

An Examination of the role of Attractiveness and Self-Esteem in Jury Decision Making

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### Abstract

This study looks at how the facial attractiveness of defendants in the judicial system can influence the decisions of the jury. Past research has shown that there are many benefits to being viewed as a more attractive person. One thing that is not as clear is how the traits and personalities of the individual jurors might interact with how they convict and sentence these defendants. Using a survey which includes two faces with different levels of attractiveness as well as scales to measure self-esteem, Social Dominance Orientation, and Global Belief in a Just World, this study was designed to determine if differences in personal attributes of the jurors have any influence or interactions on the decisions they make when also taking into account the facial attractiveness of the defendant. The results indicated that females were more likely to be influenced by attractiveness of the defendant. There was also a marginally significant interaction found between self-esteem and attraction when looking at sentencing. These results show that lower levels of self-esteem are related to participants giving longer sentences. This study also shows that participants scoring higher in Social Dominance Orientation were more likely to give a guilty verdict. Though this study had its limitations, it shows how factors like attractiveness of defendant and personality traits of the juror can influence outcomes in jury trials. The implications that a study like this could have could prove very beneficial in the future when looking at how to bring more objectivity into the courts.

### An Examination of the Role of Attractiveness and Self-Esteem in Jury Decision Making

Through the years, there has been a lot of research done on physical appearance. Studies have been done which look at the characteristics of attractive versus unattractive people (Dion, Bersheid, & Walster, 1972; Cunningham, 1986), and other studies have looked at issues such as facial expression and the influence it has on how people are viewed (Lau, 1982). Of great interest are the characteristics that are attributed to people stemming from their appearance.

Judgments are constantly made based on stereotypes that are influenced by race, gender, age, and attractiveness. Though it may be wrong to hold these types of stereotypes, a good portion of the public continues to do so anyway. These beliefs can change the behavior of people who fall victim to these types of stereotypes in a very negative way. In many cases, stereotyping can even help to mold the characteristics and traits of people, leading them to act in ways that would confirm the stereotype; this is called the self-fulfilling prophecy (Whitley & Kite, 2006). It would be nice if people could all go into every situation with a non-biased attitude, but life experiences have helped to shape beliefs in ways that are hard to leave behind.

Unfortunately, one of the outcomes of these behaviors is the treatment of defendants in the criminal justice system. Many lawyers are also able to use these biases as an advantage, by choosing jurors that may be more lenient towards their defendant. They may also be able to use the characteristics of their own client, the defendant, to their advantage by requiring them to dress a certain way, or even something as simple as maintaining a smile throughout the trial. Although instances such as these that could help their client do occur, all too often it is the other way around with the jury using their pre-conceived beliefs to persecute unfairly. This is often the case in the physical attractiveness bias.

Another important factor in the case of verdicts and sentencing are the characteristics of the jurors. Self-esteem has been found in many instances to play a role in how we pass judgment upon ourselves as well as on others. Other influential characteristics factoring in to the decisions made by each member of the jury are their belief in how fair the world is and their need for dominance in their surroundings. This study will take a look at the role of attractiveness in the judicial system and how these other issues may interact with the outcome of the jurors' decisions.

### *Role of Attraction*

In the past, research has shown that people with a more attractive outward appearance are seen not only as more pleasant to look at, but as also possessing a wide range of more positive characteristics than unattractive people (Dion, Bersheid, & Walster, 1972). One such study found that subjects that were perceived as more desirable, mature, and expressive were also found to possess more attributes such as assertiveness, intelligence, social ability, and virility (Cunningham, 1986). In the same study by Cunningham (1986), those found to be more attractive were more likely to be chosen as dating partners and as childrearing partners. Based on evolutionary theory, the ability to reproduce and pass on one's genes remains the most important factor in regards to "survival of the fittest." Therefore, in the eyes of an evolutionary psychologist, this shows the value in possessing characteristics that prove to be more physically attractive. It makes sense that these individuals would not only be perceived by others more favorably, but their own self-evaluations might tend to become more favorable as well. With a more positive outlook upon attractive people, their achievements might tend to be more often noticed and commended than those that are considered less attractive and therefore less worthy.

Other research that has focused on facial expressions has also linked more positive judgments on personal characteristics. In a study by Lau (1982), the effect of smiling has been found to help create more positive evaluations of a person. This has been found to be true especially in male faces. A smiling face is judged as more likable and therefore, characteristics associated with smiling are more often positive (Lau, 1982). It would seem that being attractive and constantly maintaining a positive facial expression would have significant beneficial effects on the quality of life that people lead. Knowing this, it is quite easy to see how an intelligent trial lawyer could use this to great advantage by coaching and training his client to maintain a certain look while in court, intentionally having an influence on the decisions of the jurors.

According to Dion, Bersheid, and Walster (1972), it seems that a link between personal characteristics and appearance might actually be possible. They have explored the concept of persons developing into the type of character that due to their appearance people perceive them to be, because of factors such as their treatment by outside individuals and the expectations that they are given to live up to. They suggest, for example, that if an attractive individual is regarded as more intelligent than an unattractive individual, then that person will constantly be exposed to higher levels of conversation and topics therefore leading to a more intelligent persona (Dion, Bersheid, & Walster, 1972). The observations that are made from perceiving how one is treated by others is a major factor in the development of one's own self-concept (Dion, Bersheid, & Walster, 1972). If you are told enough times that you are great, then it is likely that you will start to believe and feel like you are great. On the other hand, if the worst is what people expect out of you, then eventually you will give them what they expect.

In other research done by Cavior, Howard, and Cohen (1974), it was suggested that unattractiveness may play a part in delinquency. This is possible because being unattractive may

lead to more rejection, therefore, in time, influencing the individual to become more deviant in their behaviors. Characteristics involving appearance can be very influential to jurors because certain attributes such as being Black or being unattractive are overrepresented in the criminal justice system.(Mazzella & Fiengold, 1994) The reasons for this are not exactly known yet, but it is another interesting issue that would be worth taking a look at in the future. According to Mazzella and Fiengold, (1994), a person's own personal bias can play an unconscious part in the decisions that they as a juror or as a member of the public make regarding the defendant. No matter how objective the jurors feel they are, the implicit mind is a very powerful tool.

