

Beautiful but Dangerous: Effects of Offender Attractiveness and Nature of the Crime on Juridic Judgment

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The physical attractiveness of a criminal defendant (attractive, unattractive, no information) and the nature of the crime (attractiveness-related, attractiveness-unrelated) were varied in a factorial design. After reading one of the case accounts, subjects sentenced the defendant to a term of imprisonment. An interaction was predicted: When the crime was unrelated to attractiveness (burglary), subjects would assign more lenient sentences to the attractive defendant than to the unattractive defendant; when the offense was attractiveness-related (swindle), the attractive defendant would receive harsher treatment. The results confirmed the predictions, thereby supporting a cognitive explanation for the relationship between the physical attractiveness of defendants and the nature of the judgments made against them.

Research investigating the interpersonal consequences of physical attractiveness has demonstrated clearly that good-looking people have tremendous advantages over their unattractive counterparts in many ways. For example, a recent study by Miller (1970) provided evidence for the existence of a physical attractiveness stereotype with a rather favorable content. Dion, Berscheid, and Walster (1972) reported similar findings: Compared to unattractive people, better-looking people were viewed as more likely to possess a variety of socially desirable attributes. In addition, Dion et al.'s subjects predicted rosier futures for the beautiful stimulus persons— attractive people were expected to have happier and more successful lives in store for them. Thus, at least in the eyes of others, good looks imply greater potential.

Since physical attractiveness hardly seems to provide a basis for an *equitable* distribution of rewards, one might hope that the powerful effects of this variable would occur primarily when it is the only source of information available. Unfair or irrational consequences of differences in beauty observed in some situations would cause less uneasiness if, in other situations given other important data,

respondents would tend to discount such "superficial" information. Unfortunately, for the vast majority of us who have not been blessed with a stunning appearance, the evidence does not permit such consolation. Consider, for example, a recent study by Dion (1972) in which adult subjects were presented with accounts of transgressions supposedly committed by children of varying physical attractiveness. When the transgression was severe the act was viewed less negatively when committed by a good-looking child, than when the offender was unattractive. Moreover, when the child was unattractive the offense was more likely to be seen as reflecting some enduring dispositional quality: Subjects believed that unattractive children were more likely to be involved in future transgressions. Dion's findings, which indicate that unattractive individuals are penalized when there is no apparent logical relationship between the transgression and the way they look, underscore the importance of appearance because one could reasonably suppose that information describing a severe transgression would "overwhelm the field," and that the physical attractiveness variable would not have any effect.

Can beautiful people get away with murder? Although Dion (1972) found no differences in the punishment recommended for offenders as a function of attractiveness, Monahan (1941) has suggested that beauti-

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ful women are convicted less often of crimes they are accused of, and Efran (1974) has recently demonstrated that subjects are much more generous when assigning punishment to good-looking as opposed to unattractive transgressors.

The previous findings which indicate a tendency toward leniency for an attractive offender can be accounted for in a number of ways. For example, one might explain such results with the help of a reinforcement-affect model of attraction (e.g., Byrne & Clore, 1970). Essentially, the argument here would be that beauty, having positive reinforcement value, would lead to relatively more positive affective responses toward a person who has it. Thus we like an attractive person more, and since other investigators have shown that liking for a defendant increases leniency (e.g., Landy & Aronson, 1969), we would expect good-looking (better liked) defendants to be punished less than unattractive defendants. Implicit in this reasoning is that the nature of the affective response, which influences whether kind or harsh treatment is recommended, is determined by the stimulus features associated with the target person. Therefore, when other things are equal, benefit accrues to the physically attractive. A more cognitive approach might attempt to explain the relationship between physical appearance and reactions to transgressions by assuming that the subject has a "rational" basis for his responses. It is reasonable to deal harshly with a criminal if we think he is likely to commit further violations, and as Dion's (1972) study suggests, unattractive individuals are viewed as more likely to transgress again. In addition, inasmuch as 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 payoffs for society.

There is at least one implication that follows from the cognitive orientation which would not flow readily from the reinforcement model. Suppose that situations do exist in which, because of his high attractiveness, a defendant is viewed as more likely to transgress in the future. The cognitive approach

suggests that in such instances greater punishment would be assigned to the attractive offender. We might add that in addition to being more dangerous, when the crime is attractiveness related, a beautiful criminal may be viewed as taking advantage of a God-given gift. Such misappropriation of a blessing may incur animosity, which might contribute to severe judgments in attractiveness-related situations.

