

## Defendant's Attractiveness as a Factor in the Outcome of Criminal Trials: An Observational Study<sup>1</sup>

JOHN E. STEWART, II<sup>2</sup>

*Mercyhurst College*

Observers rated the physical attractiveness of 74 defendants in criminal court, covering a broad range of offenses. Seventy-three usable cases were obtained. For 67 defendants (excluding those who had drawn "flat sentences" of 99-199 years), attractiveness was predictive of both minimum and maximum sentences ( $p < .001$ )—the more attractive the defendant, the less severe the sentence imposed. No significant relationship was found between attractiveness and conviction/acquittal, although seriousness of the crime was found to correlate negatively with attractiveness ( $p < .01$ ).

Race of the defendant showed a systematic relationship to punishment, with nonwhites drawing consistently more severe sentences than whites; a multiple regression analysis using attractiveness, race, and seriousness of crime as predictors of punishment yielded results which implied that this finding was largely due to a confounding of race and seriousness of the crime.

That unattractive individuals are perceived as having less desirable motives than their attractive counterparts is a finding which has received impressive support in the laboratory (see Dion, 1972; Efran, 1974). Dion, in her study of children's transgressions, found that harsher attributions were made to unattractive (internal) than to attractive children (external). Similarly, Efran found that unattractive transgressors are treated with much more severity than those who are more attractive.

<sup>1</sup>This research was funded by a grant from the Faculty Research and Development Fund of Mercyhurst College. The author is presently a researcher for the Arizona Department of Economic Security.

<sup>2</sup>The author would like to thank Julius Wishner of the University of Pennsylvania Department of Psychology for his consultation and encouragement. Acknowledgements are also due Kim Grattan and Rick Sorek for their assistance in the research. Requests for reprints should be sent to John E. Stewart, II, 8221 E. Garfield, L-219, Scottsdale, AZ 85257.

Sigall & Ostrove (1975) were successful in demonstrating further that attractiveness is an asset where juridic judgment is involved, so long as one's appearance is not related to the nature of the crime.

Although a strong case for the impact of one's physical appearance on the judicial process can be made, on the basis of *laboratory* analogs to the courtroom it nevertheless would seem that such compelling arguments *cannot* be offered as to the external validity of such findings. Surprisingly, there is a dearth of actual observational evidence of courtroom proceedings, but no shortage of anecdotal "hearsay" evidence, such as Clarence Darrow's oft-quoted remark that attractiveness has more to do with sentencing than the crime itself (see Worchel & Cooper, 1976). It is almost as much of a surprise to note that criminology texts, such as Quinney (1975), admit freely that "extralegal" factors affect sentencing, but do not directly refer to the variable of physical attractiveness, although reference is made to other factors such as race and "response cues" provided by the defendant. Thus it seems puzzling that, although the importance of physical attractiveness appears intuitively to bear a relationship to the imposition of sanctions, so little attention has been devoted to it, while a great deal of time and effort has been devoted to exploring the effects of race. Perhaps the greater "subjectivity" of attractiveness, and the consequent methodological problems, partially explain this paradox, racial characteristics being much more assessable, and also a much more likely statistic in the compilation of crime data.

Some representative studies (Bullock, 1961; D'Esposito, 1969; Gibson, 1978; Green, 1964; Swigert & Farrell, 1977) have underscored the complexity of the race factor as it relates to sentencing. Unfortunately, most of these studies are not directly comparable across methodologies, crime categories, and jurisdictions; hence, their inconsistencies are difficult to assess as being real or artifactual. Nevertheless, the fact that almost half of the defendants in the present study were nonwhites warrants some discussion of racial disparities in sentencing.

Bullock, for example, using a sample of over 3,500 Texas inmates, found a significant relationship between minority group status of the defendant and severity of sentence, except for murder, where whites tended to draw more severe sentences than blacks. It should be noted that Bullock dichotomized the dependent variable in order to determine the severity of sentence, with harsh sentences being defined as those exceeding 10 years. This procedure is somewhat questionable (see Hagan, 1974). The Bullock study also revealed regional sentencing differences between East and West Texas, further emphasizing the generalizability problem. Additional difficulties with this study were the fact that Texas juries, unlike most others, are empowered to pronounce sentence, and the restriction of the investigation to the crimes of burglary, rape, and murder.