### *Responsibility*

Another common topic amongst researchers is personal responsibility. The findings in this area are very controversial and have created mixed results. Some might assume that since a more attractive defendant is seen in a more favorable light, then more would be expected of them. This would force them to be held more responsible for their actions (Seligman, Paschall, & Takata, 1974). However, other research shows that it would be beneficial to treat the more attractive defendant more leniently because they portray more socially acceptable behaviors and the promise for rehabilitation is much more likely in the future (Sigall & Ostrove, 1975). The different treatment is also influenced by the fact that the jury is more likely to believe that more attractive defendants have some kind of rational explanation for their actions and therefore the likelihood of a transgression is low. Finally, jurors might also believe that a more attractive defendant has a lot more to lose if sentenced to a long prison sentence (DeSantis & Kayson, 1997). This belief would coincide with the more positive attributions that are consistently given more attractive individuals. According to Dion, Bersheid, and Walster (1972), an unattractive person is expected to offend again which would lead the juror's to believe that they are more of a

threat to society and should be punished accordingly. This finding helps to explain the harsher treatment and punishments of those considered less physically attractive when going through the judicial system (Sigall & Ostrove, 1975).

The next important topic in the research regarding responsibility has to do with attribution theory. It is supported by research by Seligman, Brickman, and Koulack (1976) that was done concerning whether responsibility could be placed on the victim of rape. These researchers found that responsibility for the rape was more likely to be placed on a more unattractive woman because the participants believed that to be raped, she must have done something enticing to bring the situation upon herself. On the other hand, the more attractive female did not have to do anything to get raped because she was the more likely victim in the first place. This is only the perception of the subjects in the study and has no real bearing on the actual responsibility of the victim.

Conversely, in a study by Thornton (1977), he found no significant effects on the responsibility of the victim or the defendant in rape cases when looking at the attractiveness of the victim. However, he did find a significant effect on the sentence length that was recommended by males when the victim was judged as more attractive. For male subjects, the more attractive the victim was, the longer the recommended sentence. This suggests a greater desire for retribution when an attractive woman is the victim and the juror is a male. These findings could play an important role in trials that involve any sort of violence, not necessarily just rape, especially when the victim involved is a female and the perpetrator is a male.

### *Nature of the Crime*

Another phenomenon that has been examined in crime sentencing and verdicts is the issue of the crime itself. We hold preconceptions about certain people; but do we also hold them

about certain actions? In a study done by Goldstein, Chance and Gilbert (1984), they showed pictures of different faces to their subjects and asked them to pick out the mass murderer, the clergy man, the rapist, the doctor, and the robber. What they found was that with no knowledge of who was who amongst the pictures, people were choosing different photos that they truly felt belonged to a person of that profession. This indicates that each person had a preconceived belief about what each of these people should look like. This can also help to influence decisions in the courtroom as the jury evaluates whether or not the offender fits the characteristics that they perceive as typical for the crime he/she is being charged with (Hoffman, 1981). In the study by Goldstein, et al. (1984), the researchers had a different set of subjects associate words with the pictures that had been chosen. Although they did not know anything about the previous study, the words that were chosen for the photos that had previously been labeled as the murderer, rapist, and robber were much more negative compared to the words that were used to describe the other characters.

In a study by Gordan, Bindram, McNicholas, and Walden (2001), they suggest that if the defendant has the characteristics that are perceived as typical for the crime that they are accused of, regarding race, attractiveness, and social standing, then they will be held more responsible because of their lack of internal control in the situation. In contrast, when the crime is not perceived as typical for that individual, then the jury will be more likely to consider situational, or outside, causes for the deviant behavior. A study was done by Sigall and Ostrove (1975) in which they portrayed a great example of the effects of attractiveness and the typical crime. They showed that although in most cases the attractive defendant is likely to get off much easier than the unattractive defendant, there are such instances when this is flipped. According to this study, if the offense is seen to be an attractiveness-related crime such as in swindle, then the attractive



defendant will be punished much more than the unattractive one. In the case of an offense such as burglary, which is stereotypically associated with a more unattractive defendant, then the outcome will be reversed. The results of this study show that in cases such as these, the otherwise advantageous characteristics that were held by the attractive defendant quickly disappear and being attractive can actually be more of a burden (Sigall & Ostrove, 1995).

Findings regarding whether the crime is fitting to the defendant have also been examined in a study on the effects of race and juridical decisions by Gordon et al. (2001). The researchers found that in the case of race, certain crimes fitting into the category of “white-collar” crimes were perceived to be more typical of whites, whereas crimes described as more “blue-collar” were perceived to be more typical of blacks. Their findings matched the ones found by Sigall and Ostrove (1995), which show when a crime that is perceived as more typical of that defendant is committed compared to a crime that is viewed as very atypical for that defendant, the punishment was much harsher. It has also been found that not only the race of the defendant has an effect, but also the race of the victim relative to the race of the defendant. When the victim is white and the defendant is black, the defendant is much more likely to be found guilty (Rector, Bagby, & Nicholson, 2001). These results are not surprising if you assume that there is a typical profile out there to fit each crime, as was shown in the study previously mentioned by Goldstein et al. (1994).

### *The Jury*

Another issue that plays a role in how the defendant is judged and sentenced is the amount of facts and information available regarding the crime. It has been found that the biasing effect of the jury can be significantly decreased by presenting more factual information regarding the case (Baumeister & Darley, 1982). When the available information is ambiguous and

incomplete, the jury is left to use whatever methods they deem necessary to make a judgment.

