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The Effects of Facial Attractiveness on Judicial Recommendations Made by Middle-Aged Mid-Western Females

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The Effects of Facial Attractiveness
on Judicial Recommendations
Made by Middle-Aged Mid-Western Females

A Thesis

Presented to the
Department of Counseling
and the
Faculty of the Graduate College
University of Nebraska

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts
University of Nebraska at Omaha

by
Angela Boyd
August 1989

UMI Number: EP72749

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THESIS ACCEPTANCE

Acceptance for the faculty of the Graduate College, University of Nebraska, in partial fulfillment of the requirements for the degree (name the degree), University of Nebraska at Omaha.

Committee

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<i>John Olson</i>	<i>Counseling</i>

[Signature]
Chairman

Date

TABLE OF CONTENTS

	PAGE
CHAPTER I - THE PROBLEM.....	4
Introduction	
Statement of the Problem	
Purpose of the study	
Hypothesis	
Importance of the study	
Scope and Delimitation	
Definition of terms	
CHAPTER II - REVIEW OF RELATED LITERATURE.....	8
CHAPTER III - METHODOLOGY.....	19
Description	
Subjects	
Procedure	
Data Analysis	
CHAPTER IV - RESULTS AND DISCUSSION.....	24
Results	
Discussion	
TABLE 1.....	26
FIGURE 1.....	28
REFERENCES.....	29



CHAPTER I - THE PROBLEM

INTRODUCTION

Upon first meeting someone, we are most likely to notice their physical appearance before anything else. "We have a strong tendency to be favorably impressed by attractive people and to be less favorably impressed with those who are not so attractive" (Janda, & Klenke-Hamel, 1982, p. 422). There are a number of studies that have dealt with characteristics of an individual as related to his or her physical attractiveness. Past studies (Asch, 1946, Landy & Aronson, 1969) have also looked at attractive and unattractive individuals and the effects this has on one's expectations of these individuals.

More recent studies (Dion, Berschied, & Walster, 1972) have combined first impressions and expectations of that individual based upon these first impressions. These studies have delineated that physical attractiveness is a highly valued positive attribute. It has also been found that physical attractiveness is capable of influencing many types of responses. Some of these responses may be beneficial to the physically attractive individual. The physically attractive individual may experience more positive affective responses from others. On the other hand responses such as jealousy and envy are possibilities.

In recent years, there has been an increased interest in the effects of physical attractiveness and jurors' decisions.

The purpose of this study was to further investigate the effects of facial attractiveness on the subjects' decisions and the length of the sentence recommended by the subjects. The subjects were a sample of middle-aged Mid-Western females.

STATEMENT OF THE PROBLEM

Does facial attractiveness effect decisions and length of sentencing recommended by a selected sample of middle-aged Mid-Western females or potential jurors.

PURPOSE OF THE STUDY

This study was concerned with the facial attractiveness of three theoretical criminals and sentence recommendation made by middle-aged Mid-western females. The purpose of this study was to determine whether or not facial attractiveness of a theoretical defendant affects middle-aged Mid-Western females' recommendations for the length of sentence given.

HYPOTHESIS

Middle-aged Mid-Western females will differ significantly in their sentencing recommendations based upon facial attractiveness. The null hypothesis states that there will be no significant difference in the sentencing recommendations, made by the subjects, based upon facial attractiveness.

IMPORTANCE OF THE STUDY

Guilt in a criminal case has to be proven "beyond a reasonable doubt". In difference to the other two categories

of proof those being a preponderance of clear and convincing proof. It is theorized that a defense attorney, when defending someone who is "physically unattractive", must go to greater lengths to establish that "doubt" in the minds of the judge and jury than does an attorney who has a physically attractive client.

My study shows persons, in all aspects of the legal case, that in order for justice to truly be served, they must be conscious of these facts. Hopefully, becoming aware of the desirable characteristics attributed to facial attractiveness, will allow all concerned to pay more attention to the facts and circumstances of the crime and that the sentence reflects this objectivity.