Green (1964) addressed the problem of racial disparity in sentencing by testing the hypothesis that blacks receive more lenient sentences for some crimes, such as murder, because these are *intra-racial* crimes in which both perpetrator and victim are black. Applying this concept to robbery and burglary cases in Pennsylvania, Green concluded that no evidence for such an "indulgent" attitude toward blacks existed; instead, it seemed that intra-racial offenses between blacks were less violent than were those committed between whites. Thus, disparity in sentencing was attributable more to the demographics of segregation and its consequences than to a subtle form of racism.

In a recent study employing path analysis, Swigert & Farrell (1977) likewise found that race of the defendant did not by itself explain such disparities in sentencing; instead, they found the race factor to be confounded with socio-economic factors, which in turn set the stage for inequitable judicial processing. Gibson (1978) similarly found no conclusive evidence that race was a determinant of length of sentence, although some evidence did emerge that race was somewhat confounded with the seriousness of the charge against the defendant, blacks tending to face more serious charges than whites.

Thus, it seems that the relationship between race and sentencing may be an *indirect* one, because race is (a) confounded with SES factors, and (b) not independent of the nature and seriousness of the crime (see Hagan, 1974, for a thorough critique on these and other factors moderating the race/sentencing relationship).

Pursuant to findings in the research literature concerning the effects of attractiveness and race on sentencing, two hypotheses would seem justified: the first, calling for a negative relationship between attractiveness and severity of sentence; and second, somewhat tentatively proposed, specifying a systematic covariation of race with seriousness of the crime, such that whites are disproportionately represented among those charged with crimes of lesser seriousness, and blacks, of greater seriousness. What is being proposed here is that any relationship between the defendant's race and sentence will be moderated by a third variable, the seriousness of the crime charged; consequently, a weak correlation between race and sentence should result. This latter supposition would seem reasonable in light of prior research on the race/sentencing relationship.

Any predictions concerning the relationship of seriousness of the crime to attractiveness would be conjectural, in view of the paucity of prior evidence. However, it would seem conceivable that attractiveness and seriousness of the crime, if associated at all, would be negatively correlated, although no causal inferences are entertained with respect to these two variables.

In brief, what is needed is to explore the potency of the physical attractiveness variable as a determinant of trial outcome in a series of actual criminal trials, covering a broad range of crimes, and using standardized observational procedures.

## METHOD

*Subjects*

A total of 74 defendants<sup>3</sup> were observed during the criminal terms of court, mostly in Erie and Allegheny Counties, Pennsylvania (a small number of cases were observed in Philadelphia). Of these, all but 4 were males; 42 were classified as white by observers, while 32 were classified as nonwhite (black and Hispanic). The modal age range<sup>4</sup> was 22 to 25 years (inferred with 94% agreement). Eighty-four percent of the nonwhites and 63% of the whites were perceived as being no older than 30 years of age; only three were seen as being over 30. Sixty percent of all cases were heard by 4 Erie County judges; the remaining 30 cases being presided over by 15 judges in other locales.

*General Procedure*

Because of the brevity of the 2-week term of court and uncertainty as to the length of each trial, a simple randomized plan for observing was not possible. Observers attempted to visit trials whenever possible; observations were begun May, 1975 and ended May, 1977. Of the total number of observations, 16 were paired as a check on inter-rater agreement for 16 defendants. There was a total of 10 observers, all white, 2 of whom observed 78% of all cases.

Observers were each given standard rating forms (see Table 1) and were told to watch defendant for 30 minutes and to rate defendant on nine 7-point bipolar scales (in which the attractiveness item was imbedded). Periodic checks showed observers to be generally blind as to the relative importance of these items; none spontaneously expressed knowledge as to the centrality of the attractiveness measure. After completing the rating scales, each observer noted, as best he/she could, defendant's age, sex, race, offense for which he/she was being tried, and (if announced) the verdict. Verdict and sentencing data were almost always obtained much later from the Clerk of Court's office. Complete data were obtained for 73 of the 74 observations.