This is when more stereotypical and judgmental decisions come into play. In a study by Rector et al. (2001), the authors showed that when not enough judicial instruction was provided to the jury, jurors were more likely to base their judgments on previously held stereotypes regarding the characteristics associated with the defendant. Once more clear and defined instructions were provided, their prejudices were more likely to disappear (Rector et al, 2001).

Baumeister and Darley (1982) also believed that when not enough information is provided, the unattractive defendant would be assumed to have acted in a more extreme way in their crime. For example, if he/she were accused of driving under the influence, as well as vehicular homicide, the jury would be more likely to presume that the defendant perceived as less attractive was more intoxicated and driving at a faster speed than the more attractive defendant. These assumptions are being made with no evidence to back them up. What this shows is that the jury is more likely to replace missing facts with their own bias when the defendant is less attractive, giving an unfair disadvantage to the defendant. The study involving the extremity of the crime did not provide clear results and needs further exploration but a clear correlation was found between the amount of information given and the biasing effect on the jury (Baumeister & Darley, 1982). Replication and further exploring are needed to provide more insight into the results that were found and why. This study does help to show that when the decisions are based on unclear information, an insufficient evaluation of the situation is likely. The jury is left to use whatever means necessary to make a decision that could potentially affect the lives of countless others. Unfortunately, the means that are usually available are an overgeneralization about a population of people which the jury probably knows little about.

One of the most important factors when doing a study on decisions made by jurors is the qualities that jurors attribute to themselves. Issues such as jealousy, envy, and self-confidence are likely to have an effect on the decisions that are made in regards to others. Another issue is what similarities there are between the juror and the defendant. In a study by Shaver (1970), it was noted that some of the decisions being made by the jury were strongly influenced by how much the juror felt that he/she had in common with the defendant. When the defendant was judged as having similar values and characteristics as the juror, then less blame was placed on the defendant. Some reasoning proposed for this is that when the defendant is seen as being similar to the juror, he/she is able to look into the future and see that one day this could be him/her in that same place and of course this could be a little uncomfortable (Shaver, 1970). Darby and Jeffers (1988) also found that the more similar the defendant seemed to be to the juror, the more lenient the judgments and sentencing tended to be.

More important are the findings by Shaver (1970) in which although more attractive defendants were over-all judged more leniently, when the juror was rated as a more unattractive person, the results were much less accentuated. This could in part be due to the findings that sometimes people are unable to recognize their own biases regarding the characteristics of others, especially when they do not feel they share any similarities and can not find any way in which they can relate to them (Batchelder, Koski, & Byxbe, 2004). Unfortunately this can end up being very harmful when you are deciding someone's fate.

The fact that many lawyers are insistent that members of the defendant's race must be represented in the jury to achieve a fair trial can in part be attributed to some of the findings mentioned previously on the ability of the juror to relate to the defendant. Many examples of this have been portrayed in the media. Most recently is the guilty verdict that was found of the

notorious defendant O.J Simpson in the armed robbery conviction. The verdict was found by an all-white jury, while the famous acquittal he received for the murder of his ex-wife and her friend were made by a predominantly black jury.

Another important factor that needs to be looked at is how the decisions made by the jurors can be influenced by their own attitudes and views on other important topics. A very strong correlation between the jurors' beliefs regarding the death penalty and how likely they were to convict has been found (Hastie, 1993). In a capital case, the chances of a juror who is against the death penalty finding the defendant guilty is strongly affected by the chance that there is even a slight possibility of capital punishment as a result of a guilty verdict (Hastie, 1993). On the other hand, persons that are not opposed to the death penalty have a much higher rate of conviction (Ellsworth & Ross, 1983). One thing that makes these findings so important is that anyone who is found to be strongly opposed to the death penalty is automatically excluded in all capital cases when selecting a jury. Because of this, the jury may now be biased in the opposite direction and the chances of a conviction even more likely due to outside factors and selection of the jury (Ellsworth & Ross, 1983).

All of these things that have been discussed concerning the jury are important factors in how the jury might react to the defendant when looking at facial attractiveness and the bias that is found towards more lenient sentencing. The research concerning facial attractiveness is pretty clear. There typically is an advantage when one is perceived as more physically attractive. What has not been sufficiently covered in previous research is the self-esteem of each juror and how individual differences in self-esteem can affect the jury when making decision about whether or not the defendant is guilty and what the recommended sentence is for that defendant. The effects

of attractiveness may not seem quite so cut and dry after other considerations are made and that is what this study is about.

### *Self-Esteem*

Self-esteem is defined as a person's evaluation or appraisal of one's own worth. It is usually looked at in terms of an enduring personality characteristic known as base-line self-esteem, but there can be fluctuations, which are more commonly known as barometric self-esteem (Harter & Whitesell, 2003). Self-esteem can influence our everyday decisions in many ways and can unknowingly play a part in how we look at the outside world. There have been numerous studies done on self-esteem, but not much on how the self-esteem of the jury can influence the decisions that are made in regards to the defendant.

In a study done by Diamantopoulou, Rydell, and Henricsson (2008), they examined how both low and high self-esteem can influence aggression in children. They found that low self-worth was indeed related to more aggressive ratings by both peers and teachers. Although these results were found in children, the likelihood that this could also play a role in how people's personalities develop as adults is great. If low self-esteem is related to higher levels of aggression, then the self-esteem of the jurors could play a huge role in how they choose to make their decisions regarding the guilt and sentence of the defendant.

It is important to research the ways in which people are able to manage and maintain their self-esteem. Two ways that people manage their self-esteem and reputations are basking and blasting (Cialdini & Richardson, 1980). The first way, basking in reflected glory, is done by showing a connection to others who are deemed as highly successful people, in order to gain the respect of outsiders and "bask" in someone else's glory (Cialdini & Richardson, 1980). More important to this study is the other tactic, which is referred to as blasting. Blasting is done when

you devalue the qualities of those that are facing problems or are found to be less successful (Cialdini & Richardson, 1980). This holds importance in the current study because this very thing could play a large factor in how the subjects judge the defendant when they are trying to maintain their own image.

