

Effects of Physical Attractiveness on Evaluations of a Male Employee's Allegation of Sexual Harassment by His Female Employer

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ABSTRACT. College students ($N = 324$) served as mock jurors in a simulated civil case in which a male plaintiff accused a female defendant of sexual harassment. The authors experimentally manipulated the physical attractiveness of the litigants. The authors asked mock jurors to decide whether the defendant was guilty and to rate their certainty of belief in the defendant's guilt (or lack of guilt). Jurors were more certain of the guilt of the defendant when the plaintiff was attractive than when he was unattractive. Plaintiff attractiveness significantly affected female jurors' individual recommended verdicts when the defendant was unattractive but not when she was attractive. With male jurors, plaintiff attractiveness significantly affected their verdicts when the defendant was attractive but not when she was unattractive. Female jurors were more likely than male jurors to conclude that sexual harassment had taken place but only when the litigants were different in attractiveness.

Key words: attractiveness bias, mock-jury decisions, physical attractiveness, sexual harassment

PEOPLE PERCEIVE PHYSICALLY ATTRACTIVE PEOPLE in a more positive fashion than they do physically unattractive people (Dion, Berscheid, & Walster, 1972). This stereotype leads to more lenient sentencing of attractive defendants than of unattractive defendants, in both simulated and actual trials (Mazella & Feingold, 1994; Stewart, 1980). In simulated rape trials, attractive defendants are sentenced more leniently than unattractive defendants, and defendants who

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have been accused of raping an unattractive victim are less likely to be seen as guilty than are those accused of raping an attractive victim (Jacobson, 1981; Jacobson & Popovich, 1983).

In a simulated sexual harassment case, mock jurors treated physically attractive litigants more favorably than they did unattractive litigants (Castellow, Wuensch, & Moore, 1990). Odds ratios are a convenient means of expressing the magnitude of effects in research like this. Unattractive defendants were 2.5 times more likely to be found guilty by individual mock jurors than were attractive defendants. Likewise, individually recommended guilty verdicts were 2.7 times more likely when the plaintiff was attractive than when she was unattractive.

Mock jurors consider sexual harassment more likely when the defendant is unattractive and/or the plaintiff is attractive. This may result from jurors surmising that physically attractive litigants also have other socially desirable characteristics, rating them higher than physically unattractive litigants on attributes such as sincerity, kindness, and intelligence (Castellow et al., 1990). It may be these inferences about other characteristics that make jurors more likely to believe the physically attractive litigant. When mock jurors in a sexual harassment case were given character witness testimony designed to manipulate the perception of the social desirability of the litigants, social desirability significantly affected jurors' decisions, and the effect of physical attractiveness fell short of statistical significance (Moore, Wuensch, Hedges, & Castellow, 1994).

When Karl L. Wuensch presented to university students the association between litigant physical attractiveness and the verdict as found by Castellow et al. (1990) and asked the students to speculate on why jurors favored the attractive plaintiff, the answers most frequently given were (a) that attractive men do not need to harass a woman sexually (they can get all the sex they need without resorting to harassment), (b) that sexual advances by attractive men are unlikely to be taken as harassment, (c) that men will not be motivated to harass sexually an unattractive woman, and (d) that an unattractive woman is unlikely to take a sexual advance as being harassment. Clearly these students thought that sexual harassment is motivated, at least in part, by sexual desire. Of course, the actual motivation may well be similar to that in rape, which may be related to sexual or reproductive conditions (Thornhill & Palmer, 2000) or to hostility and desire for domination (see Ellis, 1989). If jurors are like the students who were asked to interpret the results of the research by Castellow et al. and assume that sexual harassment is sexually motivated, then one would expect the physical attractiveness of the litigants to have an effect on the jurors' decisions.

Earlier studies have found that female jurors are more likely than male jurors to find a male defendant guilty of sexual harassment of a female plaintiff (Egbert, Moore, Wuensch, & Castellow, 1992; Moore et al., 1994; Wuensch, Campbell, Kesler, & Moore, 2002). This finding may have resulted from greater identification with the same-sex litigant and/or greater familiarity with the offense (sexual harassment). Calhoun and Townsley (1991) noted that women usually show

more empathy towards victims of acquaintance rape than do men, possibly because women are more likely to have been victimized themselves. From another perspective, investigators might argue that men are less likely than women to believe an allegation of sexual harassment if men have been falsely accused of sexual harassment or have worried about being falsely accused.

