Effects of Physical Attractiveness of the Plaintiff and Defendant in Sexual Harassment Judgments

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Physical attractiveness of the plaintiff and defendant in a sexual harassment case were varied along with gender of the subject in a 2 x 2 x 2 factorial design. It was found that the combination of attractive plaintiff—unattractive defendant yielded the highest percentage of guilty judgments, and the combination of attractive defendant—unattractive plaintiff yielded the lowest percentage of guilty votes. On eleven measures of personal characteristics, both the male and female subjects rated the attractive defendant more positively than the unattractive defendant on all variables. It was found, however, that the male subjects rated the attractive plaintiff more sincerely than the unattractive plaintiff; female subjects did not. Female subjects rated the plaintiffs, regardless of their attractiveness level, higher on sincerity and warmth than the male subjects did. When rating the physical attractiveness of an opposite-sex person, both male and female subjects were more likely to give very high ratings in the attractive condition or very low ratings in the unattractive than when rating a same-sex person. Results are discussed in terms of support for the "beauty is good" stereotype and implicit personality theory. Possible implications of the findings for sexual harassment jury trials are also presented.

It is now clearly evident that sexual harassment is a social problem of disturbing frequency. Studies have suggested that at least 20-30 per cent of working women and female college students have been victims of sexual harassment (Dzech & Weiner, 1984; Gerdes, Dammann, & Heilig, 1988; Gutek, 1985). As further evidence of the seriousness of the problem, the number of sexual harassment complaints reaching the point of litigation has increased in recent years. For example, a report of the Equal Employment Opportunity Commission showed that the number of filed

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complaints rose from 4,272 in 1981 to 7,273 in 1985, an increase of 59 per cent over the four-year period (Terpstra & Baker, 1988).

For the complaints of sexual harassment that end up being settled by jury trials, advancement in our knowledge about the factors influencing the decisions rendered by juries is needed. One extralegal factor that may play a significant role in juridic judgments about the complainants and defendants in sexual harassment cases is the physical attractiveness of the parties involved. Physically attractive individuals enjoy many interpersonal advantages. For example, Dion, Berscheid, and Walster (1972) found evidence for the prevalence of a stereotype wherein people are biased toward perceiving attractive individuals in a positive way, the notion that "What is beautiful is good."

The advantages of physical attractiveness apparently extend to the courtroom because there now exists a substantial body of research showing that physically attractive defendants were treated more leniently by mock jurors than were unattractive defendants (Darby & Jeffers, 1988; Efran, 1974; Forgas, 1987; Kulka & Kessler, 1978; Leventhal & Krake, 1977; Solomon & Schopler, 1978; Stephan & Tully, 1977). In addition, Stewart (1980) obtained evidence that physical attractiveness, as an important extralegal factor, is not restricted to mock jurors. Stewart had observers rate the physical attractiveness of real, mostly male, defendants who were appearing in criminal court for a broad range of offenses. A multiple regression analysis indicated that physical attractiveness was predictive of the judges’ sentences—the more attractive the defendant, the more lenient the sentence received. Stewart’s findings suggest that judges react the same way mock jurors do to extralegal factors.