Self-esteem can have a buffering effect on many important issues that we are faced with day to day. In the case of how it affects the judgments that we make on others, it can also be influential. In a study done by Mead (2007), he looked at how self-esteem played a role in the decisions that were made by subjects when they were deciding the fate of a defendant. Though the results were affected by the gender of the subject, there was an interaction found. When self-esteem was lower in females, they were likely to be more negative in their judgments and views on the defendant, while the women who were found to have higher self-esteem were more able to show more positive judgments towards the defendant (Mead, 2007). This is likely to coincide with what was referred to above as “blasting.” By looking more harshly at the defendant, those with lower self-esteem were trying to find a way to help build their own up and maintain the image that they so desperately want to have. These results were not found in the male subjects, for reasons that are unclear.

In this study, I will be looking at how facial attractiveness of the defendant affects the decision making of participants when asked to make a judgment on verdict and sentencing. I will also be looking at how participants’ self-esteem plays a role in their decisions and any interaction between the participant’s self-esteem and the attractiveness of the defendants when they are asked to make the decisions regarding the defendant’s guilt and innocence. I will also examine the role of Social Dominance Orientation and Global Belief in a Just World on the participants’ decision making.

*Other Relevant Variables*

Another important part of evaluating the jury and how their beliefs and prejudices can influence the decisions that are made involves looking at other personality variables, such as Social Dominance Orientation. Research has shown that people that tend to be more prejudiced against one out-group also have a tendency to experience more of a generalized prejudice as well (Allport, 1954). The Social Dominance Orientation Scale looks at preferences for inequality amongst different social groups (Prato, Sidanius, Stallworth, & Malle, 1994). It has also been shown that Social Dominance Orientation is positively correlated with a person's predisposition to practicing discriminatory procedures and believing legitimizing myths (Prato et al., 1994). The use of the Social Dominance Orientation Scale to look at how people view out-groups has been shown to be a good predictor of prejudice, discrimination, and attitudes (Cohrs & Asbrock, 2009). This study will be looking to see if there are any effects on the verdict and sentencing of defendants based on their attractiveness that can be explained by social dominance orientation. While most of the research on social dominance has looked at correlations with measures of Right Wing Authoritarianism (Altemeyer, 1981) and prejudice, this study is going to take a different approach and look for effects that may present when making decisions regarding the guilt of defendants in the judicial system. Because past research on Social Dominance Orientation has shown a connection between high levels of Social Dominance and prejudice (Allport, 1954), this seemed like a pathway into how Social Dominance can effect condemnation as well.

In a study done by McKee and Feather (2008) that was looking for a relationship between vengeful attitudes, Social Dominance Orientation, and Right-Wing Authoritarianism, more vengeful attitudes and positive feelings toward the death penalty were associated with both

measures, they were especially associated with Social Dominance Orientation. This is a good example of how feelings of dominance can play a role in how we look at and condemn others that we consider not to be in our group.

In a study by Lieberman (2007), she found that when asked to select a punishment for a defendant of a crime that when the crime had been committed against someone in their family or to one of their friends, the participants in the study that were higher in Social Dominance Orientation were much more punitive. In the same study with another experiment, Lieberman found that when the defendant was varied and either a member of their family or not, the participants higher in Social Dominance Orientation were much more punitive to those that were in the out group, or not a member of their family or friends. What was even more interesting was that in both of these studies, although the participants were much more punitive to the outside group, their moral judgments of each were the same. The results of this study show that when the participant is higher in Social Dominance Orientation and the defendant is not considered to be a member of the participant's in-group, although the participant is not necessarily going to think any less of them, the participant is likely to give the defendant a more punitive sentence. This study is helpful in understanding whether people higher in Social Dominance Orientation do consider those that are in the "out-group," or the group that they feel are less dominant to deserve harsher punishment than those that are in their group, the "in-group," which is the group that they consider to be the dominant group.

Those who possess a Belief in a Just World feel that people not only get what they deserve, but that they always deserve what they get (Lipkus, 1991). The original Belief in a Just World hypothesis states that people have a strong need to believe that the world is a predictable, orderly and fair place and that victims are always the recipients of a fitting punishment or reward



(Lerner, 1980). People who score higher on Belief in a Just World tend to be characterized by more religious, authoritarian, and conservative attitudes than those that score lower. They also tend to not feel sympathy for those that they consider less fortunate than themselves, and to a smaller degree they do not feel as much of a need to help fight social injustice (Rubin & Peplau, 1975). To see where people stand in their feelings on a Belief in a Just World, the original scale, designed by Rubin and Peplau (1975), was revised and the new measure that was developed by Lipkus (1991) has received approval of being a more cross-cultural, and valid measure. This particular study will examine differences in attitudes on the Global Belief in a Just World scale to see if they have any influence on how jurors view the defendant.

### Hypotheses

Based on the previous research, the following hypotheses were developed:

Hypothesis 1: The defendant that has been previously rated as less attractive will be found guilty of the crime more often and will receive a longer and harsher sentence than the defendant rated as more physically attractive.

Hypothesis 2: The participants that have lower self-esteem will be harsher on both of the defendants than those found to have higher self-esteem, but they will be particularly harsh on the person rated as more attractive.

Hypothesis 3: Participants that score higher on Social Dominance Orientation or on Global Belief in a Just World will be more likely to convict and give harsher sentences if they do convict.

## Method

### *Participants*

The study took place at The Ohio State University-Mansfield campus. The subjects that participated were mainly Psychology 100 students who received course credit for their participation. The other participants were also students in many other majors who received five dollars paid for from an undergraduate research grant that was approved for the study. Those who accepted the money were also entered into a drawing to win a \$25 gift card for amazon.com. There were 109 participants included on the study, 61 males and 47 females, and 1 participant did not indicate a sex. The range of the participants' ages was from 18 to 52, with a mean age of 20.07.