SCOPE AND DELIMITATION

This study investigated the effect of the independent variable (facial attractiveness) on the dependent variable (length of sentence).

The study consisted of a pilot study and an experimental study. The pilot study consisted of middle-aged Mid-Western females rating facial attractiveness by means of looking at 25 photos from various magazines. The photos were rated by three volunteer subjects who are currently enrolled at the University of Nebraska at Omaha. The second part of the study consisted of having middle-aged Mid-Western females reading a case study of a criminal act assigned to faces judged to be attractive, average, and less attractive and

making sentence recommendations. A possible limitation to the study is the use of facial attractiveness only. Another possible limitation may be the age group and sex of the subjects used. The region of the country in which the study took place could also be a limitation.

DEFINITION OF TERMS

Impression formation - the process by which we construct ideas about what another person is like.

Stereotype - a conventional and usually oversimplified conception or belief.

Middle - age - the time of life between 40 and 60.

Perception - Awareness; discernment; insight.

Pilot study - as used in this study, refers to the exercise that preceded the experimental conditions. The rating of the photos by the panel of judges will be known as the pilot study in this thesis.

CHAPTER II - REVIEW OF RELATED LITERATURE

In our society, physical attractiveness seems to be a positively valued attribute. Physically attractive people have been associated with socially desirable characteristics.

There have been a number of experiments (Asch, 1949; Landy & Aronson, 1969; & Byrne, London, & Reeves, 1967), dealing with physical attractiveness and the influences it appears to have on responses it receives from individuals.

What factors cause us to like some people and dislike others upon first meeting them? From Greek philosophers to modern day writers, this subject has been explored. Social perception and social attraction has been studied for well over 30 years now.

Upon first meeting, many of us form an opinion of that individual. In 1946, Solomon Asch developed a study dealing with this area of impression formation. In his study, Asch described a hypothetical person to two different groups of individuals. One group was told that the person was warm, determined, practical, cautious, industrious, skillful, and intelligent. The second group was given the same list of characteristics, except that "warm" was replaced by "cold". The two groups were then given a list of other characteristics and asked to choose the ones they thought would apply to the person concerned. The first group included good-natured, happy, and generous, whereas the second group did not. This experiment supports the idea that

when individuals are given a limited amount of information, they will assume the individual has other related characteristics to the ones they are aware of.

One of the first characteristics one recognizes is physical attractiveness. Thus, physical attractiveness seems to be a strong determinant of first impressions. A study that supports this theory was done by Miller (1970). Miller's subjects were 360 male and 360 female undergrads from introductory psychology classes at Miami University. In this study, subjects were shown one previously rated photo. The photos had been rated in an earlier experiment by different subjects on the individual's level of attractiveness. The subjects in Miller's study recorded their first impressions of the person in the photograph on the Adjective Preference Scale. The Adjective Preference Scale consists of 17 dimensions. The 17 dimensions are made up of 10 pairs of bipolar adjectives. These adjectives are presented in a forced-choice format. The physical attractiveness dimension was excluded from the scale when the subjects were recording their first impressions of the individual in the photo. The results showed a consistent pattern of undesirable traits (negative pole) associated with the unattractive person and the attractive person was judged more positively.

In a study done by Byrne, London, & Reeves (1967) their findings supported the hypothesis that physical

attractiveness influences interpersonal attraction. In this study, the researchers also found that physical attractiveness effected judgments of the individuals intelligence and morality. "Specifically, attractive male strangers were seen as less intelligent and less moral . . . (Byrne, London, & Reeves, 1967, p. 266).

Dion, Bersheid, & Walster (1972) did a research study on physical attractiveness. They found attractive individuals to be judged more socially desirable than unattractive individuals. "Highly attractive defendants may be judged more leniently because of their perceived reinforcement value or by a simple stereotypic halo effect" (Dion, Bersheid, & Walster, 1972, In Solomon & Schopler, 1978, p. 483).