While our review of the literature failed to uncover any research involving the potential impact of physical attractiveness in sexual harassment cases, the influence of both victim and defendant physical attractiveness on the judgements of mock jurors in rape cases has been investigated by a number of researchers. In rape judgements, physical attractiveness generally has been an advantage to defendants, resulting in more lenient sentences (Jacobson, 1981; Jacobson & Popovich, 1983), decreased perceptions of guilt (Deitz & Byrnes, 1981), and decreased perceptions of the likelihood of engaging in future antisocial behavior (Gerdes, et al., 1988). When judgments about rape are made, the physical attractiveness of the victim also comes into play. It was found that the rapist of an attractive victim was more likely to be seen as guilty, perhaps because rape of an attractive woman seems more probable (Jacobson, 1981; Jacobson & Popovich, 1983), and was given a more severe sentence, perhaps because harming a more highly valued person justifies greater retribution (Thornton, 1977).
Some researchers (e.g., Groth, 1978) contend that rape and severe forms of sexual harassment are conceptually similar forms of behavior. Pryor (1987) argued that the primary difference between rape and severe forms of sexual harassment is in the degree of coercion. Because of the apparent similarity between rape and sexual harassment, it would be expected that the physical attractiveness of the defendant and plaintiff would also influence juridic judgments in sexual harassment cases. The present study examined the dual effect of the defendant's and plaintiff's physical attractiveness on subjects' judgments in a sexual harassment case. We hypothesized that the physical attractiveness of both the defendant and the plaintiff would trigger the "beauty is good" stereotype. Subjects would render more favorable judgments of the attractive defendant and plaintiff than for their unattractive counterparts.

This prediction is also based on an "implicit personality theory" perspective (Adams, 1982) from which it is argued that people have a strong tendency to believe that when individuals possess certain central attributes, other peripheral characteristics are assumed to covary with the central attributes. Therefore, one central attribute, such as physical attractiveness, will be used to infer several peripheral characteristics, such as excitingness, warmth, kindness, etc. In a review of the research on implicit personality theory, Schneider (1973) made the point that there is little reason for not expecting physical attractiveness to be a central attribute.

Thus, the first hypothesis was that there is a main effect for the physical attractiveness of the defendant wherein the attractive defendant is more likely to be viewed positively, and less likely to be seen as guilty. The second hypothesis was that there is a main effect for the physical attractiveness of the plaintiff (victim) wherein the attractive plaintiff is more likely to be viewed positively, and more likely to elicit judgments of defendant guilt.

We were also interested in the question of gender differences in responsiveness to physical attractiveness. Most of the earlier studies, involving crimes other than rape, either found no significant gender differences (Piehl, 1977; Sigall & Ostrove, 1975; Stephan & Tully, 1977) or did not test for them (Friend & Vinson, 1974; Jacobson & Berger, 1974; Kulka & Kessler, 1978; Smith & Hed, 1979; Solomon & Schopler, 1978). The results of two studies (Castellow, Chia, & Wuensch, 1988; Efran, 1974), however, indicated that only men were influenced by the physical attractiveness of the defendant. In both studies, only the male subjects showed greater leniency for the attractive defendants. We were intrigued by the findings of gender differences in the above two studies because, on at least one theoretical basis, a gender difference in responsiveness to physical attractiveness might be expected. Specifically, Buss and Barnes
(1986), working from a sociobiological perspective, obtained robust support across diverse samples for their contention that men place greater value on physical attraction in mate selection than women do. According to Buss and Barnes (1986), "...past selection has favored men who enact a preference for those physical attributes (beauty) that are strong cues for age and health, and hence for reproductive capacity" (p. 569). In contrast, a selective advantage has accrued to women who favor male traits that signify an ability to provide resources for them and their children.

There is no obvious reason for thinking that such a gender difference in the value on beauty would be restricted to mate selection. Rather, it seems likely that the hypothesized greater responsiveness to physical attraction on the part of men would generalize to other person perception situations, including the courtroom. Our third hypothesis, then, was that only the judgments of male subjects would be affected by the physical attractiveness of the plaintiff and defendant.

**METHOD**

**Subjects**

Subjects were 71 male and 74 female students who participated in the study for extra credit in their courses while enrolled in Introductory Psychology classes at East Carolina University.

**Design**

Within each gender, subjects were randomly assigned to one of four cells formed by the manipulated variables. Three independent variables were investigated in a $2 \times 2 \times 2$ factorial design: the gender of the subject (male or female), the physical attractiveness of the defendant (attractive or unattractive), and the physical attractiveness of the plaintiff (attractive or unattractive).