### *Materials*

Attractiveness of the defendant was manipulated by means of one of two pictures that had been taken from the same face bank and previously rated for attractiveness for use in another Psychology study with Psychology 100 students. One was a picture that had been rated as attractive, and one that had been rated as unattractive. Both of the faces used were female and Caucasian so that there were no interactions due to the race or sex of the defendant.

Included in the questionnaire distributed to the participants was a written scenario, with ambiguous evidence, describing the crime of theft in which money was stolen from a vehicle. The participants were then asked to decide whether they thought the defendant was guilty, and if so, what their recommended sentence was. Following this, there were some questions concerning the subject's sex, race and age.

Also included in the questionnaire was a copy of Rosenberg's self-esteem scale (Rosenberg, 1965). The Rosenberg Self-esteem scale consists of ten questions that are related to

a person's view of themselves. The participant has four choices on a Likert scale ranging from strongly disagree to strongly agree, with possible scores ranging from 10 thru 40. Sample items from this measure include "On the whole I am satisfied with myself," and "At times, I think I am no good at all." In this sample, Cronbach's alpha was .85.

The questionnaire also included a copy of the Social Dominance Orientation Scale (Pratto, Sidanius, Stallworth, & Malle, 1994), which has 16 questions with seven choices on a Likert scale ranging from very positive to very negative, with possible scores ranging from 16 thru 108. Sample items from this measure include "Some groups of people are simply inferior to other groups," and "It would be good if groups could be equal." In this sample, Cronbach's alpha was .90.

Finally there was the Global Belief in a Just World Scale (Lipkus, 1991), which consists of seven questions also formatted on a Likert scale with seven choices from strongly disagree to strongly agree, with a range of scores possible from 7 through 49. Sample items from this measure include "I feel that people get what they are entitled to have," and "I feel that a persons efforts are noticed and rewarded." In this sample, Cronbach's alpha was .86. Copies of all measures may be found in the appendix.

### *Procedure*

The students were not required to sign up for the procedure but they were provided with the room, date and time information in advance. The participants were first asked to read and sign a consent form. The surveys were distributed in groups. Upon arrival the participants were asked to spread out in the room. They were then read the explanation and instructions. After this they were asked to fill out the credit slips and the consent forms. Upon turning in the consent forms, they were each given a questionnaire. The packets consisted of all of the measures and

one picture of a face that was either attractive or unattractive. The questionnaires had been randomized beforehand.

Participants were told to place their questionnaires in a pile at the front of the room upon completion. When they finished and placed their questionnaire on the table, they were then issued a debriefing letter which explained the reasons for the study as well as their right to not have their questionnaire included in the final data. It also included the e-mail and phone number of the principal investigator if they should have any further questions in the future. After this, they were free to leave. All questionnaires are kept in a locked file cabinet. After the study is complete, all data will be kept for the proper amount of time before being destroyed.

### Results

All data were analyzed by the author using the SPSS program. The means and standard deviations, grouped by sex of participant, may be found in Table 1. T-tests done to examine sex differences between the means of all of the major variables indicated a marginally significant sex difference, but not below .05, between males and females in the sentence that was given. What this showed was that the females in this study gave longer sentences than the males. Because of this finding, separate chi-square analyses were run for males and females and sex was used as a covariate for the two-way ANOVA and the multiple regression analysis.

Chi-square tests of independence were performed for males and females in order to evaluate whether there was a relationship between attractiveness of the defendant and the verdict. The analysis found no relationship between attractiveness and verdict in males,  $\chi^2(1, N=61) = .035, p > .05$ . The chi-square analysis found a relationship approaching significance between attractiveness and verdict in females,  $\chi^2(1, N = 47) = 2.56, p = .096$  showing that females were more likely to convict defendants that were rated as unattractive.

For the analysis of variance, sex was used as a covariate because differences were found but there were not enough participants in each condition to run a three-way ANOVA. A two-factor analysis of variance was done to look at sentence, level of attractiveness, and self-esteem. Self-esteem levels were found by using a median split, with all levels falling below the median being low self-esteem and all those at the median and above being high self-esteem. Using sex as a covariate, the two-factor ANOVA showed a significant main effect for sex,  $F(1, 1) = 5.11, p < .05, \eta_p^2 = .100$ ; no significant effect for self-esteem,  $F(1, 1) = .000, p > .05, \eta_p^2 = .000$ ; no significant effect for attractiveness,  $F(1, 1) = .961, p > .05, \eta_p^2 = .020$ ; and an interaction approaching significance between level of attractiveness and self-esteem,  $F(1, 1) = 3.007, p > .091, \eta_p^2 = .061$ . These results indicate that when the participant is rated as having higher self-esteem they give higher sentences to those rated as more attractive and lower sentences to those that are rated as less attractive. When the participant has a lower level of self-esteem they give lower sentences to the defendant that is more attractive and higher sentences to the defendant that is less attractive (See Table 2).

In a test of multiple regression to examine the relative contributions of defendant attractiveness, self-esteem, global belief in a just world, and social dominance orientation in predicting the verdict, only social dominance orientation was found to be a significant predictor, with those scoring higher in social dominance orientation more likely to give a yes verdict ( $\beta = -.207, p < .05$ ). The results of this analysis may be seen in Table 3.

### Discussion

Based on previous research done on facial attractiveness by Cavior, Howard, and Cohen (1974), Cunningham (1986) and Mazzella and Feingold (1994), I had hypothesized that those rated as less attractive would be found guilty more often and would receive longer sentences.

The results of the chi-square analysis indicate that there were no effects of attractiveness of the defendant in the verdict given by the males. There was a level approaching significance in the females, however, indicating that when the defendant was rated as more attractive, the females were more likely to convict. The results do support the hypotheses in regards to female participants. This finding indicates that with a larger sample size the results would likely have been significant. Most of the past research on facial attractiveness has not looked at sex differences in judgment and based on these findings, as well as previous research findings regarding females and sentencing, this would be a good area for further study.