The purpose of the present research was to investigate the effects of the sex of the juror and the physical attractiveness of the litigants in a simulated civil case where sexual harassment of a male employee by his female employer is alleged. All previously published research involving simulated litigation over alleged sexual harassment has involved male defendants and female plaintiffs. We had, a priori, no theoretical or other reason to expect that the results of our manipulations of physical attractiveness would be any different from what they were in the earlier research that involved male defendants and female plaintiffs. That is, we expected that guilty verdicts would be more likely when the defendant was unattractive and when the plaintiff was attractive.

We were unable to feel confident about the direction of effect of the juror's sex. If the sex differences that had been observed in earlier studies (female jurors being more likely than male ones to find male defendants guilty) had resulted from a bias in favor of same-sex litigants, then investigators would expect that women would be less likely than men to find a female defendant guilty of harassing a male plaintiff. On the other hand, if the sex differences that had been observed earlier resulted from women's being more likely than men to have experienced sexual harassment themselves, then investigators might expect women to be more likely than men to find in favor of the plaintiff, even when the defendant is female and the plaintiff is male. We hoped that the present research would provide results that discriminated between these two interpretations of the past research.

Method

Participants

Participants were 324 college students (160 women, 164 men) who were enrolled in undergraduate psychology classes at a southern, public university whose student body consists mostly of White students. The mean age of participants was 19.5 years ($SD = 2.88$ years). The majority of participants were Caucasian (78%). Other ethnic groups that the participants represented included African American (19%), Native American (2%), Asian American (1%), and Hispanic (< 0.5%). Participants did grant informed consent, were offered extra credit in their psychology class as compensation for their participation, and were informed of the results of the study after its completion. During preliminary, oral instructions to the participants, we made clear to them that the case materials were fictional.

Design

We used a $2 \times 2 \times 2$ design with three independent variables: sex of participant, physical attractiveness of the plaintiff, and physical attractiveness of the defendant. Verdict and participant's own certainty of guilt (or lack of guilt) were used as dependent variables. All statistical tests used nondirectional hypotheses and a .05 criterion of significance.

Manipulation of Physical Attractiveness

The photographs of the litigants were the same as those used in earlier research in our lab (Castellow et al., 1990; Moore et al., 1994). As part of our initial study (Castellow et al.), we showed 120 photographs of men and women to 149 college students and asked them to rate each photo on a 9-point scale of attractiveness (from 1 = *physically unattractive* to 9 = *physically attractive*). The photographs were taken from college yearbooks and popular magazines and were of black-and-white portrait style. We selected the most attractive ($M = 7.7$, $SD = 1.6$) and least attractive ($M = 2.6$, $SD = 1.5$) male photographs for use in the present study. Likewise, the most attractive ($M = 7.6$, $SD = 1.4$) and least attractive ($M = 1.9$, $SD = 1.5$) female photographs were selected.

Experimental Materials and Procedure

We ran participants in small groups, which ranged in size from 10 to 40 individuals. Each participant was provided with a packet containing the following items: instructions, case background, summaries of the litigants' testimony, summaries of the litigants' character witness testimony, a photograph of each litigant, a trial summary, and a participant response form. These materials (available in electronic format on request from Karl L. Wuensch) were nearly identical to those used by Moore et al. (1994), except for changes involved in reversing the sexes of the litigants.

In the plaintiff's testimony, he explained that in the three years that he had been working for the defendant as an assistant manager of her apartment complex, her harassing behaviors had escalated. Initially she made inappropriate and unwanted remarks about his clothing and physique. She stared at his crotch and made remarks about the size of his genitals. She tried to touch and caress his body. When he objected to these behaviors, she told him that he must have liked it or he would have already left to find employment elsewhere. He alleged that in recent months, she tried to put her hand under his clothing, chased him around the office trying to kiss him, and repeatedly tried to fondle his buttocks and genitals. She even went so far as to describe to him the sexual acts in which she desired to engage him. Since few people would argue that the alleged behaviors do not constitute sexual harassment, we assumed that any juror who believed the plaintiff's testimony would find in his favor.