<sup>3</sup>One defendant could not be used in the sample because his sentencing had been deferred for more than 3 years. A recent check of the Clerk of Court's records showed that his bond had been renewed and that he had been free since his conviction. The defendant, convicted of simple assault, had been given an attractiveness rating of 5 (above average).

<sup>4</sup>A  $\chi^2$  test of association performed on the relative frequencies of defendants (under 30/over 30) years of age revealed a marginally significant relationship to race  $\chi^2_{(1)} = 3.94$ ,  $p < .05$ ; this was due to the fact that there were over twice as many whites (13) in the over-30 age category as there were nonwhites (5). There was no association between age and attractiveness.

TABLE 1

## BIPOLAR CONTENT ITEMS OF OBSERVATIONAL RECORD

_____	_____	_____	_____	_____	_____	_____	_____
Educated						Uneducated	
_____	_____	_____	_____	_____	_____	Poorly-dressed	
Well-dressed						Confident	
Not confident						Unattractive	
_____	_____	_____	_____	_____	_____	Good posture	
Good posture						Poor posture	
_____	_____	_____	_____	_____	_____	Attractive	
Attractive						Unattractive	
_____	_____	_____	_____	_____	_____	Dirty	
Dirty						Clean	
_____	_____	_____	_____	_____	_____	Rich	
Rich						Poor	
_____	_____	_____	_____	_____	_____	Good	
Good						Bad	
_____	_____	_____	_____	_____	_____	Sloppy	
Sloppy						Neat	

*Major Variables*

Besides attractiveness, several other variables were included in the present study. These were: race, seriousness of the crime, minimum/maximum sentence, conviction/acquittal, and whether or not defendant (irrespective of guilt or innocence) was incarcerated. The basis for assessing seriousness of crime was a survey by Thomas, Cage, and Foster (1976), which included rank-ordering as to seriousness. These rankings agreed quite closely with the author's intuitive assessment, so it was possible to collapse the 12 categories into 3 broader categories of seriousness of the crime. Those labeled "most serious" included murder, voluntary manslaughter, and rape; the second order of seriousness entailed armed robbery, robbery, burglary, aggravated assault, and involuntary manslaughter. Crimes of lesser seriousness comprise a broader category, including theft by taking, deception, victimless crimes, and minor drug offenses. Besides the Thomas et al. study, several other indices of seriousness were consulted, including the Sellin & Wolfgang (1964) ratio method of scaling this variable. However, this method, though the most elegant, was not employed

in the present study, since the relevant perspective would be that of the trial judge, in which case the ratings would be obtrusive and reactive. Thus, an ordinal scale of crime seriousness, which (excluding acquittals) correlated highly ( $r$ 's = .62, .66, respectively) with minimum/maximum sentence, was used in the present study. Also, new scale scores from the Sellin-Wolfgang index were not available at the time that the present research was being carried out.

## RESULTS

*Validation of attractiveness.* Recall that 16 observations were paired to assess the degree of inter-observer reliability. Ratings of attractiveness yielded a correlation of .67 ( $p < .005$ ), with 81% of observations coming to within one scale point of each other. Although lower than agreements cited by Berscheid and Walster (1974), one should note that raters in the present study were *unaware* that their chief task was to rate attractiveness, and were doing so under relatively unstructured conditions, in which some observer pairs were forced to witness the same trial at different times. Overall mean and standard deviation were, respectively, 3.91, 1.39, with ratings ranging from 1 to 6 on the semantic differential. Perhaps the assumption that observers did not know of the centrality of attractiveness should be qualified by noted that all of the semantic differential items concerned themselves with socially-desirable characteristics. The fact that observers sometimes mentioned spontaneously concrete traits such as posture and cleanliness (which *was* correlated with attractiveness) is certainly a *caveat* which should be kept in mind.