The results of the two-factor analysis of variance showed a significant effect when using sex as a covariate in sentencing, with females giving longer sentences. The results also indicated a level of approaching significance in the interaction between level of attractiveness and self-esteem of participant. This interaction is interesting and based on the study that was done by Mead (2007) that found that when looking at self-esteem of the juror and sentencing, females with lower self-esteem were much more harsh, it is not surprising that the females in this study were found to be more likely to convict and harsher in their sentencing. Again these findings indicate the importance of sample size in any future replication of this study.

The findings of the multiple regression show that Social Dominance Orientation is a predictor in the verdict given by the participant, with those higher in Social Dominance Orientation more likely to give a guilty verdict. Previous research has found that not only Social Dominance Orientation plays a role in harshness but that also Right Wing Authoritarianism does as well (McKee & Feather, 2008). Although not included in this study, in the future it would be interesting to include Right Wing Authoritarianism as another variable to examine in terms of the role that it may play in judicial decisions when looking at attractiveness of the defendant.

While much research has looked at facial attractiveness and the courts, none have approached the subject of interactions with attractiveness and self-esteem, Social Dominance Orientation or Global Belief in a Just World. That is what makes this study unique. Based on research done by Mead (2007), which found interesting results with women and self-esteem and how it played a role in how they viewed defendants in the criminal justice system, this study was intended to take this a step further and not just look at self-esteem or attraction separately but to look for how they might have an effect on each other. This proved to be an interesting topic that requires further research to explore not only the characteristics of the defendant in court cases but to also take into account some of the characteristics that the jury may have as well.

### *Limitations*

One of the limitations of this study is the ambiguity that people may have found in the two faces used. Due to limitations on time, the pictures that were used had been rated and used in a previous study several years ago. Because of changes in style through the years the effect of attractiveness may not have been quite what we expected. Although there were differences found, in the future it would be worth finding more up to date pictures to see if the significance would be even greater.

Another limitation of the study is the lack of participants that were in each condition. Again due to the brief amount of time that was available to collect data there was not significant amounts of participants in all conditions. Also because of the format of the survey only those who gave a guilty verdict were required to also give a sentence which reduced the amount of participants in this condition even further. If this study were to be done again, it might be worth adding another condition to the survey which would include the same scenario except the defendant is already presumed guilty and the participant is asked to give a sentence.

The goal of this study was to examine how attractiveness of the defendant can interact with the self-esteem, Social Dominance Orientation, and Global Belief in a Just World of the juror therefore influencing their decision-making in the judicial system. Fairness in trials is what the criminal justice system is striving for and unfortunately, many cases are faced with serious injustice when outside biases are brought in to the trial.

This study is important because of its far-reaching implications for the criminal justice system. As more research becomes available regarding how the outcome of a trial can be influenced by jury selection and the traits of the defendant, the possibility of receiving a fair trial becomes more foreseeable than ever before. It is also easier to see how the criminal justice system could have failed so many times before, imprisoning the innocent or in acquitting the guilty. Hopefully, in the future, when we know more about how physical and personality characteristics affect decision making, these things will be less likely to happen. This study is important to all those who work in the criminal justice field, especially those working towards achieving more equal justice to all.



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Table 1

Means and Standard Deviations of Major Variables Grouped by Sex

	Male		Female		<i>t</i>	<i>p</i>
	Mean	<i>SD</i>	Mean	<i>SD</i>		
Age	20.89	6.92	20.26	4.32	.55	.59
Verdict	1.57	.50	1.45	.50	1.31	.19
Sentence	1.74	.76	2.27	1.19	-1.94	.06
Self-Esteem	31.83	4.70	31.04	4.71	.71	.39
Global Belief	29.10	7.49	27.15	8.81	1.24	.22
Social Dominance	43.15	14.48	40.55	15.42	.90	.37

Table 2

## Analysis of Variance for Length of Sentence

Source	<i>SS</i>	<i>df</i>	<i>MS</i>	<i>F</i>	$\eta_p^2$	$\rho$
Sex (covariate)	5.15	1	5.19	5.11	.10	.03
Face	.97	1	.97	.96	.02	.33
Self-esteem (SE)	3.08	1	3.08	.00	.00	.99
SE x Face	3.03	1	3.03	3.01	.06	.09
Error	46.33	46				
Total	261.00	51				

Table 3

Multiple Regression Predicting Length of Sentence ( $n = 109$ )

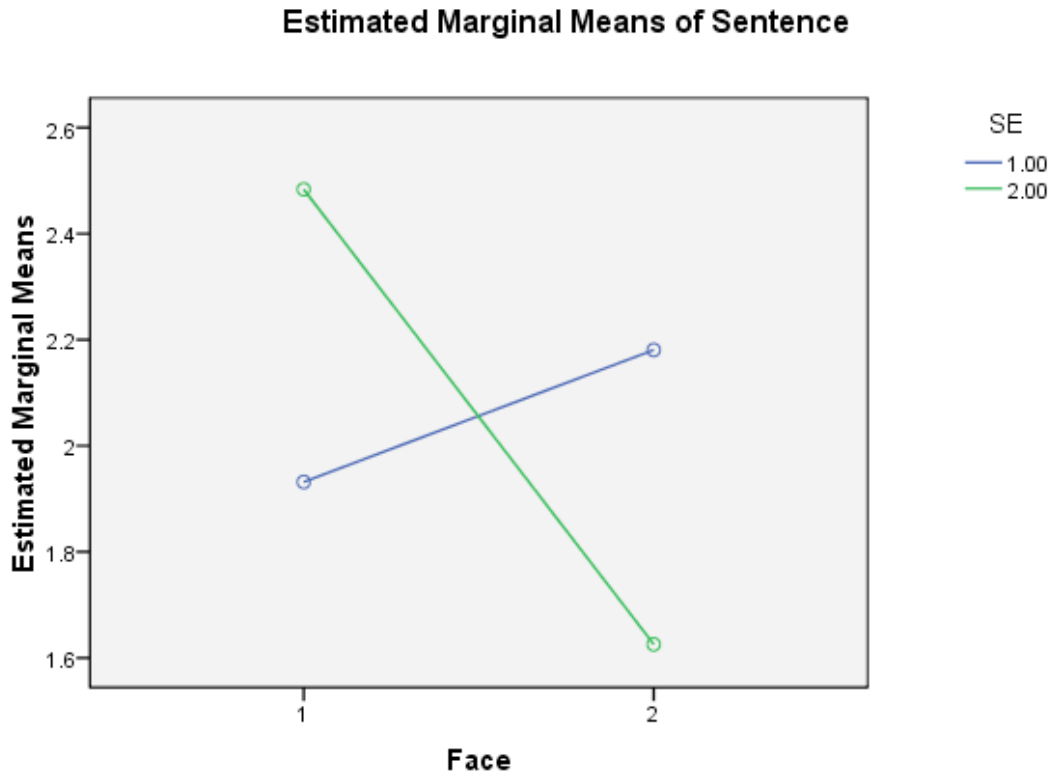
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Variable	B	SE B	$\beta$
Constant	1.45	.39	
Attractiveness	-.032	.096	-.032
Self-Esteem	.008	.010	.072
Social Dominance	-.007	.003	-.207*
Global Belief	.006	.006	.101