In the defendant's testimony, she denied all of the plaintiff's accusations. The defendant stated that she considered herself to be a friend of the plaintiff and that she had a genuine concern for his safety and well-being. She expressed a willingness to help him find other employment or continue his employment at her firm.

We altered the character witness testimonies that Moore et al. (1994) had used. In that earlier study, the character witness testimonies portrayed each litigant as either socially desirable or socially undesirable. The socially desirable litigants were described as friendly, helpful, pleasant, professional, honest, active in civic organizations, high achieving in school, and well dressed. The socially undesirable litigants were described in opposite terms: grumpy, unhelpful, unpleasant, unprofessional, sloppy in appearance, and so on.

Participants in a pilot study done in preparation for the research by Moore et al. rated subjects on an 18-item adjective scale. Responses for each item ranged from 1 (strongly endorsing the undesirable adjective, such as *cold*) to 9 (strongly endorsing the desirable adjective, such as *warm*). The mean across items and respondents was 7.8 for the socially desirable description and 3.2 for the socially undesirable description.

In the present study, through the character witness testimony, we attempted to portray each litigant as moderate in social desirability. They were described as being somewhat reserved and only occasionally being helpful and pleasant. We said that they had C averages in their evening classes. Sometimes their performance on the job was acceptable, but sometimes it was not. They were involved in civic organizations—but not intensely. Their dress was described as neither neat nor disorganized. In a pilot study, we used the same adjective scale that Moore et al. (1994) used, and it produced means of 5.1 for the plaintiff's social desirability and 5.5 for that of the defendant.

Through the participant response form, we asked the participants to list their age, sex, race, and academic classification. Participants were asked whether they thought the defendant was guilty of sexual harassment (*yes* or *no*). We also asked them to indicate how certain they were of her guilt, on a 9-point scale from *definitely not guilty* to *definitely guilty*. After responding to these two questions, respondents were also asked to rate, on a 9-point scale, the physical attractiveness of each litigant.

Results

The Manipulation of Physical Attractiveness

For the defendant, participants rated the attractive version of the defendant as significantly more attractive ($M = 7.86$, $SD = 1.29$) than the unattractive version of the defendant ($M = 2.90$, $SD = 1.74$), $t(322) = 29.15$, $p = .000$, $d = 3.24$. For the plaintiff, the attractive version of the plaintiff was rated significantly more attractive ($M = 6.72$, $SD = 1.78$) than the unattractive version of the plaintiff ($M = 2.09$,

$SD = 1.25$), $t(322) = 27.19$, $p = .000$, $d = 3.02$. Within-sex comparisons showed that the manipulations of physical attractiveness remained highly effective ($t > 14$, and $p = .000$, for each litigant).