*Possible confounding of attractiveness and race.* Before probing the relationship between attractiveness and sentence, it would seem reasonable to determine whether or not this variable showed any confounding with the race of the defendant. A point-biserial  $r$  showed no significant relationship between these two factors ( $r = .18$ ), indicating that, by and large, the fact that all raters were white resulted in little confounding between defendant's race and his/her attractiveness. Thirty-five of the defendants were white, 30 were black, and 2 were Hispanic.

*Relationship between attractiveness and sentence.* If physical attractiveness is negatively related to punishment, then the more attractive the defendant, the less severe the sentence should be. Attractiveness correlated significantly with minimum ( $r = -.40$ ,  $p < .001$ ) and with maximum ( $r = -.40$ ) sentence. (Means for minimum/maximum sentence were, respectively, 1.87, 4.10 years.) It should be noted that the total ( $n = 67$ ) excludes six of the crimes which drew "flat sentences" of 99 to 199 years, with no true minimum. Interestingly, five of these six murder suspects were above average in attractiveness ( $M = 4.67$  for  $n = 6$ ). (For the 13 persons tried for varying degrees of murder,  $M = 4.08$ ,

$SD = 1.38$ .) Because of the extremity of these sentences, the six "outliers" (four white, two nonwhite) were excluded from the overall regression analyses which follow. Another reason for discarding these six cases from the overall analysis was the fact that these sentences were difficult to quantify.

*Controlling for seriousness of the crime.* Because of possible confounding of attractiveness, minimum sentence, and seriousness of the crime, correlations between these variables were computed. Surprisingly, seriousness of the crime was related to attractiveness ( $r = -.32, p < .01$ ) and, as expected, to minimum ( $r = .49$ ) and maximum ( $r = .48$ ) sentences ( $p$ 's  $< .001$ ). Partialling out the effects of seriousness of the crime, the attractiveness/minimum sentence correlation is substantially reduced ( $r = -.29, p < .02$ ).

A stepwise multiple regression analysis was performed on the 67 cases in which minimum and maximum sentences had been imposed, with seriousness of the crime, attractiveness, and race comprising predictor variables, and minimum/maximum sentences, the dependent variables. Only two variables, seriousness of the crime [ $Beta = .356, F(\text{partial}) = 9.49$ ] and attractiveness [ $Beta = -.272, F(\text{partial}) = 6.04$ ], showed any significance as predictors of minimum sentence. Virtually the same was found when maximum sentence was the dependent variable, with respective *Betas* for seriousness of crime and attractiveness = .379 ( $F = 10.42$ ), -.262 ( $F = 5.60$ ). In both regression equations the standardized *Beta* for race was not significantly different from zero.

*Relationship of attractiveness to guilt and incarceration.* The relationship

TABLE 2

RELATIONSHIP BETWEEN ATTRACTIVENESS AND INCARCERATION<sup>a</sup>

	Incarcerated <sup>b, c</sup>	Nonincarcerated	Totals
Attractive	19 (46)	22 (54)	41
Unattractive	20 (77) 39	6 (23) 28	26

$$\chi^2_{(1)} = 6.12, p < .02.$$

<sup>a</sup>For murder, voluntary manslaughter, and rape,  $r_{pb}$  for attractiveness/incarceration = -.30; for burglary, robbery, involuntary manslaughter,  $r_{pb} = -.33$ ; for crimes of lesser seriousness, .04.

<sup>b</sup>Percentages appear in parentheses.

<sup>c</sup>For seriousness of crime  $\times$  incarceration,  $\chi^2_{(2)} = 7.29, p < .05$ .