In the past, investigators have performed research studies that support the hypothesis that we prefer visually pleasant faces. Infants were shown pictures of normal and distorted faces. The infants who viewed the distorted pictures responded with fear and crying (Adams, G.R. In Miller, 1982).

Why does physical appearance have such power in influencing social perceptions? One answer may be that through social learning we come to view only attractive persons as desirable. Being physically unattractive may bring about undesirable social consequences through the reaction of individuals. The face provides important visual impressions that communicate interpersonal messages.

Many times we will judge others by the consequences of

their acts and our perceptions of these. "...the attraction an observer feels toward an actor can effect the observer's interpretation of that actor's behavior" (Miller, Norman, & Wright, 1978, p. 598). People act on their perception of the environment. "In order to bring the social world into more manageable dimensions, the individual imposes structure seeking constancies or invariances" (A.G. Miller, 1982, p.5). People rationalize and justify the behavior of others based on their stereotypes and perceptions. Everyone enters each situation with preconceptions. The information that is most consistent with these preconceptions is more likely to be processed.

A stereotype - by which is meant a fixed impression which conforms very little to the fact it pretends to represent and results from our defining first and observing second... Even in the case of groups unknown personally to the students, characteristics were assigned with a high degree of consistency (Katz & Braly, 1935, p.181. In A. G. Miller, 1982, p.29).

Everyone has a set of beliefs about what people are like. One of the most widely held stereotypes in our culture is based on physical attractiveness. "Considerable evidence suggests that attractive persons are assumed to possess more socially desirable personality traits and are expected to lead better lives than their unattractive counterparts" (Snyder, Decker, & Berscheid, 1977, p. 658.). When people

share a culture, they are also likely to share the same stereotypes.

People do three things in stereotyping : 1) they identify a category of persons (such as policeman or hippies), 2) they agree in attributing sets of traits or traits or characteristics to the category of persons, and 3) they attribute the characteristics to any person belonging to the category (Secord & Backman, 1974, p. 29. In A.G. Miller, 1982, p. 31).

We usually overestimate personal characteristics as reasons for an individual's behaviors and underestimate the effects a situation may have had on the behavior. This was found to be true by Jones (A.G. Miller, 1982, p.42).

A study done by Shweder in 1975 supports the hypothesis that individuals "...have implicit theories about what characteristics 'go together' in other people and once we have categorized another person on the basis of his or her standing on one attribute, we are likely to infer certain additional characteristics" (A.G. Miller, 1982, p. 56). We are likely to infer additional stereotype-consistent attributes for which we have no evidence once we have labeled someone. People use stereotypes to predict how others will behave. Using stereotypes can affect an individual's behavior towards others. "When a stereotyped trait is associated with a group, the members of that group are perceived to be relatively homogeneous with respect to the

trait" (Taffel, Sheikh, & Gardner, 1963, In A.G. Miller, 1982, p. 103). Regardless of social role or group memberships there is a strong probability that one's social interactions will be influenced by physical attractiveness. "It would appear that physical attractiveness may lead to stereotyping because of the ease in visually identifying extremes in bodily or facial attractiveness" (Adams, G. R., In A.G. Miller, 1982, p. 254).

Extreme levels of physical attractiveness can be both beneficial and detrimental to the outcome of the legal process. Stereotyping may play an important role in reaching the situation. "Such information . . . irrelevant to the case at issue, aids the observer in reaching what seems to be an informed decision about the target, an opinion that appears rational and justified and may be held with reasonable confidence" (A. G. Miller, 1983, p. 488-9).

There have been a number of studies dealing with jury decision-making. The simulated jury technique is the method by which jurors behavior is studied. With this method, it is very easy to manipulate variables such as the defendant's attractiveness. It is important to realize that the "simulated" jury study is in all actuality not really simulated. In this type of study, the subject is given a booklet to read and told to respond to the information given in the booklet. This simulated jury study actually falls into the category of a standard laboratory experiment. If it

were a real simulated jury, the subjects would be participating in as "real" of a trial as possible. A typical courtroom proceeding and normal jury deliberation would be used, not the artificial paper and pencil technique.