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\* $p < .05$

Figure 1. Length of sentence as a function of attractiveness of defendant and self-esteem of juror



Covariates appearing in the model are evaluated at the following values: Sex = 1.49



Appendix

Unattractive Target Stimulus



Attractive Target Stimulus



## Scenario and Demographic Questionnaire

The female in the picture above is on trial for committing the crime of robbery. The alleged crime took place in the evening while it was dark outside. The crime took place outside a convenience store where the victim and the defendant were both stopped for gas. The victim claims that when she went into the store to pay for her gas purchase, she left her purse, which contained her wallet, in the front seat of her car. When she returned from the store, her purse was gone, and she claims to have seen the defendant grabbing the purse and then speeding away in her car. After giving a description of the car to police they were able to pull the car over very shortly and upon searching the car and the woman they did not recover the purse, but did find a large sum of money in her pocket. She claims that the money found belongs to her and while she does remember being at the store, she says that she had nothing to do with the theft of any purse or money.

1.) Do you think that she is guilty of the theft or not?

Yes \_\_\_\_

No \_\_\_\_

2.) If you answered yes to the above question, what is your recommended sentence for the defendant?

2 years probation \_\_\_\_ 60 days in jail \_\_\_\_ 120 days in jail \_\_\_\_ 1 year in jail \_\_\_\_

2 years in jail \_\_\_\_

3.) Your Sex

Male \_\_\_\_

Female \_\_\_\_

4.) Age\_\_\_

5.) Race

Caucasian\_\_\_

African-American\_\_\_

Asian-American\_\_\_

Hispanic\_\_\_

Multi-Racial\_\_\_

Other\_\_\_

## Social Dominance Orientation Scale

Which of the following objects or statements do you have a positive or negative feeling towards? Please indicate your feelings by circling the appropriate number below each item. Your first reaction is best. Please work as quickly as possible.

1. Some groups of people are simply inferior to other groups.

1	2	3	4	5	6	7
Very Positive	Positive	Slightly Positive	Neither Positive nor Negative	Slightly Negative	Negative	Very Negative

2. It would be good if groups could be equal.

1	2	3	4	5	6	7
Very Positive	Positive	Slightly Positive	Neither Positive nor Negative	Slightly Negative	Negative	Very Negative

3. It's OK if some groups have more of a chance in life than others.

1	2	3	4	5	6	7
Very Positive	Positive	Slightly Positive	Neither Positive nor Negative	Slightly Negative	Negative	Very Negative

4. To get ahead in life, it is sometimes necessary to step on other groups.

1	2	3	4	5	6	7
Very Positive	Positive	Slightly Positive	Neither Positive nor Negative	Slightly Negative	Negative	Very Negative

5. Increased social equality.

1	2	3	4	5	6	7
Very Positive	Positive	Slightly Positive	Neither Positive nor Negative	Slightly Negative	Negative	Very Negative

6. No one group should dominate in society.

1	2	3	4	5	6	7
Very Positive	Positive	Slightly Positive	Neither Positive nor Negative	Slightly Negative	Negative	Very Negative

7. . Inferior groups should stay in their place.

1	2	3	4	5	6	7
Very Positive	Positive	Slightly Positive	Neither Positive nor Negative	Slightly Negative	Negative	Very Negative

8. All groups should be given an equal chance in life.

1	2	3	4	5	6	7
Very Positive	Positive	Slightly Positive	Neither Positive nor Negative	Slightly Negative	Negative	Very Negative

9. In getting what you want, it is sometimes necessary to use force against other groups

1	2	3	4	5	6	7
Very Positive	Positive	Slightly Positive	Neither Positive nor Negative	Slightly Negative	Negative	Very Negative

10. Group equality should be our ideal.

1	2	3	4	5	6	7
Very Positive	Positive	Slightly Positive	Neither Positive nor Negative	Slightly Negative	Negative	Very Negative

11. Sometimes other groups must be kept in their place.

1	2	3	4	5	6	7
Very Positive	Positive	Slightly Positive	Neither Positive nor Negative	Slightly Negative	Negative	Very Negative

12. We should do what we can to equalize conditions for different groups.

1	2	3	4	5	6	7
Very Positive	Positive	Slightly Positive	Neither Positive nor Negative	Slightly Negative	Negative	Very Negative

13. If certain groups stayed in their place, we would have fewer problems.

1	2	3	4	5	6	7
Very Positive	Positive	Slightly Positive	Neither Positive nor Negative	Slightly Negative	Negative	Very Negative

14. We should have fewer problems if we treated people more equally.

1	2	3	4	5	6	7
---	---	---	---	---	---	---

Very Positive	Positive	Slightly Positive	Neither Positive nor Negative	Slightly Negative	Negative	Very Negative
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15. We should strive to make incomes as equal as possible.