TABLE 3

INTERCORRELATION AND REGRESSION COEFFICIENTS (*Betas*) FOR ATTRACTIVENESS (A), RACE (R), AND SERIOUSNESS OF THE CRIME (SC) ON MINIMUM/MAXIMUM SENTENCE

	A	R	SC	Minimum sentence	Maximum sentence
A	—	.18	-.32 <sup>c</sup>	-.40 <sup>d</sup>	-.40 <sup>d</sup>
R	—	—	-.36 <sup>c</sup>	-.30 <sup>b</sup>	-.26 <sup>a</sup>
SC	—	—	—	.48 <sup>d</sup>	.49 <sup>d</sup>
Minimum sentence	—	—	—	—	.94 <sup>d</sup>
Multiple regression coefficients ( <i>Betas</i> )					
<i>Dependent variable</i>		<i>Beta</i>		<i>P</i>	
Minimum sentence		.356 (SC)		.01	
		-.275 (A)		.025	
		-.124 (R)		(n.s.)	
Maximum sentence		.379 (SC)		.01	
		-.262 (A)		.05	
		-.085 (R)		(n.s.)	

*Note.* Minimum and maximum sentences include acquittals. Excluding acquittals, *r*'s for seriousness of the crime by minimum and maximum sentences are, respectively, .62, .66. Also excluding acquittals, *r* for attractiveness/minimum sentence = -.46.

<sup>a</sup>*p* < .05.

<sup>b</sup>*p* < .02.

<sup>c</sup>*p* < .01.

<sup>d</sup>*p* < .001.

between attractiveness and conviction/acquittal was not significant (*r* = -.08), implying that juries are not more likely to acquit attractive persons than unattractive ones. This does not mean, however, that attractive persons are just as likely to be incarcerated as those who are unattractive. Table 2 shows that some relationship between attractiveness and incarceration exists. Of 28 nonincarcerated persons, only 6 (21%) were of below average attractiveness, while of 39 incarcerated persons 20 (51%) were of below average attractiveness. An overall  $\chi^2_{(1)}$  of 6.12 was significant (*p* < .02) for 1 degree of freedom (see Table 2).

Table 2 presents the frequency for incarceration as a function of attractiveness. Table 3 presents intercorrelations and regression coefficients for attractiveness, race, and seriousness of the crime.

For Table 2, please note that the point-biserial correlation between incarceration and the attractiveness drops drastically as we go from crimes of greater to those of lesser seriousness; for murder, rape, manslaughter, robbery, and burglary,  $r$  is in the neighborhood of  $-.30$ , and for the lesser crimes,  $r = .04$ .

*Race as a variable.* Forty-eight percent of all subjects in the present study were classified as nonwhite. Recall that race was not found to be significantly confounded with observers' ratings of attractiveness. One should also note that a significant relationship was found between race and seriousness of the crime ( $r_{(65)} = -.36$ ,  $p < .01$ ), with proportionately more nonwhites being charged with crimes of greater seriousness.

It seems that nonwhites did not fare well with respect to incarceration ( $\chi^2_{(1)} = 7.09$ ,  $p < .01$ ). Table 4 shows that whereas 43% of the 35 whites were incarcerated, 75% of the nonwhites were. At this point, it should be noted that the race/incarceration relationship was significant only for crimes of the second level of seriousness (armed robbery, burglary, aggravated assault, and involuntary manslaughter). For these crimes,  $p = .006$  (Fisher's exact test). For the other two categories of crimes in this study,  $p$  did not depart from chance. Thus, race seems to be a factor, but only for *moderately* serious crimes.

Table 4 also indicates that, though not significant by a nondirectional test, there is a tendency for more nonwhites than whites to be convicted ( $\chi^2_{(1)} = 2.72$ ,  $p < .10$ ).

Race was significantly correlated with minimum ( $r = -.30$ ,  $p < .02$ ) and also with maximum sentence ( $r = -.26$ ,  $p < .05$ ). Controlling statistically for the effects of race, the first-order correlation of attractiveness with minimum sentence was still significant ( $r = -.37$ ,  $p < .01$ ).

TABLE 4

CONVICTION AND INCARCERATION AS A FUNCTION OF RACE<sup>a</sup>

Race	Convict <sup>b</sup>	Acquit	Incarcerate	Not incarcerate
Nonwhite	26 (81)	6 (19)	24 (75)	8 (25)
White	22 (63)	13 (37)	15 (43)	20 (57)

<sup>a</sup>Percentages appear in parentheses.