In the present investigation, the attractiveness of a defendant was varied along with the nature of the crime committed. It was reasoned that most offenses do not encourage the notion that a criminal's attractiveness increases the likelihood of similar transgressions in the future. Since attractive offenders are viewed as less prone to recidivism and as having greater potential worth, it was expected that under such circumstances an attractive defendant would receive less punishment than an unattractive defendant involved in an identical offense. When, however, the crime committed may be viewed as attractiveness-related, as in a confidence game, despite being seen as possessing more potential, the attractive defendant may be regarded as relatively more dangerous, and the effects of beauty could be expected to be cancelled out or reversed. The major hypothesis, then, called for an interaction: An attractive defendant would receive more lenient treatment than an unattractive defendant when the offense was unrelated to attractiveness; when the crime was related to attractiveness, the attractive defendant would receive relatively harsh treatment.

METHOD

Subjects and Overview

Subjects were 60 male and 60 female undergraduates. After being presented with an account of a criminal case, each subject sentenced the defendant to a term of imprisonment. One-third of the subjects were led to believe that the defendant was physically attractive, another third that she was unattractive, and the remainder received no information concerning appearance. Cross-cutting the attractiveness variable, half of the subjects were presented with a written account of an attractiveness-unrelated crime, a burglary, and the rest with an attractiveness-related crime, a swindle. Subjects were randomly assigned to condition, with the restriction that an

equal number of males and females appeared in each of the six cells formed by the manipulated variables.

Procedure

Upon arrival, each subject was shown to an individual room and given a booklet which contained the stimulus materials. The top sheet informed subjects that they would read a criminal case account, that they would receive biographical information about the defendant, and that after considering the materials they would be asked to answer some questions.

The case account began on the second page. Clipped to this page was a 5×8 inch card which contained routine demographic information and was identical in all conditions.¹ In the attractive conditions, a photograph of a rather attractive woman was affixed to the upper right-hand corner of the card; while in the unattractive conditions, a relatively unattractive photograph was affixed. No photograph was presented in the control conditions.

Subjects then read either the account of a burglary or a swindle. The burglary account described how the defendant, Barbara Helm, had moved into a high-rise building, obtained a pass key under false pretenses, and then illegally entered the apartment of one of her neighbors. After stealing \$2,200 in cash and merchandise she left town. She was apprehended when she attempted to sell some of the stolen property and subsequently was charged with breaking and entering and grand larceny. The swindle account described how Barbara Helm had ingratiated herself to a middle-aged bachelor and induced him to invest \$2,200 in a nonexistent corporation. She was charged with obtaining money under false pretenses and grand larceny. In both cases, the setting for the offense and the victim were described identically. The information presented left little doubt concerning the defendant's guilt.

The main dependent measure was collected on the last page of the booklet. Subjects were asked to complete the following statement by circling a number between 1 and 15: "I sentence the defendant, Barbara Helm, to ___ years of imprisonment." Subjects were asked to sentence the defendant, rather than to judge guilt versus innocence in order to provide a more sensitive dependent measure.

After sentencing had been completed, the experimenter provided a second form, which asked subjects to recall who the defendant was and to rate the seriousness of the crime. In addition, the defendant was rated on a series of 9-point bipolar adjective scales, including physically unattractive (1) to physically attractive (9), which constituted the check on the attractiveness manipulation. A post-experimental interview followed, during which subjects were debriefed.

¹ This information, as well as copies of the case accounts referred to below, can be obtained from the first author.

RESULTS AND DISCUSSION

The physical attractiveness manipulation was successful: The attractive defendant received a mean rating of 7.53, while the mean for the unattractive defendant was 3.20, $F(1, 108) = 184.29$, $p < .001$. These ratings were not affected by the nature of the crime, nor was there an interaction.