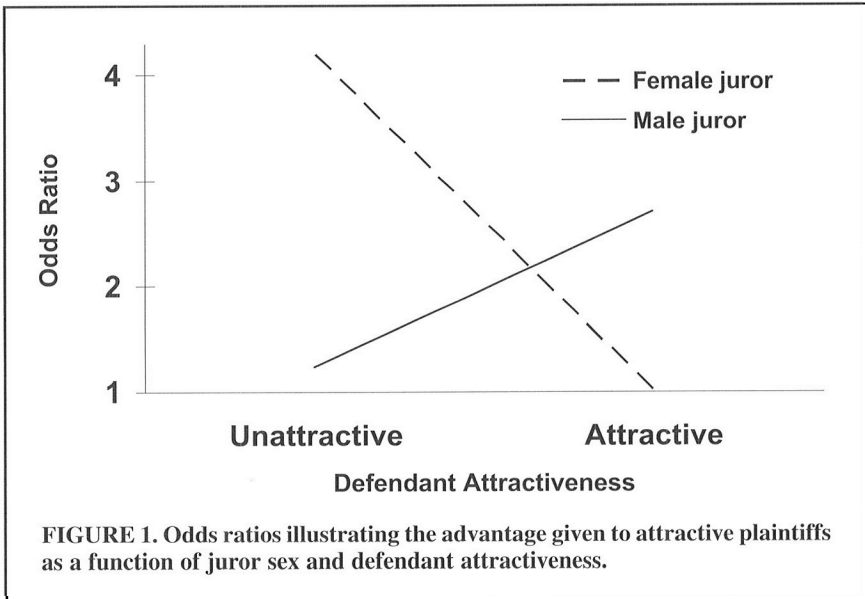
The Verdict

We used a logit analysis to evaluate the effects of sex of juror and physical attractiveness of plaintiff and defendant on the verdict rendered by individual mock jurors. A reduced model was obtained by removing from the saturated model all effects that were not significant at the .10 level. All effects that we deleted were so trivial in magnitude that each had a $z < .65$ and a $p > .50$. The resulting model included a significant main effect of plaintiff attractiveness, $z = 2.65$, $p = .008$, and a significant interaction between juror's sex, defendant attractiveness, and plaintiff attractiveness, $z = 2.19$, $p = .029$. The effect of juror's sex fell short of the traditional standard of statistical significance, $z = 1.68$, $p = .093$. The reduced model fit the data adequately, as indicated by a nonsignificant goodness-of-fit test, $G^2(4, N = 324) = 1.08$, $p = .897$. When we had dropped the main effect of sex from the model, there was a noticeable, but not statistically significant, reduction in the model's goodness of fit, $G^2(5, N = 324) = 3.94$, $p = .558$. Each of the effects in the reduced model was also evaluated with marginal likelihood ratio chi-square tests.

Guilty verdicts were significantly more frequent (77%) when the plaintiff was attractive than when he was unattractive (63%), $G^2(1, N = 324) = 7.05$, $p = .008$, odds ratio = 1.92. This effect was modified by its participation in the significant interaction between juror's sex, defendant attractiveness, and plaintiff attractiveness.

Female jurors returned guilty verdicts more frequently (74%) than did male jurors (66%), but this difference fell short of statistical significance by the marginal test, $G^2(1, N = 161) = 2.81$, $p = .094$, odds ratio = 1.50.

Given the significant main effect of plaintiff attractiveness, we first investigated the interaction effect by testing the effect of plaintiff attractiveness for each combination of sex and defendant attractiveness, as Figure 1 shows. When the defendant was unattractive, female jurors were significantly more likely to render a guilty verdict when the plaintiff was attractive (85%) than when he was unattractive (58%), $G^2(1, N = 80) = 7.62$, $p = .006$, odds ratio = 4.19. But when the defendant was attractive, the physical attractiveness of the plaintiff was without effect (with 78% of female participants rendering guilty verdicts for both levels of plaintiff attractiveness), $G^2(1, N = 80) = 0.00$, $p = 1.000$, odds ratio = 1.00. With the male jurors, the effect of plaintiff attractiveness fell short of statistical significance when the defendant was unattractive (68% of participants rendering guilty verdicts with the attractive plaintiff, 63% with the unattractive plaintiff), $G^2(1, N = 83) = 0.20$, $p = .653$, odds ratio = 1.23. When the defendant was attractive, male jurors were significantly more likely to find her guilty when the plaintiff was