A study done by Wilson and Donnerstein (1977), showed that subjects rated an attractive offender as more positive than the unattractive offender. These results were found by manipulating attractive personality characteristics. "As expected, then, the attractive defendant was found guilty less often than the unattractive one..." (Wilson & Donnerstein, 1977. 181). The researchers also replicated the study, this time manipulating physical attractiveness. Wilson and Donnerstein (1977) gave a booklet to the subjects with case notes and a color photograph of the defendant. The defendant was either physically attractive or unattractive as rated previously by a group of subjects. "Unexpectedly, the offender's physical attractiveness had no influence on subjects' judgments of guilt or recommendations of punishment..." (Wilson & Donnerstein, 1977, p.183). Wilson and Donnerstein (1977), did a study that dealt with a committed offense and the defendant's character attractiveness. Subjects were given a booklet containing details that described an offense that was committed by a student. In condition I, the defendant was described as being a very good student and a member of many clubs and organizations. In the second condition, the same case was

given as in condition I, but the student was described as having a very low G.P.A. and on academic probation. The student was said to be uninvolved in clubs and organizations.

Norbert Kerr (1978) examined the effects of victim physical attractiveness on mock juries verdicts. Kerr found that mock jurors' verdicts may be influenced by the victims appearance and behavior.

Jurors are often influenced by social and personal characteristics of a defendant. Certain positive and negative characteristics effect juror's decisions even when they appear unrelated to the particular circumstances. Only recently have controlled studies been done concerning these characteristics and their effects on the decision process. Kulka and Kessler (1978) sought to examine physical attractiveness and its effect on juridic judgments. The researchers narrowed the characteristic to be studied from a large number of possible extra-legal influences such as: age, race, ethnicity, socioeconomic status, family status social or moral character, and defendant attitudes. It should also be noted that some of these extra-legal influences may also be inferred on the basis of a person's physical attractiveness. Kulka and Kessler (1978) did find support for their hypothesis that physical attractiveness of the defendant effected the decisions of the jury. More specifically, it supported the view that society has a tendency to value physically attractive persons more highly

than those who are physically unattractive. It is also thought that people will view a crime as being more serious if the victim is a good, attractive person.

Landy and Aronson (1969) did a research study with the hypothesis that subjects will more severely sentence the defendant if the victim has positive characteristics. Subjects were given a case story of a committed crime in which one half of the victims were attractive individuals and the other half of the stories described unattractive victims. The subjects were asked to sentence the defendants in each of the described cases. The results supported the prediction that the sentence would be more severe to the defendant who had committed a crime against a victim with positive characteristics.

Landy & Aronson (1969) did a second experiment dealing with the attractiveness/unattractiveness of the defendant and the severity of his/her sentence. Landy & Aronson predicted, in this experiment, that the more unattractive the defendant, the more severe the sentence would be. The experiment consisted of subjects reading a case on a committed crime. Approximately half with an attractively described defendant and half with an unattractively described defendant. The results supported the hypothesis that the subjects would give a less severe sentence to the attractive defendant.

The results of the previous studies support the argument that attractiveness has positive reinforcement value. This

value would lead a person to react more favorably toward the more attractive individual. Therefore, the attractive defendant is shown leniency. Also, a rational basis for this is that an unattractive person is thought to be more likely to commit further violations. Karen Dion's (1972) study supports the idea that unattractive individuals are viewed more likely to commit further violations.

Another viewpoint is "...attractive individuals are viewed as possessing desirable qualities and as having relatively great potential, it makes sense to treat them leniently. Presumably, they can be successful in socially acceptable ways, and rehabilitation may result in relatively high pay offs for society" (Sigall & Ostrove, 1975, p. 411).