**Measurement of Physical Attractiveness**

In a preliminary study to determine the physical attractiveness of stimulus persons, we used the same empirical truth-of-consensus method that previous researchers have generally employed (Patzer, 1985). The consensus approach is based on the premise that, while judgements of physical attractiveness are subjective, the stimulus person is considered to represent a particular level (e.g., high or low) if there is substantial agreement among raters on the stimulus person's level of attractiveness.

Using this conventional approach, we showed 120 photographs of men and women to 58 male and 91 female students enrolled in psychology classes at East Carolina University. The photographs were taken from college yearbooks and popular magazines and were black and white portrait-style (full face pictures of the head and upper shoulders). The
attractiveness of each photograph was rated on a 9-point scale. The male and female photographs receiving the highest and lowest combined means from the male and female raters were selected for use in the study. The attractive man received a mean rating of 7.55 from the male raters and 7.84 from the female raters. The attractive woman received a mean rating of 8.0 from the male raters and mean rating of 7.42 from the female raters. The unattractive man received a mean rating of 2.97 and 2.34 from the male and female raters, respectively; the unattractive female received mean ratings of 1.85 and 2.0.

Procedure

The subjects were run in groups of 15 to 20. The male experimenter told them that they would be reading a sexual harassment trial summary and would be asked to answer a series of questions about the trial summary. Then, the experimenter gave the subjects the booklet containing the stimulus materials.

The first three pages contained the sexual harassment trial summary along with photographs of the plaintiff and defendant attached to the upper right hand corner of page one. The trial summary was loosely based on two real sexual harassment jury trials that were settled in nearby courts within a few months of each other. In the first trial (Zeman, 1988), the jury awarded 3.85 million dollars to five women who accused their former employer, the manager of a residential development, of sexual harassment. The newspaper report included pictures of the plaintiffs and the defendant along with details of the case and the jury's verdict. Interestingly, all of the five plaintiffs were highly attractive, and the defendant was quite unattractive.

Shortly thereafter, the jury's verdict in a second sexual harassment trial was reported in the local newspaper. The defendant, a local banker and personal acquaintance of the first author, had been charged with sexual harassment by a female office worker in the bank. In this case, the jury found the handsome defendant "not guilty" of the sexual harassment charge filed by the rather unattractive plaintiff.

In constructing the trial summary for this study, we intentionally slanted the scenario to be more like the second trial. We were trying to portray the common sexual harassment situation with no witnesses that boils down to "it's her word against his"—the kind of situation where extralegal factors such as physical attractiveness are most likely to be influential in the outcome (Baumeister & Darley, 1982).

The trial summary used in this study described how a 23-year-old white female, Ms. Betty Woods, sought legal counsel in regard to a series of alleged sexual harassment incidents. She testified that she had been employed at a large apartment complex as a secretary—receptionist for the
past three years. During that time, her employer, Mr. David Radford, had become increasingly forward with her, progressing from comments about the sexiness of her clothes to attempts to kiss her, to repeatedly touching her breasts and fondling her buttocks. Along with the unwelcome physical contact, Mr. Radford’s risqué remarks escalated to the point that he began to describe sexual activities in which he wanted to participate with her. Ms. Woods stated that the mental strain became so unbearable that she consulted a physician and sought legal counsel. Her lawyer filed a civil suit against Mr. Radford.

In the trial summary, the age of the defendant, Mr. Radford, was not specified, but the photographs of the defendants were of “older” looking men. That is, the photographs of both the attractive and unattractive defendants were of men who looked to be in their late twenties. Without specifying the age of the defendant, the trial summary stated that Mr. Radford had steadfastly denied all accusations of the plaintiff. He testified that he had never touched her in a sexual manner, had never been lewd or risqué, and had never been suggestive or provocative in any way. He was very surprised when the suit was filed against him as he could not remember a single incident of inappropriate behavior. He stated that he had a genuine concern for Ms. Woods’ safety and well-being, and that he would never do anything to harm her. He concluded his testimony with the assertion that, even in the face of the harassment accusations, he was willing to recommend her for other employment, or if she so desired, was willing to keep her in his employment.