$\chi^2_{(1)}$ 's = 2.72,  $p < .10$ , conviction; 7.09,  $p < .01$ , incarceration.

<sup>b</sup>There was no significant association between seriousness of crime and conviction rate.

$\chi^2_{(2)} = .525$ .

TABLE 5

## ATTRACTIVENESS AND RACE AS A FUNCTION OF THE NATURE OF THE CRIME

Crime category	Attractiveness	N of cases	Nonwhites <sup>a</sup>	Convictions	Probations suspended sentence
Murder, voluntary manslaughter, rape	$M = 3.14^b$ $sd = 1.52$	21	13 (62)	16 (76)	1 (5)
Armed robbery, robbery, burglary, aggravated assault, involuntary manslaughter	$M = 4.21$ $sd = 1.18$	24	13 (54)	18 (75)	2 (8)
Deceit, larceny, simple assault, victimless crimes	$M = 4.36$ $sd = 1.33$	22	6 (27)	15 (68)	6 (27)

<sup>a</sup>Percentages appear in parentheses.

<sup>b</sup> $t_{(41)} = -2.80, p < .01$ , contrasting the most vs. the least serious crime.

Means for nonwhite ( $M = 2.55$  years) and white ( $M = 1.18$  years) minimum sentences were compared with a  $t$ -test. The difference was significant ( $t_{(65)} = 2.39, p < .025$ ).

Thus, it appears that seriousness of the crime, but not race, is somewhat confounded with the attractiveness/minimum sentence relationship. If the effects of attractiveness are partialled out, the degree of the first-order correlation between seriousness of the crime and minimum sentence is slightly reduced ( $r = .41, p < .001$ ). Table 5 shows mean ratings of attractiveness for four categories of crimes ordered as to seriousness, as well as conviction and incarceration rates.

*Possible evidence of discrimination.* Baldus & Cole (1977) have shown how quantitative indices, such as selection ratios, can be used to determine the presence or absence of discrimination in judicial settings. In light of the previously discussed findings regarding the effects of race on sentencing, it would seem reasonable to examine "selection" rates for the present sample to see if such an inference is warranted.

First, one should note that the present sample contains an approximately equal number of whites and nonwhites. A significant trend does seem to exist whereby nonwhites tend to be accused of more serious crimes. Likewise, another, marginally nonsignificant trend exists, with more nonwhites (81%) being

convicted by juries than whites (63%). This latter result is not contaminated by the seriousness of crime factor, since no relationship of any significance was found between seriousness of the crime and conviction. Thirdly, with regard to minimum sentence, recall that the minimum sentence for nonwhites was found to be significantly greater than that of whites. From these figures, we can notice a somewhat systematic temporal trend in which whites and nonwhites are initially brought to trial at roughly the same rate, with nonwhites facing more serious charges. As the judicial process progresses, the selection rates diverge, with differences approaching significance as to conviction/acquittal and later becoming significant at the sentencing and incarceration stages.

In view of the significant correlation between race and seriousness of the crime (with nonwhites being charged with more serious crimes), it may be conceivable that the relationship of race to sentencing is spurious, i.e., determined by the seriousness of the crime, which happens to be confounded with race. The multiple regression analysis, it should be recalled, suggested that, for the sample of 67, this was indeed the case, with nonwhites overrepresented among those facing serious charges and whites overrepresented with regard to nonviolent crimes of lesser seriousness. Thus it would seem tenable to conclude that, like attractiveness, race shows a complex relationship to the nature and seriousness of the crime committed, a result that seems consistent with several previous studies, notably Gibson (1978).

An alternative explanation for these observed differences could be an assumption of greater recidivism among black defendants, which may be important at the sentencing and incarceration stages. This does not, however, explain the near-significant (or significant, by a *directional*  $\chi^2$ ) association between race and conviction, at a stage where data on prior convictions is inadmissible.