1	2	3	4	5	6	7
Very Positive	Positive	Slightly Positive	Neither Positive nor Negative	Slightly Negative	Negative	Very Negative

16. It's probably a good thing that certain groups are at the top and other groups are at the bottom

1	2	3	4	5	6	7
Very Positive	Positive	Slightly Positive	Neither Positive nor Negative	Slightly Negative	Negative	Very Negative





7. I basically feel that the world is a fair place.

1

2

3

4

5

6

7

## Rosenberg Self-Esteem Scale

This scale consists of statements that deal with your feelings towards yourself. If you strongly agree with the statement circle **SA**. If you agree with the statement circle **A**. If you disagree circle **D**. If you strongly disagree circle **SD**.

- |   |    |   |   |    |
|---|----|---|---|----|
| 1. On the whole I am satisfied with myself.                                       | SA | A | D | SD |
| 2. At times, I think I am no good at all.   | SA | A | D | SD |
| 3. I feel that I have a number of good qualities.                                 | SA | A | D | SD |
| 4. I am able to do things as well as most other people.                           | SA | A | D | SD |
| 5. I feel that I do not have much to be proud of.                                 | SA | A | D | SD |
| 6. I certainly feel useless at times.   | SA | A | D | SD |
| 7. I feel that I am a person of worth, at least on an equal<br>plane with others. | SA | A | D | SD |
| 8. I wish I could have more respect for myself.                                   | SA | A | D | SD |
| 9. All in all, I am inclined to feel that I am a failure.                         | SA | A | D | SD |
| 10. I take a positive attitude towards myself.                                    | SA | A | D | SD |

### Researcher' Script

Hi, and welcome. Thank you all for coming to participate in this study. In your brief questionnaire you will be answering questions that pertain to some of your beliefs and feelings towards certain things. This study is also looking at sentencing recommendations of students on defendants. The questionnaire will take approximately 30 minutes to complete. You are free to leave at any point and you will still receive full credit or your gift card for your participation. Upon completion of your questionnaire you may bring it to the front and hand it to me.. There will be no identifying information on your questionnaire so you need not worry about your answers. It is important that you answer truthfully. You may skip any questions that you do not wish to answer. Does anybody have any questions?

Alright then, I will first be passing out credit slips and consent forms for you to fill out. After you have returned them to me, I will hand you your questionnaire and you may begin.

**PSYCHOLOGY EXPERIMENT****NO APPOINTMENT NECESSARY****DO NOT SIGN YOUR NAME*****AN UNLIMITED NUMBER OF STUDENTS CAN BE TESTED AT EACH TIME***


---

EXPERIMENT NAME: An examination of the role of attractiveness and self-esteem in juror decision making    CREDIT: **.5 Psych 100 research credit or five dollars and a chance to win a \$25 gift card to Amazon**

---

**BRIEF DESCRIPTION OF EXPERIMENT:**

For this study you will be asked to answer several questions regarding verdicts and sentencing in the judicial system. You will also be answering several questions about some of your beliefs and attitudes. The study is completely anonymous and should take no more than 30 minutes. Further questions may be directed to Dr. Terri Fisher. She may be reached at 755-4280 or at fisher.16@osu.edu, or you may contact Shaye McAlexander at 709-0178 or at mcalexander.5@osu.edu.

---

**SPECIAL INSTRUCTIONS OR RESTRICTIONS:**

**You must be 18 or older to participate in this study.**

---

Investigator: Terri Fisher & Shaye McAlexander    Office: 335 Ovalwood    Phone: 755-4280

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**EXPERIMENT DATES, TIMES AND LOCATIONS**

Tuesday Feb. 10 <sup>th</sup> at 12pm	O-474
Tuesday Feb. 10 <sup>th</sup> at 3:15pm	O-474
Thursday Feb. 12 <sup>th</sup> at 3:15pm	O-474
Friday Feb. 13 <sup>th</sup> at 10am	O-474
Tuesday Feb. 17 <sup>th</sup> at 12pm	O-474
Tuesday Feb. 17 <sup>th</sup> at 3:15pm	O-474
Thursday Feb. 19 <sup>th</sup> at 3:15pm	O-474
Friday Feb. 20 <sup>th</sup> at 10am	O-474
Tuesday Feb. 24 <sup>th</sup> at 12pm	O-474
Tuesday Feb 24 <sup>th</sup> at 3:15pm	O-474
Thursday Feb. 26 <sup>th</sup> at 3:15pm	O-474
Friday Feb. 27 <sup>th</sup> at 10am	O-474
Tuesday March 3 <sup>rd</sup> at 12pm	O-474
Tuesday March 3 <sup>rd</sup> at 3:15pm	O-474
Thursday March 5 <sup>th</sup> at 3:15pm	O-474
Friday March 6 <sup>th</sup> at 10am	O-474

Debriefing

Debriefing Statement

Thank you for participating in this study. I was looking at how decisions regarding the guilt and sentencing of defendants varied when facial attractiveness was a factor. In some of the questionnaires the face included was previously rated as unattractive and in some the face had been rated as attractive. The remaining questionnaires consisted of a face rated as average. I will be comparing the answers given between each of the levels of attractiveness. In this survey I am also looking at how the self-esteem of the subject interacts with the recommendations that are given. Some other things being looked at are whether some of the beliefs of the participant have any effect on the results as well. It is important that you do not discuss the study with other students that may sign up for it in the future. The study will be continuing for the rest of the quarter and through the next quarter. If you have any questions or if you wish to have your data removed from the study feel free to contact me at [mcalexander.5@osu.edu](mailto:mcalexander.5@osu.edu) or 419-709-0178.

Thank You,

Shaye McAlexander