The criminal cases were designed so as to meet two requirements. First, the swindle was assumed to be attractiveness-related, while the burglary was intended to be attractiveness-unrelated. No direct check on this assumption was made. However, indirect evidence is available: Since all subjects filled out the same forms, we obtained physical attractiveness ratings from control condition subjects who were not presented with a photograph. These subjects attributed greater beauty to the defendant in the swindle condition ($\bar{X} = 6.65$) than in the burglary condition ($\bar{X} = 5.65$), $F(1, 108) = 4.93$, $p < .05$. This finding offers some support for our contention that the swindle was viewed as attractiveness-related. Second, it was important that the two crimes be viewed as roughly comparable in seriousness. This was necessary to preclude alternative explanations in terms of differential seriousness. Subjects rated the seriousness of the crime on a 9-point scale extending from not at all serious (1) to extremely serious (9). The resulting responses indicated that the second requirement was met: In the swindle condition the mean seriousness rating was 5.02; in the burglary condition it was 5.07 ($F < 1$).

Table 1 presents the mean punishment assigned to the defendant, by condition. Since a preliminary analysis demonstrated there were no differences in responses between males and females, subject sex was ignored as a

TABLE 1
MEAN SENTENCE ASSIGNED, IN YEARS
($n = 20$ per cell)

Offense	Defendant condition		
	Attractive	Unattractive	Control
Swindle	5.45	4.35	4.35
Burglary	2.80	5.20	5.10

variable. It can be seen that our hypothesis was supported: When the offense was attractiveness-unrelated (burglary), the unattractive defendant was more severely punished than the attractive defendant; however, when the offense was attractiveness-related (swindle), the attractive defendant was treated more harshly. The overall Attractiveness \times Offense interaction was statistically significant, $F(2, 108) = 4.55$, $p < .025$, and this interaction was significant, as well, when the control condition was excluded, $F(1, 108) = 7.02$, $p < .01$. Simple comparisons revealed that the unattractive burglar received significantly more punishment than the attractive burglar, $F(1, 108) = 6.60$, $p < .025$, while the difference in sentences assigned to the attractive and unattractive swindler was not statistically significant, $F(1, 108) = 1.39$. The attractive-swindle condition was compared with the unattractive-swindle and control-swindle conditions also, $F(1, 108) = 2.00$, *ns*. Thus, strictly speaking, we cannot say that for the swindle attractiveness was a great liability; there was a tendency in this direction but the conservative conclusion is that when the crime is attractiveness-related, the advantages otherwise held by good-looking defendants are lost.

Another feature of the data worth considering is that the sentences administered in the control condition are almost identical to those assigned in the unattractive condition. It appears that being unattractive did not produce discriminatory responses, *per se*. Rather, it seems that appearance had its effects through the attractive conditions: The beautiful burglar got off lightly, while the beautiful swindler paid somewhat, though not significantly, more. It can be recalled that in the unattractive conditions the stimulus person was seen as relatively unattractive and not merely average looking. Therefore, the absence of unattractive-control condition differences does not seem to be the result of a weak manipulation in the unattractive conditions.

Perhaps it is possible to derive a small bit of consolation from this outcome, if we speculate that only the very attractive receive special (favorable or unfavorable) treatment, and that others are treated similarly. This is a less frightening conclusion than one which

would indicate that unattractiveness brings about active discrimination.

As indicated earlier, previous findings (Efran, 1974) that attractive offenders are treated leniently can be interpreted in a number of ways. The results of the present experiment support the cognitive explanation we offered. The notion that good-looking people usually tend to be treated generously because they are seen as less dangerous and more virtuous remains tenable. The argument that physical attractiveness is a positive trait and therefore has a unidirectionally favorable effect on judgments of those who have it, would have led to accurate predictions in the burglary conditions. However, this position could not account for the observed interaction. The cognitive view makes precisely that prediction.

Finally, we feel compelled to note that our laboratory situation is quite different from actual courtroom situations. Most important, perhaps, our subjects made decisions which had no consequences for the defendant, and they made those decisions by themselves, rather than arriving at judgments after discussions with others exposed to the same information. Since the courtroom is not an appropriate laboratory, it is unlikely that actual experimental tests in the real situation would ever be conducted. However, simulations constitute legitimate avenues for investigating person perception and interpersonal judgment, and there is no obvious reason to believe that these processes would not have the effects in trial proceedings that they do elsewhere.

Whether a discussion with other jurors would affect judgment is an empirical, and researchable, question. Perhaps if even 1 of 12 jurors notes that some irrelevant factor may be affecting the jury's judgment, the others would see the light. Especially now when the prospect of reducing the size of juries is being entertained, it would be important to find out whether extralegal considerations are more likely to have greater influence as the number of jurors decreases.

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