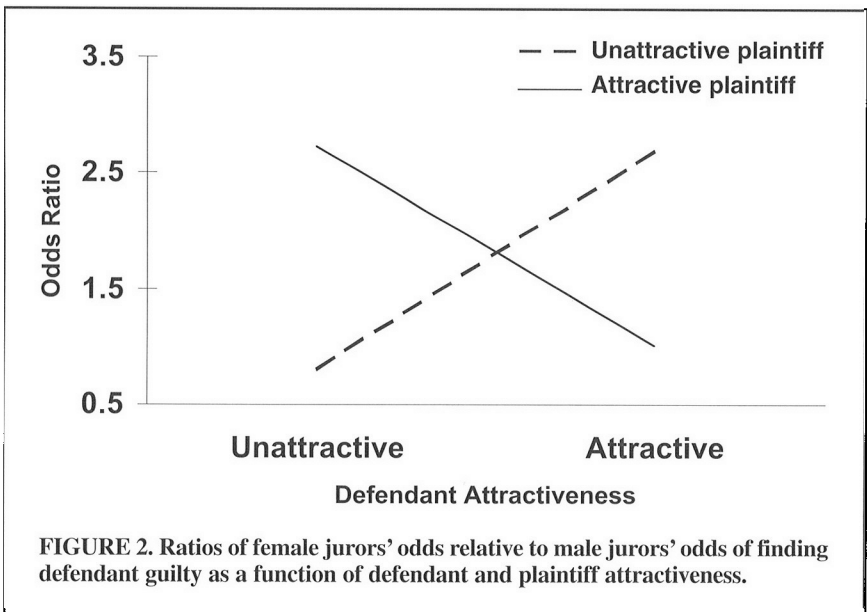


attractive (78%) than when he was unattractive (56%), $G^2(1, N = 81) = 4.24, p = .040$, odds ratio = 2.70.

Because of our a priori interest in the effect of the sex of the juror, we also investigated the interaction by testing the effect of sex for each combination of plaintiff attractiveness and defendant attractiveness, as Figure 2 shows. When the defendant was attractive and the plaintiff was not, female jurors were significantly more likely to render a guilty verdict (78%) than were male jurors (56%), $G^2(1, N = 81) = 4.24, p = .040$, odds ratio = 2.70. When the plaintiff was attractive and the defendant was not, female jurors were more likely to render a guilty verdict (85%) than were male jurors (68%), but this difference fell just short of statistical significance, $G^2(1, N = 80) = 3.45, p = .063$, odds ratio = 2.73. When both litigants were unattractive, the sex difference fell well short of statistical significance (58% of female jurors rendering guilty verdicts, 63% of male jurors), $G^2(1, N = 83) = 0.24, p = .623$, odds ratio = 0.80. When both litigants were attractive, there was absolutely no difference between female and male jurors (78% of each sex rendering guilty verdicts), $G^2(1, N = 80) = 0.00, p = 1.000$, odds ratio = 1.00.

Certainty of Guilt

We used a 3-way factorial ANOVA to evaluate the effects of sex of juror and physical attractiveness of plaintiff and defendant on the juror's certainty of guilt. The only significant effect was that of plaintiff attractiveness, with certainty of guilt being significantly greater when the plaintiff was attractive ($M = 6.21, SD = 1.81$)



than when he was unattractive ($M = 5.52$, $SD = 2.17$), $F(1, 316) = 9.26$, $MSE = 4.05$, $p = .000$, $d = .34$. None of the remaining effects even approached significance, $F < 1.00$ in every case.

Discussion

The most prominent effect was that of the physical attractiveness of the plaintiff. When the male plaintiff was attractive, jurors were nearly twice as likely to find in favor of the plaintiff and were somewhat more certain of the guilt of the female defendant. These results mirror those that investigators found earlier with a female plaintiff and a male defendant (Castellow et al., 1990). In general, jurors find it difficult to believe that an employer would sexually harass a physically unattractive opposite-sex employee. In the present study, jurors found it difficult to believe that a physically unattractive man would be sexually harassed by his female employer.

The effect of plaintiff attractiveness on the juror's individual recommended verdict was modified by an unanticipated interaction with sex of juror and attractiveness of the defendant. In the present research, female jurors favored the physically attractive male plaintiff only when the female defendant was unattractive. Perhaps female jurors are more likely to think of the harassment as being sexual (making physical attractiveness of the male plaintiff relevant) if the female defendant is physically unattractive. The female juror may think of the unattractive

female defendant as being sexually frustrated, in which case it is easier to believe that she would sexually harass an attractive (sexy) man than an unattractive (unsexy) man. Female jurors may think of harassment in terms of other motives when the female defendant is physically attractive, assuming that a physically attractive woman can get all the sexual attention she needs without resorting to harassment. If the motive behind the harassment is not sexual, then there is no strong reason to believe that an attractive man would be targeted more often than an unattractive man. In earlier research (Castellow et al., 1990), female jurors favored the physically attractive female plaintiff who had accused a male defendant of sexual harassment regardless of the attractiveness of the defendant. Female jurors may think of the harassment as sexually motivated in all cases when the defendant is male.