The last part of the trial summary read as follows:

Ms. Woods’ lawyer, in his jury summation, argued that Ms. Woods was entitled to recover personal as well as punitive damages and urged the jury to award her a grand total of $200,000.

Mr. Radford’s lawyer claimed that his client was the victim of an ambitious woman with a very vivid imagination and urged the jury to find in favor of Mr. Radford and award the plaintiff nothing.

The main dependent variable was assessed on the fourth page of the booklet. Subjects were asked to answer “Yes” or “No” to the question, “Do you think that Mr. Radford is guilty of sexual harassment?” On page five, the subjects were asked to rate the defendant and, on the final page, to rate the plaintiff on eleven 9-point bipolar adjective scales: dull–exciting; nervous–calm, dependent–independent, insincere–sincere, cold–warm, physically unattractive–physically attractive, cruel–kind, unintelligent–intelligent, weak–strong, naive–sophisticated, and sad–happy. The adjective scales dealt with general personality characteristics and were adapted from previous research on person perception (Dion et al., 1972; Forgas, 1987).
RESULTS

The Adjective Scale Ratings
The eleven adjective scale ratings of the defendant and the eleven adjective scale ratings of the plaintiff were used as dependent variables in a sex of subject by attractiveness of plaintiff by attractiveness of defendant MANOVA. This analysis was intended as a manipulation check and as a check of the predictions (the first and second hypotheses presented in our introduction) that subjects would view physically attractive defendants and plaintiffs more positively than unattractive defendants and plaintiffs. Using Pillai's trace and a .05 criterion for significance, the following effects were significant: the Sex x Defendant Attractiveness interaction, $V = .264, F(22, 116) = 1.89, p = .016$; the Sex x Plaintiff Attractiveness interaction, $V = .270, F(22, 116) = 1.95, p = .012$; and the main effects of defendant attractiveness, $V = .906, F(22, 116) = 50.82, p < .001$, plaintiff attractiveness, $V = .902, F(22, 116) = 48.52, p < .001$, and sex, $V = .240, F(22, 116) = 1.67, p = .044$. For the Sex x Defendant Attractiveness interaction effect, the only substantial loading (> .3) was that for the defendant physical attractiveness rating, which correlated .53 with the canonical variate. The defendant physical attractiveness rating was also the only variable for which a univariate ANOVA produced a significant Sex x Defendant Attractiveness interaction, $F(1, 137) = 13.79, p < .001$.

Simple main effects analysis on the attractiveness ratings indicated that within each sex the attractive defendant was rated significantly more attractive than the unattractive defendant, with the interaction resulting from the magnitude of the effect of the attractiveness manipulation being greater for female subjects than for male subjects. Female subjects rated the (male) defendant 6.62 points higher in the attractive condition ($M = 8.26$) than in the unattractive condition ($M = 1.64$), while male subjects rated him only 5.30 points higher ($M = 7.27$ in the attractive condition, $M = 1.97$ in the unattractive condition). This is similar to the pattern in the pretest ratings differences. Regarding the main effect of the defendant attractiveness manipulation, substantial loadings were obtained for the excitingness ratings ($r = .33$) and the attractiveness ratings ($r = .92$). Univariate ANOVA indicated that the attractiveness manipulation had significant effects on all eleven defendant rating scales, with the attractive defendant being rated more exciting (not dull), calm (not nervous), independent, sincere, warm, physically attractive, kind, intelligent, strong, sophisticated, and happy than the unattractive defendant (see Table 1).