Summarizing the results, it appears that the present study demonstrated that the physical attractiveness of the defendant significantly predicted both minimum and maximum sentences, even when the effects of seriousness of the crime and race were statistically controlled. Concerning the latter variable, we can only conclude that its significant zero-order correlation with sentences was primarily due to the fact that more nonwhites than whites were represented among those charged with serious crimes of violence and offenses against property, whereas the reverse was true for crimes of lesser seriousness.

Of course, causal inferences as to *why* nonwhites are charged with more serious crimes than are whites are beyond the scope of the present research.

#### DISCUSSION

The results of the present study show evidence of a definite relationship, albeit a weak one, between defendant's physical attractiveness and the

administration of justice in the courtroom, where appearance, severity of the crime, and other factors are free to vary. If we further consider the fact that the attractiveness variable was not "washed out" by these uncontrolled sources of variation, then it seems reasonable to conclude that laboratory studies showing similar results must have some degree of ecological validity.

This study also presents some questions which could be further clarified through laboratory studies and simulations. For example, the finding of a significant negative correlation between seriousness of crime and attractiveness could possibly suggest that unattractive persons are more likely to be suspected of criminal activity, and consequently charged with a serious crime, than are their more attractive counterparts. Contrariwise, one could argue that unattractive persons are more likely to engage in criminal activities because their lesser endowment in looks obviates legitimate means of value-access. Both of these alternatives are consonant with much of what we already know about the physical attractiveness stereotype, and both seem equally plausible. (Much the same can be said for the race factor.)

The present results also imply that the effects of attractiveness on the conviction and sentencing processes are more complex than many laboratory experiments have indicated; it is not obvious why attractiveness should affect only sentence, and why it should *not* affect conviction/acquittal. To those who seek to maintain their faith in the impartiality of the American jury system, this finding should prove reassuring, namely, that juries do *not* seem to be swayed by the physical appearance of defendant. Obviously, this result cannot be generalized to states such as Texas, where juries customarily pronounce sentence.

Alternatively, it may *not* be that juries are unbiased relative to judges; instead, it may simply be that sentencing is more sensitive a measure of social disapproval than the dichotomous verdict. The actual causal dynamics mediating this result warrant further scrutiny in the laboratory and in future studies like the present one. The disparity between conviction/acquittal and sentencing could possibly be explained by the fact that exclusionary rules, which forbid the introduction of evidence pertaining to prior convictions, moral character, and other factors irrelevant to the case at hand, operate as to the former but not the latter.

Another anomalous finding—namely, the reversal in physical attractiveness for those six defendants who received terms of 99 years or more—hints that attractiveness, while an asset for some crimes, may be a detriment for others, such as murder. The small number of subjects in this category makes it difficult to specify the validity of this trend, or why it occurred; however, the problem is quite researchable.

In addition, some other relationships between variables, besides those dealt with in the present study, would seem worth pursuing further. For instance,

the pre-trial investigation process, where plea bargaining frequently occurs, would seem a good topic for investigation, since defendant's attractiveness might be quite relevant at this stage. In brief, it may well be the case that such biases as the ones found in the present study begin long before the trial stage of processing and may even be stronger at the earlier stages.

Finally, some discussion of the race variable would seem pertinent, in view of the somewhat equivocal findings obtained in the present study. This should not be taken to mean that the results of this study with respect to the race factor are in anyway atypical (see Gibson, 1978; Hagan, 1974). On the contrary, the findings substantiate the fact that nonwhites are often overrepresented among those crimes deemed more serious by American society—those characterized by violence against the person (robbery, murder) or serious offenses against private property (burglary). Researchers such as Swigert and Farrell (1977) have presented data which imply that race is almost inextricably confounded with lower-class social status in much of the literature on sentencing; hence, courts may be responding to a popular *class* stereotype which imputes a proclivity toward violence to individuals of lower socioeconomic status. Thus, the *race* factor might very well be a *class* factor, in that people who lack resources to use the legal system to their advantage find it working against them, instead. It should be noted that in both the study by Gibson (1978) and the present one, very similar findings emerged as to the race/crime relationship. Although comparability across studies of sentencing is extremely hazardous, it could be warranted to speculate that including a broader spectrum of offenses in one's research design may present a more meaningful and less inconsistent perspective as to the factors of race and seriousness of the crime, as co-determinants of sentencing.