There may be other factors besides physical attractiveness involved in the juror's decision. One of these extra-legal factors may be the type of instructions given to the subjects.

Character descriptions have been found to be relevant to the jurors' decisions. Jurors have been found to think a character description is relevant to the case and should be considered along with the factual evidence, Landy and Aronson (1969). Efran (1974), polled subjects and found 79% believed such information to be relevant. A positive description has been found to bring about more lenient treatment by jurors in past experiments.

The present study was not directly involved with the

legal system, although, it does have some implications for the legal system. It would be impossible to manipulate variables within the context of an actual trial. Many factors enter into the determination of guilt. For the present study, a situation was derived that would leave no doubt in the subjects mind as to the guilt of the defendant. The guilt of the defendant served as a continuous variable and the severity of the punishment recommended by the subjects was the independent variable. The circumstance of the crime was controlled and identical for all subjects.

CHAPTER III - METHODOLOGY

DESCRIPTION

This research project consisted of a pilot preceding the study. The pilot consisted of a panel of three judges rating photographs. The judges were middle-aged Mid-Western females who were determining which of the 25 photographs of middle aged white males were most appealing to them based on facial attractiveness. The judges were asked to rate the photographs on a ten-point scale. One was used for the least attractive, five for average, and ten for most attractive. The study following the pilot utilized the photographs that were rated consistently by the three judges as least, average and most attractive. Three photos that all judges agreed upon in the ratings were paired with a case of a committed criminal act. Randomly chosen middle-aged Mid-Western females read the case and were asked to recommend a sentence for the defendant. The pairing of the case with the one of the three different photos was done to determine if any differences could be found regarding the recommendations made by the subjects.

SUBJECTS

The pilot consisted of a panel of three middle-aged Mid-Western females. The subjects for the pilot were currently attending the University of Nebraska at Omaha. They were working towards their Masters degrees in Counseling. The subjects for the three experimental conditions were randomly

chosen middle-aged Mid-Western female volunteers mean age 48.3. They were approached in a local mall and asked if they would mind participating in a research study. Sixty females consented participate in the study.

PROCEDURE

The panel of judges rated 25 photographs of males on a ten-point scale. One for least attractive, five for average, and ten for most attractive. Any pictures not agreed upon by all three judges were discarded. A total of three photos were left after the pilot. Each photo was in a circular template so that the clothing and background on the photo was unseen. All of the photos were in color and of similar size. They came from various magazines such as: Sports Illustrated, Good HouseKeeping, and Business Week.
(See figure 1).

Insert figure 1 about here

In the experimental conditions, subjects were randomly assigned to three groups. Each of the three groups consisted of 20 subjects. The subjects were middle-aged Mid-Western females. All three conditions included the same case study describing a crime. The case study was objective and factual. The case left no doubt as to the guilt of the defendant.

In condition I, 20 subjects read the case on the

committed crime. With this case a photo of the male rated most attractive by the panel of judges was attached.

The subjects were then asked to state their age and recommend a sentence length of 3, 5, or 7 years.

In condition II, 20 subjects read the case. The photo chosen by the judges as average in facial attractiveness was paired with the case. The subjects were asked to state their age and recommend a sentence length of 3, 5, or 7 years.

Condition III consisted of the same case as in conditions I and II. The photo that was judged least attractive was included in this condition. The subjects were asked to state their age and recommend a sentence length of 3, 5, or 7 years.