For the Sex x Plaintiff Attractiveness interaction, a substantial loading was obtained only for the plaintiff physical attractiveness ratings ($r = .46$). Univariate ANOVA produced a significant effect for those attractiveness ratings and for the plaintiff sincerity ratings. For the attractiveness ratings,
simple main effects analysis showed that within each sex the attractive plaintiff was rated significantly more attractive than the unattractive plaintiff, with the interaction resulting from the magnitude of the attractiveness manipulation being greater for the male subjects than for the female subjects. Male subjects rated the (female) plaintiff 6.61 points higher in the attractive condition (M = 8.50) than in the unattractive condition (M = 1.89), while female subjects rated her only 5.37 points higher (M = 7.97 in the attractive condition, M = 2.60 in the unattractive condition). This is similar to the pattern in the pretest ratings differences. Simple main effects analysis on the sincerity ratings showed that male subjects rated the attractive plaintiff significantly more sincere than the unattractive plaintiff (Ms = 6.29 vs 4.35), but the attractiveness manipulation did not significantly affect female subjects' ratings of sincerity (Ms = 6.36 vs 5.71). Regarding the main effect of the plaintiff attractiveness manipulation, a substantial loading was obtained only for the plaintiff attractiveness variable (r = .91). Univariate ANOVA indicated that the manipulation had significant effects on all eleven plaintiff rating scales, with the direction of the differences being identical to those found with the ratings of the defendant, that is, the attractive person being rated more favorably (see Table 1). Additionally, plaintiff attractiveness affected the ratings given the defendant. When the plaintiff was attractive the defendant was rated significantly less sincere, warm, kind, strong, sophisticated, and happy than when the plaintiff was unattractive.

Regarding the main effect of sex, substantial loadings were obtained for ratings of plaintiff's sincerity (r = .34), plaintiff's warmth (r = .44), and defendant's calmness (r = -.34), which were also the only variates for which univariate ANOVA showed significant effects. Male subjects rated the defendant as more calm and the plaintiff as less sincere and less warm than did female subjects.

Analysis of the ratings variables confirmed that our manipulation of physical attractiveness was effective, and supported our hypothesis that physically attractive defendants and plaintiffs would be more positively rated than physically unattractive defendants and plaintiffs on other attributes as well. The interactions with sex reflect the fact that subjects are more moderate in their ratings of the physical attractiveness of same-sex persons than when rating opposite-sex persons. Male subjects seem reluctant to rate another male as very attractive or very unattractive and female subjects reluctant to rate another woman as very attractive or very unattractive. Despite extensive pilot work, we have been unable to obtain photographs of very attractive or very unattractive persons that are rated identically by subjects of both sexes.
TABLE 1  Mean Ratings Given to the Attractive and Unattractive Defendants and Plaintiffs

<table>
<thead>
<tr>
<th>Rating Scale</th>
<th>Defendant Unattractive</th>
<th>Defendant Attractive</th>
<th>Plaintiff Unattractive</th>
<th>Plaintiff Attractive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dull–Exciting</td>
<td>3.17</td>
<td>5.85</td>
<td>3.78</td>
<td>5.93</td>
</tr>
<tr>
<td>Nervous–Calm</td>
<td>5.24</td>
<td>6.60</td>
<td>3.79</td>
<td>4.77</td>
</tr>
<tr>
<td>Dependent–Independent</td>
<td>5.67</td>
<td>6.96</td>
<td>4.89</td>
<td>5.63</td>
</tr>
<tr>
<td>Insincere–Sincere</td>
<td>4.36</td>
<td>5.56</td>
<td>5.01</td>
<td>6.33</td>
</tr>
<tr>
<td>Cold–Warm</td>
<td>4.77</td>
<td>5.57</td>
<td>4.99</td>
<td>6.16</td>
</tr>
<tr>
<td>Physically Unattractive</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attractive</td>
<td>1.80</td>
<td>7.77</td>
<td>2.24</td>
<td>8.22</td>
</tr>
<tr>
<td>Cruel–Kind</td>
<td>4.80</td>
<td>6.15</td>
<td>5.10</td>
<td>6.63</td>
</tr>
<tr>
<td>Unintelligent–Intelligent</td>
<td></td>
<td>6.06</td>
<td>7.37</td>
<td>5.04</td>
</tr>
<tr>
<td>Weak–Strong</td>
<td>4.89</td>
<td>6.77</td>
<td>4.54</td>
<td>5.44</td>
</tr>
<tr>
<td>Naive–Sophisticated</td>
<td>4.76</td>
<td>6.77</td>
<td>4.00</td>
<td>5.96</td>
</tr>
<tr>
<td>Sad–Happy</td>
<td>5.03</td>
<td>6.48</td>
<td>3.22</td>
<td>4.29</td>
</tr>
</tbody>
</table>