Something else which should not be overlooked is the fact that among the previously mentioned "outliers," those six who drew one or more life terms, socially desirable traits seemed to be the *rule* rather than the exception. Of these, only two were nonwhites and only one was of less than average attractiveness. Indeed, among the most attractive was a white male who drew two consecutive life terms. Although such a subanalysis of the data might be misleading, I believe it should be mentioned that for those 27 accused of murder, voluntary manslaughter, and rape (*outliers included*) race *did* significantly predict maximum sentence ( $Beta = .57$ ), but in the direction *opposite* that obtained for the sample of 67. Again, this method of subdividing the data is highly questionable, but still the implication arises that it is *not always* the case that lower-class or minority persons are treated more harshly than their more privileged counterparts.

Thus it would seem tempting to surmise that minority group status interacts with the nature of the crime committed in much the same way as does attractiveness; having traits which society deems desirable, such as good looks

and "majority" racial status, may give one the benefit of the doubt, but only for crimes of lesser violence. Perhaps this finding could be taken as partially supporting the rationale of Sigall & Ostrove (1975), with respect to the "beautiful but dangerous" defendant.

It seems unlikely that a simple linear, additive model will suffice to explain the relationship between these three variables. It is only left for future researchers to explore the joint effects of attractiveness, race, and seriousness of the crime on sentencing, using both experimental and observational methods.

#### REFERENCES

Baldus, D. C., & Cole, J. W. L. Quantitative proof of discrimination. *Evaluation Quarterly*, 1977, 1, 53-85.

Berscheid, E., & Walster, E. Physical attractiveness. In L. Berkowitz (Ed.), *Advances in experimental social psychology* (Vol. 7). New York: Academic Press, 1974.

Bullock, H. A. Significance of the racial factor in the length of prison sentences. *Journal of Criminal Law, Criminology, and Police Science*, 1961, 52, 411-417.

D'Esposito, J. C. Sentencing disparity: Causes and cures. *Journal of Criminal Law, Criminology, and Police Science*, 1969, 60, 182-195.

Dion, K. Physical attractiveness and evaluation of children's transgressions. *Journal of Personality and Social Psychology*, 1972, 24, 207-213.

Efran, M. G. The effect of physical appearance on the judgment of guilt, interpersonal attraction, and severity of recommended punishment in a simulated jury task. *Journal of Research in Personality*, 1974, 8, 45-54.

Gibson, J. L. Race as a determinant of criminal sentences: A methodological critique and a case study. *Law and Society Review*, 1978, 12, 455-478.

Green, E. Inter- and intra-racial crimes relative to sentencing. *Journal of Criminal Law, Criminology, and Police Science*, 1964, 55, 348-358.

Hagan, J. Extra-legal attributes and criminal sentencing: An assessment of a sociological viewpoint. *Law and Society Review*, 1974, 8, 357-383.

Quinney, R. *Criminology*. Boston: Little-Brown, 1975.

Sellin, T., & Wolfgang, M. *The measurement of delinquency*. New York: Wiley, 1964.

Sigall, H., & Ostrove, N. Beautiful but dangerous: Effects of offender attractiveness and nature of crime on juridic judgment. *Journal of Personality and Social Psychology*, 1975, 31, 410-414.

Swigert, V. L., & Farrell, R. A. Normal homicides and the law. *American Sociological Review*, 1977, 42, 16-32.

Thomas, C. W., Cage, R. J., & S. C. Foster. Public opinion on criminal law and legal sanctions: An examination of two conceptual models. *Journal of Criminal Law and Criminology*, 1976, 67, 110-116.

Worchel, S., & Cooper, J. *Understanding social psychology*. Homewood, IL: Downey Press, 1976.