In the present research, male jurors favored the attractive male plaintiff only when the female defendant was physically attractive. As noted by Etcoff (1999), men are much more likely than women to infer that attractive women are high in sex drive and seek variety in their sexual lives. Accordingly, male jurors may think of a physically attractive woman as more likely to be sexually motivated than an unattractive woman. Having already inferred that the attractive defendant's motivation was sexual, the male juror would find it easier to believe that she would sexually harass an attractive (sexy) man than an unattractive (unsexy) man. If male jurors are less likely to think of harassment in sexual terms when the defendant is not attractive, then there is less reason to expect them to believe that an attractive man would be more likely targeted than an unattractive man. In earlier research (Castellow et al., 1990), male jurors favored the physically attractive female plaintiff who had accused a male defendant regardless of the attractiveness of the defendant, suggesting that male jurors think of harassment as being sexually motivated in all cases where the defendant is male and the plaintiff is attractive.

Our admittedly speculative interpretation of the unanticipated interaction involves sex differences with respect to beliefs about the motives of those who sexually harass and the effect of situational characteristics (attractiveness of the parties) on such attributions of motivation. Future researchers could test these speculations by asking participants about the motivations of the harasser.

In previously reported research (Egbert et al., 1992; Moore et al., 1994; Wuensch et al., 2002), the person who had been accused of sexual harassment has always been male, and the putative victim has always been female. In this circumstance, female jurors have been more likely to find in favor of the female litigant than have been male jurors. This result may be due to jurors' tending to identify with litigants of their own sex (as suggested by Popovich et al., 1996). Alternatively, it may be due to women's being more likely to identify with the victim of sexual harassment because women are more likely to have experienced such harassment than are men.

The results of the current research are not entirely consistent with either of these interpretations. There was little or no difference between female jurors and

male jurors when the litigants were of similar attractiveness, but female jurors were more likely than male jurors to render guilty verdicts when one litigant was attractive, and the other was not. Perhaps women are simply more likely than men to think that the alleged behaviors were consensual or were invited by the plaintiff when the litigants were similar in physical attractiveness. From a biological perspective, this could reflect greater female motivation for *positive assortative mating* (through attraction to others similar to oneself), as might be expected by a female juror given that women have more invested in each reproduction than do men (see Etcoff, 1999).

Perhaps both types of identification (with another member of one's own sex and with another victim of sexual harassment) are important determinants of sex differences in decisions regarding allegations of sexual harassment. The hypothesis that women are more likely to find in favor of female plaintiffs in sexual harassment trials because they are more likely to have experienced sexual harassment themselves could be tested by including in future research a measurement of the extent to which jurors have themselves been sexually harassed. Under this hypothesis, investigators would expect that jurors who have experienced sexual harassment themselves would be more likely to find in favor of the plaintiff, regardless of whether the plaintiff were female or male.

The limitations of the present study are those that are common to experimental research on jury decision making. Although the participants that we used were college students who are eligible for actual jury selection, one might expect that their decision making differs from that of the population of typical jurors. Investigators have found younger women to be more tolerant of sexually related behavior than are older women (Brooks & Perot, 1991; Riger, 1991), so an investigator might expect the general public to find the sexual behavior described in the present study even more offensive than did our young (college-aged) participants.

Because the case was simulated, an investigator might also be concerned because the mock jurors may not care about the outcome as much as they would if it were an actual case. There is, however, evidence that mock jurors show a level of involvement in simulated cases that is nearly equal that of actual jurors in real cases (Hastie, Penrod, & Pennington, 1983; Kalven & Zeisel, 1966). Another potential limitation of the external validity of the present study is that it focused on predeliberation verdicts. Participants in this study did not deliberate with each other but rather made their decisions independently. The effects of the predictor variables may differ following group deliberation, but past research has shown that a high correlation exists between predeliberation verdicts and post-deliberation verdicts (Hastie et al., 1983; Kalven & Zeisel).

The present results suggest that the physical appearance of litigants can influence the judgments of jurors. Attorneys or judges who wish to prevent this effect should consider bringing it to the attention of the jurors and suggesting to them that physical attractiveness is an extralegal dimension that should be ignored.

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