The Verdict

A logit analysis is used to determine whether a single categorical dependent variable is significantly affected by one or more of a set of categorical independent variables and their interactions. We wished to test the effects of three dichotomous variables, subject's sex, physical attractiveness of the defendant, and physical attractiveness of the plaintiff, upon the verdict (guilty or not guilty). Three of the effects possible in such a logit analysis are relevant to our hypotheses. If attractive defendants are less likely to be found guilty than are unattractive defendants, the Defendant Attractiveness x Verdict effect should be significant (like a 2 x 2, Attractiveness x Verdict chi-square analysis of a contingency table) and the percentages should be in the expected direction. Likewise, if guilty verdicts are more likely with attractive plaintiffs than with unattractive plaintiffs, the Plaintiff Attractiveness x Verdict effect should be significant. If, as predicted, male subjects' verdicts are affected by attractiveness but female subjects' verdicts are not, then the Sex x Defendant Attractiveness x Verdict and the Sex x Plaintiff Attractiveness x Verdict effects should be significant.

As suggested by Tabachnick & Fidell (1989), to which the interested reader is referred for an introduction to multiway frequency analysis, we
first made a preliminary screening run with the hiloglinear procedure in SPSSX. Effects that were significant and involved the verdict dependent variable were then retained in the logit analysis using the loglinear procedure in SPSSX. Since we experimentally manipulated the attractiveness independent variables and assigned male and female subjects to treatment groups such that sample sizes were nearly equal across all cells of the experimental design, it was not appropriate to include in the final model any effect containing only independent variables. For example, the Sex x Plaintiff Attractiveness effect, partial $G^2 = 0.04$, reflected the fact that 52.8% of our male subjects were tested with an attractive plaintiff while 52.6% of our female subjects were tested with an attractive plaintiff, an “effect” of no interest.

The descriptive statistics relevant to the prediction that attractiveness would affect the verdicts of male but not female subjects are presented in Table 2. However, the initial screening run with hiloglinear indicated that the relevant three-way effects involving sex were not statistically significant. Likelihood ratio tests indicated that the one-way, $G^2(4) = 14.44$, $p = .006$, and the two-way, $G^2(6) = 17.68$, $p = .007$) effects were significant, but higher order effects were not. Partial likelihood ratio tests revealed three significant effects: The effect of verdict, $G^2(1) = 14.20$, $p < .001$, the
Defendant Attractiveness x Verdict effect, \( G^2(1) = 6.86, p = .009 \), and the Plaintiff Attractiveness x Verdict effect, \( G^2(1) = 8.46, p = .004 \). A backwards elimination procedure resulted in a model containing verdict, defendant attractiveness, plaintiff attractiveness, Defendant Attractiveness x Verdict, and Plaintiff Attractiveness x Verdict.

