

ATTRACTIVE BUT GUILTY: DELIBERATION AND THE PHYSICAL ATTRACTIVENESS BIAS^{1,2}

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Summary.—The current study examined the effect of jury deliberation on the tendency for mock jurors to find attractive defendants guilty less often. It was expected that there would be an interaction between group deliberation (yes or no) and defendant's appearance (plain-looking or attractive). It was hypothesized that mock jurors who did not deliberate would be more likely to find a plain-looking defendant guilty and that deliberation would mitigate this effect. The study was a 2 × 2 between-subjects factorial design. Participants were assigned randomly to one of four conditions: attractive defendant/deliberation, attractive defendant/no deliberation, plain-looking defendant/deliberation, and plain-looking defendant/no deliberation. A total of 172 undergraduates from a small, rural college in Vermont contributed to this study: mock jurors were 70 men and 52 women, ages ranged from 18 to 52 years ($M = 20.5$, $SD = 4.9$). The hypothesis was supported. Mock jurors who did not deliberate were more likely to find the plain-looking defendant guilty, whereas mock jurors who deliberated were more likely to find the attractive defendant guilty.

Dion, Berscheid, and Walster (1972) were the first to examine a well-documented phenomenon in an article entitled "What is beautiful is good." They found that physically attractive individuals were thought to be more occupationally successful, have happier marriages, and generally have happier lives. Meta-analyses regarding this physical attractiveness bias have indicated that attractive people are perceived to be more intelligent, socially competent, better adjusted, i.e., having better mental health and higher self-esteem, and are generally evaluated more positively than unattractive individuals across a wide range of research paradigms (Eagly, Ashmore, Makhjani, & Longo, 1991; Feingold, 1992; Jackson, Hunter, & Hodge, 1995).

Researchers have also demonstrated a physical attractiveness bias in legal contexts. Mock jurors perceived attractive defendants as more trustworthy, likeable, sociable and intelligent than plain-looking defendants (Darby & Jeffers, 1988; Castellow, Wuensch, & Moore, 1990; Wuensch, Chia, Caste low, Chuang, & Cheng, 1993). Physical appearance has also affected legal decisions by mock jurors. Plain-looking defendants are more likely to be found guilty than attractive defendants (Efran, 1974; Izzett & Leginski, 1974; Deitz & Byrnes, 1981; Darby & Jeffers, 1988; MacCoun, 1990), and plain-locking

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²I am grateful to Donald O. Bucolo for his assistance with this article.

defendants receive significantly longer prison sentences than attractive defendants (Sigall & Ostrove, 1975; Smith & Hed, 1979; Wuensch, *et al.*, 1993; DeSantis & Kayson, 1997). Meta-analysis of research on mock jurors confirms that physically attractive defendants are perceived as being less guilty and receive less severe punishments than plain-looking defendants (Mazzella & Feingold, 1994). There is also some evidence that attractiveness may aid both plaintiffs and defendants in civil trials (Stephan & Tully, 1977; Castellow, *et al.*, 1990). The few research studies conducted in actual courtroom settings to examine the real life occurrence of this bias have yielded strong relationships between physical attractiveness and lenient sentences (Stewart, 1980, 1985) as well as bail and fines (Downs & Lyons, 1991). However, physical attractiveness appears to be an advantage only for certain defendants and may even be a disadvantage when the facts suggest that they used their attractiveness in the execution of a crime (Sigall & Ostrove, 1975; Smith & Hed, 1979; Wuensch, *et al.*, 1993).

Research on physical attractiveness bias often relates directly to the judgment of a single mock juror instead of the opinion of a mock jury, a more realistic representation of actual courtroom proceedings (Mazzella & Feingold, 1994). The few studies conducted with jury deliberation and the physical attractiveness bias have yielded conflicting results. MacCoun (1990) reported that mock juries were more likely to acquit attractive defendants than plain-looking defendants. In his study, attractiveness was only an advantage for a defendant when the jury needed to reach a unanimous decision; pre-deliberation, jurors' ratings of guilt and innocence did not differ between the attractive and plain-looking defendants. Other research has shown that the physical attractiveness bias may actually be reduced through the use of small mock juries (Izzett & Leginski, 1974; Kaplan & Miller, 1978). Izzett and Leginski (1974) reported that prior to deliberation subjects gave plain-looking defendants significantly more severe punishments than attractive defendants. Following deliberation there were no differences between sentences issued by these two groups.