The description of the case account is presented below:

John Sander was driving home from an annual Christmas office party on the evening of December 24 when his automobile struck and killed a pedestrian by the name of Martin Lowe. The circumstances leading to this event were as follows: The employees of the insurance office where Sander worked began to party around 2:00 p.m. on the afternoon of the 24th. By 5:00 p.m. some people were already leaving for home, although many continued to drink and socialize. Sander, who by this time had had several drinks, was offered a lift home by a friend who did not drink and who suggested that Sander leave his car at the office and pick it up when he was in 'better shape.' Sander

declined the offer, claiming he was 'stone sober' and would manage fine. By the time Sander had finished another drink, the party was beginning to break up. Sander left the office building and walked to the garage where he had parked his car, a four-door 1985 Chevrolet. It had just started to snow. He wished the garage attendant a Merry Christmas and pulled out into the street. Traffic was very heavy at the time. Sander was six blocks from the garage when he was stopped by a policeman for reckless driving. It was quite apparent to the officer that Sander had been drinking, but rather than give him a ticket on Christmas Eve, he said that he would let Sander off if he would promise to leave his car and take a taxi. Sander agreed. The officer hailed a taxi and Sander got into it. The minute the taxi had turned a corner, however, Sander told the driver to pull over to the curb and let him out. Sander paid the driver and started back to where he had parked his own car. Upon reaching his car he proceeded to start it up and drove off. He had driven four blocks from the street where the police officer had stopped him when he ran a red light and struck Lowe, who was crossing the street. Sander immediately stopped the car. Lowe died a few minutes later on the way to the hospital. It was later ascertained that internal hemorrhaging was the cause of death. Sander was apprehended and charged with

negligent homicide. The police medical examiner's report indicated that Sander's estimated blood alcohol concentration was between 2.5 and 3.0% at the time of the accident" (Landy & Aronson, 1969, p. 141).

The subjects reached a decision on the sentence length to be recommended independent of the other subjects. The results from each condition were tested for significance utilizing the Chi Square Analysis.

DATA ANALYSIS

The facial attractiveness ratings were collected from the panel of judges and compared. The judicial recommendations were collected under the three conditions. The data from these judicial recommendations were analyzed by using a Chi Square to determine if the facial attractiveness effected the judicial recommendations.

CHAPTER IV - RESULTS AND DISCUSSION

RESULTS

The panel of judges rated each of the photographs on a ten-point scale. Only photographs that all three judges agreed upon were considered for the study. Only one photograph was agreed upon by all three judges for the "most attractive" condition. The photographs for the other two categories were randomly selected from the ones chosen consistently by the panel. In the experimental condition, each of the subjects recommended a sentence length for the defendant of 3, 5, or 7 years. The hypothesis was that middle-aged Mid-Western females would differ significantly in their sentencing recommendations based upon facial attractiveness. Therefore, the subjects in condition I would recommend a shorter sentence for the defendant than the subjects participating in conditions II and III. The results of the study do not lend support to the hypothesis. The sentence recommended by all subjects was the maximum of seven years. The data supports the null hypothesis that middle-aged Mid-Western females would not differ significantly in their sentencing recommendations based on facial attractiveness. The Chi Square analysis was used. Results of the Chi Square were 0, with 4 degrees of freedom. This makes the study a one tail test vs. the null hypothesis.

Insert table 1 about here

DISCUSSION

The research study showed that the crime described far outweighed the extralegal characteristic of facial attractiveness in the subjects' judicial recommendations. Some comments made by the subjects help to support this statement. Comments such as; "Seven years isn't long enough", and "He should get life" were made by them after recommending the sentence. Recent media attention on drunk driving and the age of the subjects used may have had a strong influence on the results of the study.

The use of a different crime, such as burglary or embezzlement, may change the results of the study. The hypothesis may be supported by the data if the study was to be replicated using a different case account of a committed crime. The subjects, being middle-aged Mid-Western females, may not have been looking at the facial attractiveness of the defendant. The subjects may have been paying attention to the factual information only.

Table 1

Sentence Recommendation Based on Facial Attractiveness

Sentence recommendation	3	5	7
Least attractive			20
Average			20
Most attractive			20

Figure Caption

Figure 1. Example of condition (I) at top. An example of condition (II) in the middle. The photograph used in condition (III) is shown at the bottom.

FIGURE 1



(most attractive)



(average)



(least attractive)

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