Since we had randomly assigned subjects in approximately equal numbers to each level of the manipulated attractiveness variables, it made little sense to retain the one-way attractiveness effects in the model for predicting verdict. Effects contained within retained higher-order effects, as the one-way defendant attractiveness effect is contained within the Defendant Attractiveness x Verdict effect, cannot be deleted with a hierarchical procedure like hiloglinear, so we used loglinear to complete the nonhierarchical logit analysis. An initial run with a saturated model (including all effects that involved the verdict variable) produced essentially the same results as the screening run with hiloglinear. Only verdict, \( z = 3.65, p < .001 \), Verdict x Defendant Attractiveness, \( z = 2.36, p = .018 \), and Verdict x Plaintiff Attractiveness, \( z = 2.60, p = .009 \), had significant parameters. A reduced model containing only these three effects fit the observed frequencies well, as indicated by a nonsignificant goodness-of-fit likelihood ratio test, \( G^2(5) = 4.78 \), \( p = .44 \). The null hypothesis tested by such a goodness-of-fit test is that the model does generate expected frequencies that match the observed cell frequencies, so a nonsignificant result indicates that the model is adequate. All three parameters differed significantly from zero in the reduced model.

The percentages shown in the right and bottom margins of Table 2 illustrate the significant effects found. The effect of verdict was due to subjects finding the defendant guilty 66% of the time, significantly higher than 50%. The interaction effects were due to subjects favoring attractive persons over unattractive persons. When the defendant was attractive guilty verdicts were obtained 56% of the time, significantly less than the 76% guilty rate with the unattractive defendant. When the plaintiff was attractive the defendant was judged guilty 77% of the time, significantly higher than the 55% guilty rate with the unattractive plaintiff.

The results of our logit analysis failed to support our prediction that only male subjects’ verdicts would be affected by the attractiveness variables, but supported the more general hypotheses regarding the effects of attractiveness: Guilty verdicts are less likely when the defendant is physically attractive and more likely when the plaintiff is physically attractive.
DISCUSSION

The results of this study indicate that physical attractiveness can play an important role in judgments made of people involved in sexual harassment charges. As predicted from the perspective of implicit personality theory, both the attractive plaintiff and defendant were beneficiaries of the "beauty is good" stereotype. Possessing the central attribute of beauty, they were viewed more favorably than their unattractive counterparts with respect to peripheral personal attributes, and they were favored by the mock jurors with respect to the verdicts rendered. The subjects seemed to share the common "implicit personality theory" that attractive individuals, compared to unattractive ones, are calmer, warmer, kinder, stronger, happier, more exciting, more independent, more sincere, more intelligent, more sophisticated, and, if a woman, more likely to be the victim of sexual harassment, or, if a man, less likely to be a harasser.

As shown in Table 2, the effect of physical attractiveness on the subjects' verdicts was clearly additive. The mock jurors responded as if they were quite ready to believe a beautiful woman who accuses an unattractive man of sexual harassment but reluctant to believe an unattractive woman who accuses a handsome man of the same misbehavior.

The findings of this study are in agreement with those of previous investigators (Jacobson, 1981; Jacobson & Popovich, 1983) who found that attractive rape victims elicited more judgments of defendant guilt than did unattractive victims. Also, our findings indicating that physical attractiveness is an advantage for defendants in sexual harassment judgments agree with previous studies showing that, in rape judgments, physical attractiveness was an advantage for defendants (Deitz & Byrnes, 1981; Jacobson, 1981; Jacobson & Popovich, 1983).

Although one should be cautious about any attempt to generalize from mock juror studies to the courtroom, our study offers some implications for sexual harassment jury trials. It makes empirical and conceptual sense to predict the following: in real trials, it would pay to be a beautiful plaintiff up against an unattractive defendant or a handsome defendant up against an unattractive plaintiff. While we would not advocate that attorneys make judgments about attractiveness before accepting clients, it does seem prudent for such judgments to influence an attorney's strategy in presenting a case to the jury. Two basic strategies are suggested by our findings. The first and quite obvious strategy is to make the client, either plaintiff or defendant, as physically attractive as is practically possible. If the client is so unattractive as to make the first strategy unfeasible, however, the attorney might consider a tactic of informing the jurors that people tend to favor attractive people over unattractive ones and specifically urge them to be fair and not show that common favoritism. This second strategy is
suggested by a study conducted by Friend and Vinson (1974) who found that jurors who were trying to be impartial overcompensated for their biases. Specifically, they found that, under conditions in which their subjects made a public commitment to be impartial, the unattractive defendant in a negligent homicide scenario received a significantly lighter sentence than did the attractive defendant. Friend and Vinson argued that, in attempting to be impartial (i.e., the commitment condition), the mock jurors “leaned over backwards” and thereby became partial in the opposite direction to the typical bias in favor of attractive defendants.