If juries are a successful means of reducing bias in jurors, what accounts for this effect? Kaplan and Miller (1978) proposed biases in jurors can be minimized through jury deliberation. They argued that an increase in informational content derived from jury deliberation is the mechanism through which juror bias can be reduced. According to their model, a juror's verdict is the weighted average of an individual's opinions prior to the trial, or pre-existing bias, and the probative value of each piece of information presented in the trial. Deliberation has the effect of increasing the probative value of the evidence presented in a trial, which reduces the effects of pre-existing bias.

The present study was based on dichotomous decisions of guilt from

two groups of participants: mock jurors who deliberated before reaching a verdict and mock jurors who did not deliberate. The hypotheses for the present study were based on prior research and theory suggesting (a) bias in favor of physically attractive defendants and (b) the bias-reduction effect of jury deliberation. An interaction was expected between group deliberation prior to individual judgments (yes or no) and defendant appearance (plain-looking or attractive). More specifically, it was hypothesized that mock jurors who did not deliberate would be more likely to find a plain-looking defendant guilty, and that deliberation would mitigate this effect.

METHOD

Experimental Design

This study was a 2×2 between-subjects factorial design. Participants were assigned randomly to one of four conditions: attractive defendant/deliberation, attractive defendant/nondeliberation, plain-looking defendant/deliberation, and plain-looking defendant/nondeliberation.

Participants

A total of 172 undergraduates from a small, rural college in Vermont contributed to this study. Fifty pilot participants helped with selection of stimulus photographs, and 122 participants (70 men and 52 women; age: 18 to 52 years, $M=20.5$, $SD=4.9$) acted as mock jurors. Participants were recruited by word-of-mouth and flier advertisements. Most participants were volunteers, and in some cases received extra course credit in exchange for their participation.

Materials

Participants received a copy of a case summary describing an armed robbery. The stimulus case used in the study was based on an actual armed robbery which had been described in the media several months previously. Names and other case facts were changed to reduce participants' familiarity with the case. The 3-page summary detailed the case of a young woman accused of robbing a retail business at gun point. The victim of the robbery had identified the defendant from a mug shot book and a lineup. During her testimony, the victim also described a tattoo on the assailant's hand that matched a tattoo on the defendant's hand. The defendant testified that she could not have committed the acts because she was 75 miles away from the crime, staying at a motel. The case summary ended with closing remarks from both the prosecutor and the defense attorney.

The last page of the stimulus packet includes a 1-in. \times 3-in. black and white photograph of the defendant (head and shoulders). The photograph appeared after the case summary to minimize the saliency of the attractiveness manipulation.

To operationalize attractiveness, 20 photographs were chosen from a high school senior yearbook unfamiliar to 20 pilot participants. These participants, 10 men and 10 women, were asked to rate each of the 20 pictures as either "plain-looking" or "attractive." The three photographs most often rated "attractive" and the three most rated "plain-looking" were used in a paired-comparison activity completed by an additional 30 pilot participants. These participants were asked to select the more attractive photograph in each pair. Each of the photographs was compared to the other five, resulting in 15 separate forced-choice comparison trials. The photograph most often chosen as more attractive was selected to be the "attractive" defendant, while the photograph least often chosen became the "plain-looking" defendant in this study.

Procedure

Mock jurors were randomly assigned to one of four conditions: non-deliberating/attractive, nondeliberating/plain-looking, deliberating/attractive, deliberating/plain-looking. Those in nondeliberating conditions reviewed a stimulus packet and immediately issued a written verdict of not guilty or guilty beyond a reasonable doubt. Deliberating participants were placed into mock juries numbering six. Though mock juries were not matched for sex, all mock juries contained at least one member of each sex. All participants in a given mock jury received the same set of stimulus materials. Brief oral instructions were provided to the mock juries asking them to discuss the case with a predisposition to changing their opinion based on the arguments of others. Participants were also encouraged to persuade others to see the case as they did. The mock juries were specifically admonished not to reach a formal group decision. Deliberation was limited to 20 min. All mock juries exhausted their discussion within the allotted time. Deliberating participants then provided written juror-level verdicts.

RESULTS

Logistic regression was used to analyze the effects of attractiveness and deliberation on the dichotomous guilt decisions. The overall model was significant [$\chi^2(N=122)=46.55, p<.001$]. There was a weakly significant main effect for deliberation. In comparison to participants who deliberated, participants who did not deliberate were more likely to find a defendant guilty beyond a reasonable doubt (odds ratio = .39, Wald = 3.70, $p = .054$). There was also a main effect of defendant's attractiveness: the plain-looking defendant was more likely than the attractive defendant to be found guilty beyond a reasonable doubt (odds ratio = 3.13, Wald = 4.20, $p = .04$). However, these main effects were qualified by an interaction between deliberation and defendant physical attractiveness (odds ratio = .03, Wald = 8.08, $p = .004$).

