likely the defendant was to have committed and offense in the past or to commit an offense in the future. Participants high in self-perceived attractiveness rated defendants, regardless of verdict, as more responsible for the charges being brought against them ($F(1, 66) = -7.64, p < .04$; $M_s = 4.62$ and 2.32 , for attractive and less attractive participants, respectively). In similar fashion, participants high in self-rated attractiveness rated themselves as more confident than participants with lower self-rated attractiveness in their decisions, regardless of what those decisions were ($F(1, 66) = 6.47, p < .02$; $M_s = 5.32$ and 4.12 , for attractive and less attractive participants, respectively).

DISCUSSION

It clearly pays to be physically attractive if one is a defendant in a courtroom trial. Significant support was found for the idea that more attractive defendants are less frequently convicted, less severely punished, and considered less responsible for the offense. These findings add to the previous research demonstrating the positive outcomes which accrue to attractive individuals in these settings (Efran, 1974; Hoffman, 1981; Stewart, 1980). In addition, attractive defendants were rated as more trustworthy and happier than less attractive defendants, suggesting that the effects of physical attractiveness spill over to influence judgments of other personal characteristics (see Adams & Read, 1983). The evidence seems strong that "what is beautiful is good".

The evidence becomes less clear, however, when the influence of a juror's self-rated attractiveness is taken into account. With regard to decisions to convict the defendants there appears to be an interesting interaction between decisions made by attractive as opposed to unattractive jurors, such that attractive jurors are more likely to convict than acquit an unattractive defendant, while less attractive jurors are no more or less likely to convict or acquit defendants of any level of attractiveness. Perhaps attractive

jurors find it very easy to acquit attractive defendants and convict unattractive ones since not only do the jurors and defendants share a common attribute, the jurors may be naturally inclined to look favorably on attractive defendants as do most members of our society. Unattractive jurors may be likewise inclined to judge attractive defendants favorably, but at the same time be moved to not so clearly differentiate between attractive and unattractive defendants when making their decisions to convict or acquit. While the pattern of conviction decisions is somewhat similar for attractive and unattractive jurors (see Figure 2), it is possible that unattractive jurors are showing at least a slight preference for defendants of similar attractiveness evidenced by the nonsignificant difference in conviction rates for unattractive defendants.

Somewhat more direct evidence for the idea that jurors will be more favorably disposed to defendants of similar attractiveness emerged in the recommendations for punishment of convicted defendants. For attractive jurors the results are straightforward: the most punishment should go to the least attractive defendants, the next most to moderately attractive defendants, and the least to attractive defendants. For unattractive jurors the pattern is mixed, recommending the most punishment for moderately attractive defendants, the next most to unattractive defendants and the least to attractive defendants. It is possible that unattractive jurors may be responding to both the "what is beautiful is good" stereotype (by being least harsh on attractive defendants) and a "leniency" motive to be less harsh on unattractive defendants with whom they share a common attribute, thereby producing the relatively harsher judgments of moderately attractive defendants.

There are perhaps two sides to the defensive attribution coin. On the one hand, it was expected that jurors would rate those of like attractiveness as less often guilty, less blameworthy, responsible, and so on. The data reveal however, that jurors judged attractive defendants more favorably irrespective of the jurors' self-perceived level of attractiveness. On the other hand, jurors who did not view themselves as very attractive did show some tendency to less clearly differentiate among defendants hinting at an effort to spare similar others the harshest judgments. It seems that for attractive jurors the "what is beautiful is good" effect is in harmony with favorably evaluating similarly attractive others, while for less attractive jurors the "what is beautiful is good" effect is blunted by a desire to be lenient toward similar others. In conclusion, this study demonstrates again the significant benefits that attend physical attractiveness and suggests that decisions made by jurors virtually cannot escape being affected by the physical appearance of defendants. At the same time, the study provides some initial support for the idea that an individual's self-perceived attractiveness influences attributions of others of similar and different attractiveness.

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