It must be remembered, though, that an important foundation of our democratic society is the widely shared belief that justice should be based on the evidence in the case and not on such extraevidentiary factors as physical appearance. Thus, additional research on the effects of such possible moderating variables as commitment to be impartial is needed before promoting proposals to “educate” jurors (e.g., through instructions from either judges or attorneys) about the “What is beautiful is good” stereotype.

We further hypothesized that only the male subjects’ judgments would be affected by physical attractiveness. The only support for this hypothesis was the finding that male subjects rated the attractive plaintiff more sincere than the unattractive plaintiff; the female subjects did not. Otherwise, this hypothesis was not supported because both the male and female subjects were strongly influenced by the “looks” of the adversaries in the case. Both the men and women rated the attractive defendant more positively than the unattractive defendant on all of the eleven personal variables.

The only other gender differences were the findings that the female subjects rated the plaintiffs, regardless of their attractiveness level, higher on sincerity and warmth and the defendant more nervous than the male subjects did. Because several previous studies (Deitz & Byrnes, 1981; Deitz et al., 1984; Smith, Keating, Hester, & Mitchell, 1976; Thornton, 1977) demonstrated that female subjects identified with the rape victim more than did male subjects, the former finding was not unexpected if the assumption of similarity between judgments of sexual harassment and rape is valid.

Several investigators cited above (Deitz & Byrnes, 1981; Deitz, et al., 1984; Thornton, 1977) found that female subjects were more likely to judge the defendant in rape cases guilty than were the male subjects. It is interesting to note that the female subjects’ more favorable perception of the plaintiffs’ sincerity and warmth and more negative perception of the defendants nervousness did not translate into judgments of guilt that
differed significantly from those of the male subjects. One possible explanation of this finding is that the female subjects' "What is beautiful is good" stereotypic belief systems were stronger in their ultimate judgments of culpability than was their greater identification with the plaintiffs.

Given the increase in sexual harassment litigation (Terpstra & Baker, 1988), an increase in understanding of the factors influencing the outcomes of sexual harassment charges is needed. In the Terpstra & Baker study, there were three combined factors that enhanced the complainants' probability of a favorable outcome—unwanted physical contact of a sexual nature, sexual propositions linked to promises or threats of a change in the conditions of employment, and the testimony of witnesses. As noted above, we intentionally used a scenario where there were no witnesses. With this kind of sexual harassment scenario, our results clearly suggest that the probability of obtaining guilty verdicts will be significantly increased when the alleged victim is a beautiful woman and the accused is an unattractive man. Conversely, the chances of obtaining guilty verdicts will be significantly decreased when the accused is a good-looking man and the alleged victim is a not-so-good-looking woman.

In conclusion, this study provides strong support for the robust role of physical attractiveness in the social judgment process as it may apply in a courtroom setting. While most people likely espouse the adage, "you can't judge a book by its cover," our findings add to the growing evidence that, too often, beauty is not just skin deep. Rather, it seems to extend from the skin to influence judgments about such important personality traits as sincerity, warmth, kindness, etc. The implicit personality theory suggested by people's responsiveness to the biasing effects of physical attractiveness can be particularly pernicious if it is a determinant in decisions about the guilt or innocence of a crime like sexual harassment. Further research is needed to enhance our understanding of how to diminish the stereotyping effects of attractiveness without eliciting a bias in the opposite direction.

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