Follow-up analyses showed that this interaction was in the expected pat

tern. Mock jurors who did not deliberate were more likely to issue guilty verdicts for the plain-looking defendant than for the attractive defendant [$\chi_1^2(N=62)=4.35$, $r=.27$, $p=.04$]. Conversely, mock jurors who deliberated were more likely to find guilty the attractive defendant [$\chi_1^2(N=60)=6.41$, $r=-.33$, $p=.01$; see Table 1].

TABLE 1
DISTRIBUTION OF PARTICIPANTS' VERDICT DECISIONS BY EXPERIMENTAL CONDITION

Group	Attractiveness Condition			
	Attractive		Plain-looking	
	<i>n</i>	%	<i>n</i>	%
Did not deliberate				
Not Guilty	13	48.1	8	22.9
Guilty	14	51.9	27	77.1
Total	27	100.0	35	100.0
Deliberated				
Not Guilty	22	73.3	29	96.7
Guilty	8	26.7	1	3.3
Total	30	100.0	30	100.0

DISCUSSION

The hypothesis was supported: mock jurors who did not deliberate were less likely to find an attractive defendant guilty than a plain-looking defendant. Deliberation seemed to eliminate a pre-deliberation bias in favor of the attractive defendant.

Deliberation had the expected effect in the sense that the bias against plain-looking defendants was not present: deliberating mock jurors were not more likely to issue guilty verdicts for the plain-looking defendant than for the attractive defendant. In fact, attractiveness had an opposite effect on jurors who deliberated; they were more likely to find an attractive defendant guilty. This finding is somewhat counterintuitive. Although previous research has suggested that deliberation can either mitigate the physical attractiveness bias (Izzett & Leginski, 1974) or exacerbate this bias (MacCoun, 1990), something new was observed in the present data: a reversal of the effect. Participants in the current study who deliberated in mock juries exhibited a bias against the attractive defendant.

Mazzella and Feingold (1994) suggested that attractive defendants are held to a higher standard than plain-looking defendants and may be more harshly reprimanded when they do not live up to those standards. More recent research has also shown that mock jurors are more likely to find an attractive defendant guilty when that attractive defendant is also perceived to be more responsible for the accused crime (Abwender & Hough, 2001). It is possible that, through the process of deliberation, participants in the current

study came to feel the attractive defendant did not live up to this "higher standard."

This research has some limitations. Jurors who deliberated prior to making their judgment were instructed to deliberate with a predisposition to changing their minds. It is possible that this instruction, and not the deliberation process, reduced the physical attractiveness bias observed in the post-deliberation judgments or that the instruction at least contributed to that effect. There is also the possibility that placement of the photograph of the defendant at the end of the materials had the unintended effect of making it more salient to participants, in line with the well-established recency effects from cognitive psychology. Another limitation to the current study was that deliberation and time were confounded. Because mock jurors who did not deliberate made immediate judgments and because deliberating mock jurors had a delayed judgment (i.e., the amount of time that the mock jury deliberated), the effects of deliberation from the current study must be replicated, perhaps with a filler task for nondeliberating participants to eliminate the problem of time and deliberation. As such, further research is required to clarify the effects of deliberation on physical attractiveness bias, and more generally as well.

Research, including the present study, is somewhat limited with regard to external validity. Mock juror participants are not jurors in actual cases, and paper-and-pencil stimuli are not very similar to actual trials. By minimizing the artificiality of experimental conditions, researchers could improve upon these limitations. Researchers should attempt to use participants who are representative of the types of individuals likely to serve on actual juries. Experimental stimuli and other conditions should be as realistic as possible. Jury size is another consideration for these types of studies: it has been well-documented that juries numbering 12 differ in their decision-making processes from juries comprising fewer jurors (see Saks & Marti, 1997). It may also be worthwhile to examine the effects of deliberation on reducing pre-deliberation biases when the juries are required to reach unanimous decisions. Jurors' sex is another potentially important issue which was not addressed in the current study. Researchers should examine the effects of deliberation in terms of jurors' biases with regard to defendants' attractiveness.

The present study adds to the literature by contributing an experimental manipulation of jury deliberation to an already well-established bias in favor of attractive criminal defendants. Analyses suggested that group deliberation can have a bias-reduction function with respect to the physical attractiveness bias. Researchers should replicate and extend these findings in more externally valid settings to specify the exact nature and parameters of the effects of deliberation on juror bias.

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Accepted May 2, 2008.